PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

476. By the SPEAKER: Petition of the Military Order of the World Wars, Washington, D.C., relative to retaining the current authorized strengths of the National Guard and Reserve, including Civil Affairs Army Reserve units; to the Committee on Armed Services.

477. Also, petition of the Military Order of the World Wars, Washington, D.C., relative to maintenance of the Selective Service System; to the Committee on Armed Services.

478. Also, petition of the Military Order of the World Wars, Washington, D.C., relative to the national defense and internal security of the United States; to the Committee on Foreign Affairs.

479. Also, petition of the Greek Teachers Association of New England, Boston, Mass., relative to Cyprus; to the Committee on Foreign Affairs.

480. Also, petition of the Military Order of the World Wars, Washington, D.C., relative to enforcement of laws against treason, sedition, espionage, and subversion; to the Committee on Internal Security.

481. Also, petition of the Military Order of the World Wars, Washington, D.C., relative to internal security; to the Committee on Internal Security.

482. Also, petition of the Board of Directors, Kiamichi Economic Development District and the Kiamichi Comprehensive Health Planning Council, Wilburton, Okla., relative to the National Health Policy, Planning, and Resources Development Act; to the Committee on Interstate and Foreign Commerce.

483. Also, petition of the American Bar Association, Chicago, Ill., relative to the use of joint hearings by the House and Senate on the nomination of Nelson A. Rockefeller to be Vice President of the United States; to the Committee on the Judiciary.

484. Also, petition of the Military Order of the World Wars, Washington, D.C., relative to the right to bear arms; to the Committee on the Judiciary.

485. Also, petition of the Military Order of the World Wars, Washington, D.C., relative to the celebration of Washington's birthday on February 22; to the Committee on the Judiciary.

486. Also, petition of the Military Order of the World Wars, Washington, D.C., relative to designating November 11 as Veterans Day; to the Committee on the Judiciary.

487. Also, petition of the Military Order of the World Wars, Washington, D.C., relative to restoration of the citizenship of Gen. Robert E. Lee; to the Committee on the Judiciary.

488. Also, petition of the Military Order of the World Wars, Washington, D.C., relative to prohibiting the operation of Marxist schools; to the Committee on the Judiciary.

489. Also, petition of the Student Senate, Florida Technological University, Orlando, Fla., relative to support for President Gerald Ford; to the Committee on the Judiciary.

490. Also, petition of George Nicholas, Miami, Fla., relative to arrest and conviction records of persons found innocent of crimes; to the Committee on the Judiciary.

491. Also, petition of the Tennessee Law Enforcement Officers' Association, Chattanooga, Tenn., relative to legislation dealing with security and privacy issues affecting the law enforcement community; to the Committee on the Judiciary.

492. Also, petition of the City Commission, Fulton, Ky., relative to continuation of general revenue sharing; to the Committee on Ways and Means.

SENATE—*Wednesday, September 11, 1974*

The Senate met at 10 a.m. and was called to order by Hon. WALLACE F. BENNETT, a Senator from the State of Utah.

PRAYER

President Spencer W. Kimball, Church of Jesus Christ of Latter-day Saints, offered the following prayer:

Our Father which art in heaven, hallowed be Thy name. We meet this day with the Members of the Senate of the United States of America. We are grateful for this assembly of men of influence and strength, and vision and understanding, who are the choice of Thy people, entrusted to speak for them. Our Father, please bless them richly.

We are grateful for this vast land—the land of promise—named by Thee the choicest of all lands under heaven. We delight in this promised land with its extensive forests, its rich valleys and plains, its lifegiving rivers, and its mountains of grandeur and beauty and, above all, the people, Thy sons and daughters. Please, Father, let these leaders never forget their relationship to the people and their responsibility to Thee. Please endow them as was ancient King Solomon, whose personal life was wholly above reproach and whose interests were geared to the needs of his people. Thou didst give Solomon a wise and understanding heart instead of long life or the praise of men. Father in Heaven, please give these men the wisdom of Solomon and the courage of Daniel.

We pray also for the President of our beloved Nation. Enlighten him, inspire him, and bless him. Millions of eyes are upon him; countless prayers are offered for him.

Let there come peace with righteous purpose, and let confidence be enthroned, and as this august body of Senators assembles for continued duty, let Thy rich blessings engulf them in their deliberations, and when they have been "weighed in the balance," as was Belshazzar of old, let them not be found wanting.

Accept of our love and pledges of worthiness, and our gratitude for all Thy blessings this day. In the name of Jesus Christ. 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 11, 1974.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. WALLACE F. BENNETT, a Senator from the State of Utah, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

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

THE JOURNAL

Mr. MOSS. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, September 10, 1974, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MOSS. 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.

PRESIDENT SPENCER W. KIMBALL, CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Mr. MOSS. Mr. President, we were privileged this morning to have the invocation in the Senate delivered by President Spencer W. Kimball of the Church of Jesus Christ of Latter-day Saints. This is a very significant event. I pay to President Kimball my respects and, I am sure, the respects of all the Members of this body.

President Kimball is in Washington coincident with the opening of the new Mormon temple in this metropolitan area, and we are pleased that he could accept the invitation to deliver the invocation today.

President Kimball is a great leader of a great people whose history is intertwined with the history of this Republic in many, many ways and whose position has changed over the years from one of opposition by the Federal Government to one of close association. I think this event today is recognition of the close allegiance paid by the members of the Church of Jesus Christ of Latter-day Saints and its leadership and their unswerving support of the Republic in which they live.

So I pay my compliments to President Kimball today.

ORDER OF BUSINESS

Mr. MOSS. Mr. President, I do not know whether the minority has anyone who wishes to make any comments at this time. Apparently not. So I ask that we proceed, under the previous order that was entered, with the recognition of speakers at this time.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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

Mr. MOSS. Mr. President, I suggest the absence of a quorum, with the time to be taken from my time, to ascertain whether the Senator from Maryland is prepared to speak at this time.

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

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland (Mr. MATHIAS) is recognized for not to exceed 15 minutes.

PRIVILEGE OF THE FLOOR

Mr. MATHIAS. Mr. President, I ask unanimous consent that during the session of the Senate this morning, Mr. Quincy Rogers of my staff be permitted to be present on the floor.

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

NEW CHALLENGE FOR SCIENCE AND TECHNOLOGY

Mr. MATHIAS. Mr. President, it is 17 years since sputnik shocked the Nation into an awareness of the challenges posed to our national security, to our role in outer space, and to our position of scientific leadership among the family of nations.

We responded with a mobilization of our technological resources unequaled since the Manhattan project in World War II and the world bore witness to the results through the miracle of global communications as man set foot for the first time on the Moon.

Today, we face new challenges that are no less formidable and indefinitely more complex and difficult to resolve. They relate to the future of our society and the quality of life we hope to obtain for our people. In a world grown almost totally interdependent they concern not only Americans but people everywhere.

These challenges include the specter of widespread famine, already extending across vast reaches of one continent.

They involve the deterioration of our environment—the land, the water, the air upon which our survival depends.

They deal with the growing scarcity of basic raw materials and the need to find new energy sources.

They relate to the national health, the decay of the cities, the modernization of transportation.

They affect the strength of our economy and the stability of our institutions.

In brief, they touch on every aspect of modern civilization, and our ability to overcome these challenges depends in great part on the vitality of our science and technology. This is the purpose to which I have asked permission to address the Senate today, and this is the purpose for which I am introducing legislation today.

We responded to the earlier challenge by bringing science and technology into the heart of Government policymaking and decisionmaking, making optimum use of the expertise and judgment available to the Nation. Under President Eisenhower, the Office of Special Assistant to the President for Science and Technology was created. Dr. James R. Killian, Jr., was the first man to occupy that post. The purpose was to make certain that the response would be carried forward with urgency and momentum. Shortly after, the President's Science Advisory Committee was formed, and several years later, under President Kennedy, the Office of Science and Technology was created, which was also a part of the Executive Office of the President.

During these years and the ones that followed we saw a remarkable series of actions which can be traced directly to the new science and technology mechanisms. To mention a few:

NASA was created as a civilian space effort.

Major advances were made in the long-range ballistic missile program, and the acceleration of ballistic missile early warning capabilities. Other feasibility studies subsequently led to the atmospheric test ban treaty.

The first comprehensive Government report was issued on the environment. It became the guide for later policy decisions and legislation.

A major study was made on the effective use of the sea's resources, and another on the world food crop. They helped trigger national and world planning in both areas.

In 1971, the OST drafted the first Presidential message to the Congress on energy, although I now confess, with some regret, there was no adequate followthrough.

These and other important developments were set in motion by a group which seldom exceeded 25 full-time professionals, plus part-time consultants, operating on a budget that never rose much beyond $2 million annually.

When we consider the magnitude of the present challenges, it is obvious we can do no less than was done during those dramatic years. We must, indeed, do far more—not only in evaluating problems but in developing action programs which lead to practical solutions.

Yet over the past few years, the national science and technology thrust has been critically weakened. The Nixon administration scrapped the machinery that supplied top-level advice to the White House for nearly 15 years. The Office of Scientific Adviser to the President was abolished, and with it the President's Scientific Advisory Committee and the Office of Science and Technology. A total Federal research and development effort involving approximately $20 billion in fiscal year 1975 is for all essential purposes without a central leadership or focus. This has been happening at a time when the Government should have been augmenting, not diminishing its research and development thrust, with an added emphasis on planning.

These, and a spate of related developments, have raised serious questions about our commitment—and our capacity—to meet the problems pressing in on us.

Last fall, a committee of 23 presidents of scientific societies issued a warning that "without more top-level coordination of Federal efforts in science and technology, solving problems such as energy and food shortages would be difficult."

Robert W. Sarnoff, chairman of the board of the RCA Corp., recently noted a major decline in Government support for science and technology in the last 9 years, from more than 12 percent of the budget in 1965 to less than 6 percent in 1974. He said:

> Action is more often motivated by crises than by anticipated needs. Projects are hastily undertaken in a quest for swift results rather than after studies to determine their feasibility . . . insufficient concern is shown for the future supply of scientists and engineers, although many more will be needed. . . .

I think it is only fair to add, Mr. President, that I was very much impressed by a speech that Dr. Sarnoff gave on this subject recently at the Johns Hopkins University in Baltimore.

William D. Carey, vice president of Arthur D. Little, Inc., the noted management consultant firm, told the Committee on Commerce of the Senate:

> We even lack meaningful information on what kinds of technology are stranded in the pipelines of industry and government, and what incentives are needed to move them along.

Dr. Philip Handler, president of the National Academy of Sciences, has pointed out:

> There is no capability within the White House for evaluating technical programs posed by the agencies . . . no place where individuals with technical expertise may be expected to integrate the multifaceted technical problems of our time and thus avoid fragmented and possibly counterproductive approaches. . . .

Dr. Robert C. Seamans, Jr., former Secretary of the Air Force, and president of the National Academy of Engineering has testified in Senate committee hearings that:

> The scientific and technical resources can and should be used more effectively and efficiently to solve critical domestic problems.

These observations—and they are only a sampling—would seem to bear out Mr. Sarnoff's observation that "matters affecting the organization, staffing, financing, and direction of the Nation's efforts in science and technology are still being treated piecemeal and by improvisation."

I hope the Congress will agree that in the light of the challenges, the effort we are making is not good enough. We are

going to have to do more, and better, and with better planning.

The bill I am introducing would create a "United States Science and Technology Board" as an independent mechanism of the executive branch. The Chairman, appointed by the President with the advice and consent of the Senate together with 10 other Board members, would serve as science and technology advisor to the President, and also would be available to the Congress for advice and consultation.

The functions of the Board basically would be as follows:

First. To determine the major problems likely to confront the United States in the next 25 years, and to establish priorities for their solution.

Second. To determine whether and to what degree such problems can be resolved or ameliorated through science and technology.

Third. To ascertain what nontechnological factors could affect or be affected by any of the technological solutions.

Fourth. To review, coordinate, and authorize all federally-financed nondefense research and development programs in light of the priorities.

Fifth. To stimulate new research and development where they are needed and where no existing operation, Government or private, can undertake the task.

Sixth. To recommend to the Congress special incentives to private enterprise to undertake needed research and development, and to encourage private industry to put the results to swift practical use, and

Seventh. To help coordinate research and development in and out of Government, and to review the coordination of domestic and foreign programs where they are international in character.

There are several points to note about this bill.

Most importantly, it would bring strength, coherence, purpose, and effectiveness to the management of science and technology at the highest levels of Government.

It would undertake to bring planning and order to the many overlapping and duplicating research and development programs being conducted by separate agencies. There is no machinery that can do this now, and there must be selection and balancing within a budget that is not limited.

The bill would guarantee that no program would be undertaken without the most thorough consideration of the nontechnological factors—economic, social, psychological—and the effect the programs might have on people and their ways of life.

The presence on the Board of specialists in the social sciences would bring a broad perspective to bear on all these problems.

It would not hesitate to recommend the formation of new organizations, and new forms of government-industry cooperation if this was demonstrated to be the best way of getting the job done. We might see other NASA's and Comsats if they proved to be the best way of handling a problem.

The Science and Technology Board would not attempt to overwhelm or edge out the outstanding research and development efforts of private industry. On the contrary, it would seek realistic incentives to bring them into greater play, and to bring the new products and services onstream in the fastest possible time.

There are several further points to note about the Science and Technology Board.

This proposal grows out of an address by Dr. Robert Sarnoff, given at the Johns Hopkins University, on February 22, 1974. I was present when that speech was given and was persuaded by the arguments for better scientific planning which he advanced on that occasion. I have conferred with him about the means to achieve such planning and the bill I introduced today is the result of these discussions and discussions with other knowledgeable people.

I offer this bill today not in the belief that it provides the last word on the structure which should be established for coordination of our national science effort. Instead, I hope that it will provide a further basis for discussion, to add to that which is already taking place in the House and Senate.

I am also mindful that in offering this legislation, I am in effect making a recommendation to President Ford about the way in which his channels of advice on scientific matters should be established. I do so in the spirit of the openness that he has established as the policy of his administration. I do so in the belief that the opening of dialog at this time, in the Senate, in the House, in the administration, and in the scientific community, will yield the best solution to the problems of scientific planning.

I wish to note also my belief that inevitably the proposed Science and Technology Board should reassume the functions turned over to the National Science Foundation when the previous science and technology structure was dismantled by the administration. The NSF has given admirable service to the tasks it was originally created to carry out—namely, to encourage scientific excellence in the areas of basic and early applied research. It should not be placed in the untenable position of having to pass value judgments on other agencies with whom it may be competing in programs and funding, and when NSF itself is on a level with the others.

I have left open the question of the relationship of this Board to the Office of Management and Budget in determining the actual funding of all Government agency programs. On the basis of its expertise, and in the light of national priorities and needs, the Science and Technology Board would have the initial responsibility for authorizing the research and development programs submitted to it by the other agencies. It would then present its authorizations to OMB for budgetary approval, under the legislation I propose. But this system could change if President Ford develops new structures for budgetary control.

To mention OMB is, of course, to recall that science, like so many other elements of our society, will be competing in coming years for scarce Federal dollars. President Ford has announced his intention to balance the Federal budget by next year. It is inevitable that some national efforts will have to be postponed. This increases the importance of the careful planning that would be the task of the proposed Board.

Scientific research and development must and will go on. In an address to the American Philosophical Society in 1938, Karl Taylor Compton said:

> Science really creates wealth and opportunity which did not exist before.

Increased productivity, I submit, is the real answer to inflation and science must be a major contributor.

A wide-ranging study of science and technology in Presidential policymaking, published this summer by a distinguished group of physical and social scientists under the chairmanship of Dr. Killian, concluded with this thought:

> We live in a century of science and technology, driven by man's situation and his aspirations, and we are moving toward a future of more science and technology. What we have sought to promote . . . is one means, among many means that will be necessary, to make science, technology, and engineering more responsive to human needs.

I introduce this bill in the hope that it will help us become responsive to human needs and that it will move us closer to the Nation's goals in this regard.

Mr. President, I ask unanimous consent to have the full text of the bill printed in the RECORD at this point.

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

S. 3980

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 "United States Science and Technology Board Act."

STATEMENT OF PURPOSE

SEC. 2. (a) It is the purpose of this Act to establish a United States Science and Technology Board for the purpose of consolidating in one governmental unit responsibility for

(1) determining the most critical long-range problems facing the nation, including but not limited to, the social, economic, environmental and resources areas;

(2) evaluating the potential contributions of science and technology to the solution of such long-range problems;

(3) measuring the probable scope, intensity, and duration of such problems and establishing time scales and priorities for coping with them;

(4) establishing optimum levels of funding of all federally-financed nondefense research and development programs in the context of the time scales and priorities established;

(5) reviewing and authorizing all federally financed nondefense research and development programs; and

(6) insuring the coordination of scientific and technological efforts in the United States and with the scientific and technological efforts of other nations.

THE ESTABLISHMENT OF THE BOARD

SEC. 3. (a) There is established as an independent establishment of the executive

branch of the Government the United States Science and Technology Board (hereinafter in this Act referred to as the "Board"), which shall be composed of eleven members who shall be appointed by the President, by and with the advice and consent of the Senate, from among distinguished individuals in government, industry, and the academic community who are experienced in the practice and management of basic science, applied research, the principal engineering disciplines, and such social sciences as economics and sociology. The membership of the Board should reflect the broadest possible balance of experience in these fields. Not more than six members of the Board shall be members of the same political party. The President shall select one of the members to serve as Chairman of the Board, and the member so selected shall serve as Chairman for the duration of his term of appointment as a member.

(b) The Chairman of the Board shall serve as Science and Technology Adviser to the President, shall be a member of the Domestic Council, and shall be available to Congress for advice and consultation.

(c) Members of the Board shall serve for terms of four years, except that—

(1) the members first taking office shall serve as designated by the President at the time of appointment, three for a term of four years, three for a term of three years, three for a term of two years, and two for a term of one year; and

(2) any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

(d) Each member of the Board shall be compensated at the rate provided for GS-18 under section 5332 of title 5 of the United States Code.

(e) Vacancies in membership of the Board as long as there are six members in office shall not impair the powers of the Board to execute the purposes, functions, and powers of the Board. Six members of the Board shall constitute a quorum for the transaction of business.

(f) Vacancies in membership of the Board shall be filled in the same manner in which the original appointment was made.

(g) Members of the Board shall have no other employment, public or private, during their tenure as members.

FUNCTIONS

SEC. 4. (a) It shall be the function of the Board—

(1) to determine by measurement and analysis the major problems likely to confront the United States, including, but not limited o, the social, economic, environmental, and esources areas, in the year of enactment of his Act and the 25 years thereafter, and to stablish priorities for the solution of such roblems;

(2) to review and update annually the nalysis of each such problem;

(3) based on the analysis of such problems, to determine whether, and to what degree, such problems are susceptible to solution or amelioration through the application of science and technology;

(4) to ascertain which Federally funded programs already in existence contribute to the solution of such problems;

(5) to keep informed of research and development programs related to the national defense which are of potential value to the civilian sector and to encourage, consistent with national security, civilian application of any such developments;

(6) to initiate systems studies to determine the non-technical factors that may affect or would be affected by any proposed technological or scientific solution to any such problem;

(7) to review all Federally-financed non-defense research and development programs and to approve or disapprove the inclusion of each such program in the appropriate section authorization;

(8) to establish optimum levels of funding for research and development programs for the purpose of establishing a balanced approach to solving such problems based on the priorities established by the Board, and to advise the appropriate Government authorities on allocation of such funds;

(9) to stimulate, where appropriate, the initiation of research and development programs and, when the Board determines that no existing public or private research operation is capable of developing and operating a major research and development program, to recommend the establishment of a special organization for such purpose;

(10) to recommend to the Congress special incentives to encourage private industry to enter into needed research and development activities and to encourage private industry to put into use important technological developments as quickly and widely as possible;

(11) to determine the degree of coordination of the research and development efforts among the various departments and agencies of the Government, private industry, and academic institutions and to foster coordination of such efforts; and

(12) to foster and review the coordination of domestic and foreign research and development efforts relating to problems of an international character.

POWERS OF THE BOARD

SEC. 5. (a) The Board may delegate any of its functions to officers and employees of the Board as the Board may designate, may authorize such successive redelegations of such functions as it may deem desirable, and may make such rules and regulations as may be necessary to carry out its functions.

(b) Subject to such rules and regulations as may be adopted by the Board, the Board shall have the power—

(1) to appoint and fix the compensation of an executive director and such additional personnel as it deems necessary; and

(2) to procure temporary and intermittent services to the same extent as is authorized in section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

(c) The Board is authorized—

(1) to accept donations of services;

(2) to utilize on a reimbursable basis the services, equipment, personnel, and facilities of any other department or agency of the United States; and

(3) to take such other action as may be necessary to carry out the functions of the Board.

(d) The head of each department, agency, and independent instrumentality of the United States shall cooperate with the Board to the fullest extent consistent with the law in the carrying out of its functions under this Act.

REVIEW OF RESEARCH AND DEVELOPMENT PROGRAMS

SEC. 6. (a) Within 6 months after the designation of long-term problems facing the United States and the establishment of priorities for dealing with such problems by the Board under this Act, the head of each department, agency, and independent instrumentality of the United States having authority to support research and development activities shall submit to the Board for its review and approval all Federally-financed non-defense research and development programs. Notwithstanding any other provision of law, no such program shall be included by any such authority in its allocation of funds or its budget requests after such date unless the Board has reviewed each program and made a determination thereon.

REPORTS

SEC. 7. (a) In addition to any report required to be prepared by the Board, the Board shall prepare and submit to the President and the Congress not later than January 1, 1976, and annually thereafter, a report on the technological state of the Nation.

(b) The Board may issue such special and supplementary reports as it deems necessary to describe the nature and status of the long-range problems facing the Nation and recommend appropriate measures for Government and private action.

COMPENSATION OF EXECUTIVE DIRECTOR

SEC. 8. Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(132) Executive Director, United States Science and Technology Board."

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The PRESIDING OFFICER (Mr. MCGOVERN). The bill will be received and appropriately referred.

ORDER OF BUSINESS

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

Mr. MANSFIELD. Mr. President, I yield back my time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 5 minutes.

QUORUM CALL

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

The PRESIDING OFFICER. The Clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NEW APPROPRIATIONS—WAIVER OF RULE XXVI

Mr. HARRY F. BYRD, JR. Mr. President, I note that the Committee on Appropriations shortly will report to the Senate the appropriation for Health, Education, and Welfare. That will be a tremendous piece of legislation, involving some $35 billion.

As I understand the rules of the Senate, the normal procedure is for the report to be available to the Members of the Senate for 3 days before the legislation is called up. I understand also that under the rules the joint leadership could waive that 3-day requirement.

I hope that the leadership will not waive the 3-day requirement in this case. I realize the great difficulties that the leadership works under, and I think the leadership has done a tremendous job,

an outstanding job, month in and month out and year in and year out, in handling the legislative work, and certainly I do not want to add in any way to the burdens of the already burdensome task that the leadership has.

I ask the distinguished majority leader if, at this time, he can indicate whether there might be a waiver of that 3-day rule. I think the legislation is so enormous, and so complex, and the amount of public funds involved is so great, that some of us, at least, need some time to study it before we would be in a position to vote on the measure.

Mr. MANSFIELD. Mr. President, if the Senator will yield, may I say in response to the distinguished Senator from Virginia that the joint leadership does have that authority, but the joint leadership has never exercised it.

It was hoped that, with the concurrence of the Senate, it would be possible to take the HEW appropriation bill up tomorrow, but the Senator has made the case very well. It is a big bill, and the Senate is entitled to a study of the hearings, the report, and the bill itself.

I ask the Senator, if it were made the pending business for Monday next, if that would be satisfactory.

Mr. HARRY F. BYRD, JR. Yes. May I say to the distinguished majority leader, I am assuming that the committee report would be available tomorrow, which then would give adequate time to study the report between now and Monday.

Mr. MANSFIELD. We will make every effort to have it ready tomorrow. The bill is being marked up this morning, and I will bring the Senator's suggestion to the attention of the committee, so that arrangements may be made for the Government Printing Office to expedite the work of its preparation.

Mr. HARRY F. BYRD, JR. I am grateful to the Senator from Montana.

MESSAGE FROM THE HOUSE

At 1:30 p.m., a message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House insists upon its amendments to the bill (S. 3355) to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide appropriations to the Drug Enforcement Administration on a continuing basis, disagreed to by the Senate; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. STAGGERS, Mr. ROGERS, Mr. SATTERFIELD, Mr. KYROS, Mr. DEVINE, Mr. NELSEN, and Mr. CARTER were appointed managers of the conference on the part of the House.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF THE DEPARTMENT OF AGRICULTURE

A letter from the Secretary of Agriculture transmitting, pursuant to law, a report entitled "The Location of New Federal Offices and Other Facilities" (with an accompanying report). Referred to the Committee on Agriculture and Forestry.

PROPOSED LEGISLATION BY THE DEPARTMENT OF AGRICULTURE

A letter from the Under Secretary of Agriculture transmitting a draft of proposed legislation to amend the Commodity Credit Corporation Charter Act of 1948, as amended (with accompanying papers). Referred to the Committee on Agriculture and Forestry.

REPORT OF THE SECRETARY OF DEFENSE

A letter from the Deputy Secretary of Defense transmitting, pursuant to law, four reports of violation of section 3679, Revised Statutes, and of Department of Defense Directive 7200.1, "Administrative Control of Appropriations within the Department of Defense" (with accompanying papers). Referred to the Committee on Appropriations.

REPORTS OF THE COMPTROLLER GENERAL

Four letters from the Comptroller General of the United States each transmitting, pursuant to law, reports of the following titles: "Fundamental Changes Needed to Achieve a Uniform Government-wide Overseas Benefits and Allowances System for U.S. Employees"; "Increasing World Food Supplies—Crisis and Challenge"; "Rescission of the Opium Poppy Growing Ban by Turkey"; and "Improved Government Assistance Can Increase United States Share of Foreign Engineering and Construction Projects," (with accompanying reports). Referred to the Committee on Government Operations.

PROPOSED FUNDING PROJECTS BY THE DEPARTMENT OF THE INTERIOR

A letter from the Assistant Secretary of the Interior transmitting, pursuant to law, descriptions of 26 projects tentatively selected for funding through grants (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

PROPOSED CONCESSION CONTRACT AT MAMMOTH CAVE NATIONAL PARK

A letter from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, a copy of a proposed concession contract under which Miss Green River Boat-Concession, Inc., will be authorized to continue to provide sightseeing boat tours for the public visiting Mammoth Cave National Park (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

REPORT BY THE FEDERAL ENERGY ADMINISTRATION

A letter from the Administrator of the Federal Energy Administration transmitting, pursuant to law, a report on the organizational structure of the Federal Energy Administration including a brief description covering the prime responsibilities of each office (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

REPORT OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

A letter from the Chairman of the Equal Employment Opportunity Commission transmitting, pursuant to law, a report covering all persons employed by the Equal Employment Opportunity Commission as of the end of fiscal year 1974 (with an accompanying report). Referred to the Committee on the Judiciary.

ORDERS OF THE IMMIGRATION AND NATURALIZATION SERVICE

Two letters from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, copies of orders suspending deportation, together with a list of the persons involved (with accompanying papers). Referred to the Committee on the Judiciary.

REPORT OF THE ENVIRONMENTAL PROTECTION AGENCY

A letter from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, a report on the results of the 1974 survey conducted nation-wide to estimate the costs of construction of needed publicly owned wastewater treatment work (with an accompanying report). Referred to the Committee on Public Works.

PROPOSED CONSTRUCTION OF PUBLIC BUILDINGS IN BALTIMORE, MD.

A letter from the Administrator of General Services transmitting, pursuant to law, a prospectus proposing construction of two Federal buildings in the metropolitan area of Baltimore, Md. (with accompanying papers). Referred to the Committee on Public Works.

PROPOSED CONSTRUCTION OF A PUBLIC BUILDING IN NORFOLK, VA.

A letter from the Administrator of General Services transmitting, pursuant to law, a prospectus proposing construction of a Federal office building in Norfolk, Va. (with accompanying papers). Referred to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A joint resolution adopted by the Congress of Micronesia. Ordered to be laid on the table:

"HOUSE JOINT RESOLUTION OF THE FIFTH CONGRESS OF MICRONESIA

"(A House Joint Resolution commending the Honorable Senator Alan Bible for his work in behalf of the people of Micronesia, congratulating him upon his retirement, wishing him success in the future, and inviting him to visit Micronesia at any time in the future.)

"Whereas, under the administration of Micronesia by the United States of America one of the major sources of encouragement and assistance for the people of Micronesia has been the Congress of the United States; and

"Whereas, this support has been not only in terms of financial assistance, but also in terms of empathy, understanding, and concern by its members for the future of Micronesia and its people; and

"Whereas, the people of Micronesia have come to understand that many members of the House and Senate of the U.S. Congress have truly become "friends of Micronesia" through their visits to our islands and by virtue of their efforts and sympathies in helping to initiate and foster a better life for our people; and

"Whereas, the Honorable Alan Bible, Democrat of Reno, Nevada, by November 1, 1974, will have completed 20 years of distinguished service in the United States Senate, during which time he has served his constituents admirably; and

"Whereas, Senator Bible has also served as Chairman of the Senate Interior Subcommittee of the Committee on Appropriations since January, 1969, and during that time has also served his unofficial "constituency" in Micronesia well; and

"Whereas, Senator Bible has always shown a personal interest and concern in the affairs of the Trust Territory and particularly in the well-being and future of the islands and people of Micronesia; and

"Whereas, the Congress of Micronesia has learned the unfortunate news that Senator Bible intends to retire and will not seek reelection to the 94th Congress of the United States; and

"Whereas, it is the sense of the Congress of Micronesia that Senator Bible ought to be commended for the kindness, courtesy, and wisdom with which he has assisted the people of Micronesia during the past several years: now, therefore,

"Be it resolved by the House of Representatives, Fifth Congress of Micronesia, First Special Session, 1974, the Senate concurring, that the Honorable Senator Alan Bible be and he is hereby commended for his past work on behalf of the people of Micronesia; and

"Be it further resolved that he is congratulated upon his retirement from the United States Congress and extended the best wishes of the Congress of Micronesia for every success and happiness in his future endeavours, and also extended a standing invitation to visit Micronesia at any time in the future; and

"Be it further resolved that certified copies of this House Joint Resolution be transmitted to the Honorable Senator Alan Bible, to the Chairman of the Senate Committee on Appropriations, and to the President of the Senate of the United States Congress."

A resolution of the board of trustees of the Village of Bel-Ridge, Mo., in opposition to legalized abortion. Referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McGEE, from the Committee on Post Office and Civil Service, without amendment:

S. Res. 394. A resolution disapproving the alternative plan for pay adjustments for Federal employees (Rept. No. 93-1141).

By Mr METCALF, from the Committee on Government Operations with an amendment:

S. 3341. A bill to revise certain provisions of title 5, United States Code, relating to per diem and mileage expenses of employees and other individuals traveling on official business, and for other purposes (Rept. No. 93-1142).

By Mr. McGEE, from the Committee on Post Office and Civil Service, with amendments:

S. 2022. A bill to provide increased employment opportunity by executive agencies of the U.S. Government for persons unable to work standard working hours and for other purposes (Rept. No. 93-1143).

By Mr. METCALF, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 10626. An act to authorize the Secretary of the Interior to sell reserved phosphate interest of the United States in certain lands in Florida to John Carter and Martha B. Carter (Rept. No. 93-1144).

By Mr. WILLIAMS, from the Committee on Banking, Housing and Urban Affairs, with amendments:

S. 2474. A bill to amend the Securities Exchange Act of 1934 as amended, to provide for the regulation of brokers, dealers, and banks trading in municipal securities, and for other purposes (Rept. No. 93-1145).

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

H.R. 15580. An act making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1975, and for other purposes (Rept. No. 93-1146).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S. Con. Res. 87. A concurrent resolution recognizing the centennial anniversary of the University of Nevada (Rept. No. 9301147).

H.J. Res. 910. A joint resolution asking the President of the United States to declare the fourth Sunday of September 1974, "National Hunting and Fishing Day" (Rept. No. 93-1148).

H.J. Res. 1070. A joint resolution authorizing the President to proclaim the period of September 15, 1974, through October 15, 1974, as "Johnny Horizon '76 Clean Up America Month" (Rept. No. 93-1149).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. SPARKMAN, from the Committee on Foreign Relations:

Philip C. Habib, of California, to be an Assistant Secretary of State;

Shirley Temple Black, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana;

Kenneth Rush, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France; and

John Sherman Cooper, of Kentucky, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the German Democratic Republic.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. MATHIAS:

S. 3980. A bill to establish the U.S. Science and Technology Board. Referred to the Committee on Government Operations.

By Mr. HELMS (for himself, Mr. EASTLAND, Mr. THURMOND, Mr. CURTIS, and Mr. BENNETT):

S. 3981. A bill to limit the jurisdiction of the Supreme Court of the United States and of the district courts to enter any judgment, decree or order, denying or restricting, as unconstitutional, voluntary prayer in any public school. Referred to the Committee on the Judiciary.

By Mr. WEICKER:

S. 3982. A bill to amend the Internal Revenue Code of 1954 to restrict the authority for inspection of tax returns and the disclosure of information contained therein, and for other purposes. Referred to the Committee on Finance.

By Mr. McINTYRE (for himself and Mr. JAVITS):

S. 3983. A bill to establish a Federal Domestic Development Bank to provide loans, loan guarantees, and technical assistance for the support and expansion of public facilities and private business operations in economically depressed urban and rural areas of the United States, to promote competition and planned regional development, and to aid areas or businesses which are faced with technological obsolescence or which are otherwise in financial difficulties. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. ABOUREZK:

S. 3984. A bill to designate the birthday of "Susan B. Anthony" as a legal public holiday. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS:

S. 3985. A bill to prohibit the shipment in interstate commerce of dogs intended to be used to fight other dogs for purposes of sport, wagering, or entertainment. Referred to the Committee on Commerce.

By Mr. BENTSEN:

S. 3986. A bill for the relief of Guadalupe Villegas. Referred to the Committee on the Judiciary

By Mr. CURTIS:

S. 3987. A bill to prevent importation of ectoparasites into the United States. Referred to the Committee on Agriculture and Forestry.

By Mr. BIDEN:

S. 3988. A bill to provide for the preparation of State energy conservation programs through Federal and State cooperation and shared responsibility, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. TAFT:

S. 3989. A bill to assist local areas in obtaining reimbursement for construction of public waste treatment works constructed prior to July 1, 1972. Referred to the Committee on Public Works.

By Mr. CHURCH:

S. 3990. A bill to amend title II of the Social Security Act to provide that the special minimum primary insurance amount thereunder shall be increased (in like manner as other benefits thereunder are increased) to take account of increases in the cost of living. Referred to the Committee on Finance.

By Mr. MONDALE:

S. 3991. A bill for the relief of Dr. Raul A. Cuestas-Gomez and wife Yolanda Cuestas. Referred to the Committee on the Judiciary.

By Mr. DOLE:

S. 3992. A bill to amend section 403 of the Congressional Budget Act of 1974 to require that all monetary bills reported for consideration by the House or Senate be accompanied by an inflationary impact statement, and for other purposes. Referred to the Committee on Government Operations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MATHIAS:

S. 3980. A bill to establish the United States Science and Technology Board. Referred to the Committee on Government Operations.

(The remarks of Mr. MATHIAS on the introduction of the above bill are printed earlier in the RECORD.)

By Mr. HELMS (for himself, Mr. EASTLAND, Mr. THURMOND, Mr. CURTIS, and Mr. BENNETT):

S. 3981. A bill to limit the jurisdiction of the Supreme Court of the United States and of the district courts to enter any judgment, decree or order, denying or restricting, as unconstitutional, voluntary prayer in any public school. Referred to the Committee on the Judiciary.

Mr. HELMS. Mr. President, I send to the desk a bill which will allow the restoration of the right to voluntary, nondenominational prayer in public schools without resorting to a constitutional amendment.

The bill is cosponsored by the distinguished chairman of the Judiciary Committee, Mr. EASTLAND, the distinguished Senator from South Carolina (Mr. THURMOND) a member of the Judiciary Committee; the distinguished Senator from Nebraska (Mr. CURTIS); the distinguished Senator from Utah (Mr. BENNETT), and there will be other cosponsors later today and in the enusing day.

Mr. President, more than 10 years have passed since the Supreme Court outlawed

prayers in the public schools. In 1962, in the case of Engel against Vitale, the Court ruled that the State of New York had violated the Constitution by allowing public school children to recite a nondenominational prayer at the beginning of each day. The decision was greeted by an outpouring of criticism from the vast majority of the American people, including Members of Congress and many constitutional lawyers.

In the years since then, many of us have sought to reverse the Court's decision through the adoption of a constitutional amendment. But our efforts have not been successful. At this very moment, Senate Joint Resolution 84 is before the Senate Judiciary Committee. This resolution proposes an amendment to the Constitution that would prohibit the States and the Federal Government from abridging the right of the American people to participate in voluntary prayer in public schools and public buildings. I am one of 22 cosponsors who favor this resolution, Mr. President, but I am also aware of the fact that this proposal has been before the committee for more than a year. The amendment process is time consuming and exceedingly difficult. The time has come to consider an alternative means of dealing with this problem.

Fortunately, the Constitution provides this alternative under the system of checks and balances. In anticipation of judicial usurpations of power, the framers of our Constitution wisely gave Congress the authority, by a simple majority of both Houses, to check the Supreme Court through regulation of its appellate jurisdiction. Section 2 of article III states in clear and precise language that the appellate jurisdiction of the Court is subject to "such exceptions, and under such regulations, as the Congress shall make."

Permit me to point out, Mr. President, that Congress has exercised this power on numerous occasions, since the earliest days of the Republic. In the well-known case of ex parte McCardle, decided in 1868, Congress even went so far as to repeal an act, which had authorized McCardle to appeal to the Supreme Court, after the Court had already heard argument in the case. The Court promptly dismissed the case for want of jurisdiction. Speaking for a unanimous Court, Mr. Justice Davis declared:

> We are not at liberty to inquire into the motives of the legislature. We can only examine into its power under the Constitution; and the power to make exceptions to the appellate jurisdiction of this court is given by express words.

The principle laid down in the McCardle case has been reaffirmed many times by the Court in subsequent cases down to the present. As the Court observed in the Francis Wright case of 1882—

> While the appellate power of this Court extends to all cases within the judicial power of the United States, actual jurisdiction is confined within such limits as Congress sees fit to describe. What these powers shall be, and to what extent they shall be exercised, are, and always have been, proper subjects of legislative control.

In the words of the late Mr. Justice Frankfurter—

> Congress need not give this Court any appellate power; it may withdraw appellate jurisdiction once conferred and it may do so even while a case is *sub judice*. (*National Mutual Ins. Co.* against *Tidewater Transfer Co.*, 1948).

Not once in its history, Mr. President, has the Supreme Court departed from this principle or suggested that there are any limitations to Congress' control over the Court's jurisdiction. Indeed, the Constitution itself admits to no limitations.

For this reason, I am introducing today a bill which would limit the appellate jurisdiction of the Supreme Court, and the original jurisdiction of Federal district courts, in actions relating to the recitation of prayers in public schools. This bill states simply that the Federal courts shall not have jurisdiction to enter any judgment, decree, or order, denying or restricting, as unconstitutional, voluntary prayer in any public school.

The purpose of this bill is to restore to the American people the fundamental right of voluntary prayer in the public schools—and I stress the word voluntary, Mr. President. No individual should be forced to participate in a religious exercise that is contrary to his religious convictions, and the bill takes cognizance of this cherished freedom. At the same time, the bill seeks to promote the free exercise of religion by allowing those who wish to recite prayers—and they are the vast majority of our citizens—to do so, with or without the blessings of Government.

As many critics of the Engel decision have correctly observed, the free exercise of religion was actually denied in that case. As you will recall, no individual was compelled to recite the nondenominational prayer, and dissenters were allowed to execuse themselves from the classroom. But the remaining students were denied the freedom to participate in the recitation of the prayer. The conclusion is inescapable, Mr. President, that in Engel against Vitale, the Supreme Court, in effect, gave preference to the dissenters and at the same time violated the establishment clause of the first amendment by establishing a religion—the religion of secularism. Public school children are a captive audience. They are compelled to attend school. Their right to the free exercise of religion should not be suspended while they are in attendance. The language of the first amendment assumes that this basic freedom should be in force at all times and in all places. I respectfully urge my fellow colleagues in the Senate to join me in supporting this bill and restoring the free exercise of religion to its full constitutional status.

Mr. President, I ask unanimous consent that the text of the bill which I have introduced be printed at this point in the RECORD.

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

S. 3981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 81 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§1259. Appellate jurisdiction; limitations

"(a) Notwithstanding the provisions of sections 1253, 1254, and 1257 of this chapter the Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any case arising out of any State statute, ordinance, rule, regulation, or any part thereof, or arising out of any Act interpreting, applying, or enforcing a State statute, ordinance, rule, or regulation, which relates to voluntary prayers in public schools and public buildings.".

(b) The section analysis at the beginning of chapter 81 of such title 28 is amended by adding at the end thereof the following new item:

"1259. Appellate jurisdiction; limitations.".

SEC. 2. (a) Chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1363. Limitations on jurisdiction

"Notwithstanding any other provision of law, the district courts shall not have jurisdiction of any case or question which the Supreme Court does not have jurisdiction to review under section 1259 of this title.".

(b) The section analysis at the beginning of the chapter 85 of such title 28 is amended by adding at the end thereof the following new item:

"1363. Limitations on jurisdiction.".

SEC. 3. The amendments made by the first two sections of this Act shall take effect on the date of the enactment of this Act, except that such amendments shall not apply with respect to any case which, on such date of enactment, was pending in any court of the United States.

Mr. THURMOND. Will the Senator yield?

Mr. HELMS. I am delighted to yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I was pleased to join the able Senator from North Carolina in sponsoring this legislation.

In my judgment, the Federal Government has been into the field of education long enough in operating the schools. The schools of America should be run by the local people, the local trustees, the people in each State, and I think the time has come when we should remove the entire field of education from the Federal Government.

This will allow the States to set their own standards regarding prayers in public schools, as I construe it, is that correct?

Mr. HELMS. The Senator is absolutely correct.

Mr. THURMOND. In my judgment this would restore the right of public schoolchildren to engage in voluntary prayers in public school buildings, without forced participation.

In other words, the purpose of this legislation is to take the control of the schools back to the States of the Nation and back to the counties and the local communities where the schools are located.

Mr. President, there is nothing so close to the hearts of the people and the hearts of the parents as the schools that their children attend. The children of the parents are their greatest assets and certainly they are interested, more than anyone else, in the schools.

I think the time has come to end the

dictation and the control from Washington over the schools of this Nation and I sincerely hope the Senate will consider this legislation most carefully and enact it as promptly as possible.

I wish to commend the able Senator for his leadership and initiative in this important matter.

Mr. HELMS. I thank the able Senator from South Carolina, Mr. President, for his generous comments. He has always been at the forefront in the defense of the liberties of the people and in the defense of this great land.

Now, we have a very vital principle at stake here. Furthermore, Mr. President, if we are to save the system of public education in this country, we must do everything possible to create renewed support and interest in the schools of the land.

As it now stands, this is in a state of decline, thanks to the harassment of the Department of Health, Education, and Welfare and the Federal courts.

In my own State of North Carolina in the past 12 months Winston-Salem, Forsyth County school system has elected to reject Federal funds because of an impossible order handed down by HEW with regard to remedial and special education classes for children.

Facilities have been established for a great while for remedial education and simply because the arithmetic of the situation produces more black children with educational problems than white, the Department of Health, Education, and Welfare has taken the position that this statistical discrepancy is per se automatically discriminatory.

Well, what does HEW expect? To go out and find more children with problems—white children, or red children, or yellow children—when they do not exist?

It is such arbitrary, capricious meddling by Federal bureaucrats which is ruining the system of public education in America.

As for the prayer situation, this has caused distress throughout the land, not only in North Carolina, perhaps less in North Carolina than in some other States, though we have not had a court decision specifically directed at our State, so far as I know.

But I think it is time, once and for all, Mr. President, to set the record straight, to show that Congress means what it says when all of us go out on the campaign trail and say we believe in the liberties of the people.

If we really believe in the liberties of the people, then let us restore liberties of the people to the people.

By Mr. WEICKER:

S. 3982. A bill to amend the Internal Revenue Code of 1954 to restrict the authority for inspection of tax returns and the disclosure of information contained therein, and for other purposes. Referred to the Committee on Finance.

PROTECTION OF THE CONFIDENTIALITY OF TAX RETURNS

Mr. WEICKER. Mr. President, in his recent speech granting a pardon to his predecessor, President Ford described the Watergate tragedy as "bad dreams that continue to reopen a chapter that is closed." While we all would wish to have Watergate behind us, Congress would be negligent if it did not examine the gaps in our laws which enabled the most powerful men in our Government to abuse the sacred trust granted them by the American people and move to close them. Unfortunately, the assorted corrupt acts and misuse of power which fit under the Watergate umbrella were not bad dreams. Congressional and judicial investigations have shown that they did happen. Today I am introducing legislation with Congressman JERRY LITTON, Democrat of Missouri, to prevent one crucial area of abuse from happening again—abuse of confidential income tax information.

Of all abuses uncovered in the last 2 years, none poses a greater threat to the principles of privacy and due process than misuse of personal income tax returns. The documented use of the Internal Revenue Service as an intelligence body to derive information harmful to enemies of the Nixon administration and helpful to its friends flaunts the fundamental principles on which our Government was founded. Attempts were made by high White House officials, with the apparent knowledge of President Nixon, to receive information from the Internal Revenue Service on his administration's enemies, to harass foes with tax audits and protect friends from such investigation. The House Judiciary Committee in article II, subparagraph 2 of the Articles of Impeachment succinctly summarized the mass of information it had gathered against President Nixon in this area. It stated:

> He has, acting personally and through his subordinates and agents, endeavored to obtain from the Internal Revenue Service, in violation of the constitutional rights of citizens, confidential information contained in income tax returns for purposes not authorized by law, and to cause, in violation of the constitutional rights of citizens, income tax audits or other income tax investigations to be initiated or conducted in a discriminatory manner.

In outlining some dozen areas of Nixon's direct connection with possible criminal activity, Special Prosecutor Leon Jaworski included misuse of IRS information and trying to initiate IRS audits of White House "enemies" among the charges.

The Nixon administration not only sought tax information to use against enemies but also legally sought to open tax returns of whole occupational groups for its inspection. Two Executive orders, Executive Order 11697 and Executive Order 11709 required the Treasury Department to turn over farmers' income tax returns to the Department of Agriculture allegedly for statistical purposes. This directly threatened the privacy of 3 million citizens and provided the model for similar orders directed against other occupational groups.

After congressional hearings, the introduction of H.R. 10977 and other bills to prohibit such widespread invasions of taxpayers' privacy, and the recommendations for repeal of the orders by the then Vice President Ford and the Domestic Council on Privacy, President Nixon belatedly repealed his earlier controversial orders. These orders, which left Federal bureaucrats free to rummage through income tax returns for statistical data obtainable from other sources and the attempted corruption of the audit procedures to harm enemies and help friends, have made us aware of how fragile is the privacy of our tax returns.

At the heart of the problem is an antiquated section of the Internal Revenue Code, section 6103, which makes our tax returns public records. We ask our taxpayers to voluntarily and freely report the most confidential aspects of their financial status in the belief that such information will not be used in a manner violative of their right of privacy. In effect, each of us for taxation purposes is waiving our fifth amendment rights. But our law invites abuse and misuse of this information by stating that, unless otherwise limited, tax returns are public records. The Commissioner of Internal Revenue, Donald C. Alexander, was right when commenting on section 6103, he told the House Foreign Operations and Government Information Subcommittee on August 3, 1973:

> I suggest that a better approach is precisely the opposite: tax returns should be confidential and private, except as otherwise specified.

Justice Brandeis once stated:

> The most comprehensive of rights and the right most valued by civilized men is the right to be left alone.

It is this right that is in danger of extinction.

I am proud to introduce a bill to protect the confidentiality of personal income tax returns and limit the use of these returns for purposes other than those for which they were intended. This bill would enact a new section 6103 of the Internal Revenue Code to provide:

> All returns made with respect to taxes imposed under any provision in this title are confidential records and no such return or any information contained therein shall be disclosed except as provided in this title.

This bill is intended to limit use of income tax returns to the purpose for which the taxpayer intended them to be used—the reporting of his income for the purpose of assessing a tax against him. The only persons to whom this information can be divulged are the taxpayer himself, his authorized representative, officers and employees of the Internal Revenue Service and the Justice Department for enforcement of the Internal Revenue Code, State tax officials for the purpose of administering their tax system, the Joint Committee on Internal Revenue Taxation, and under the spotlight of public knowledge, the President.

The President and Attorney General can obtain tax returns only upon written request specifying the taxpayer whose return is to be inspected. The President must certify that he needs the return in the performance of his official duties. The Commissioner of Internal Revenue would be required by this bill to issue a quar-

terly report to the Joint Committee on Internal Taxation specifying the names of taxpayers whose returns are requested, the persons requesting them, and the dates requested so that Congress can provide an additional check against the unnecessary invasion of tax return confidentiality.

In the future, what a President does with a taxpayer's return will be known to the Nation. Thus, his constitutional powers are not restricted, but his ability to move in secret is.

Upon request of head of any Federal department or agency or of the principal tax official of a State, the IRS Commissioner may furnish certain statistical information derived from tax returns, so long as the tax information does not disclose the identity of any taxpayer or any return. This information so furnished must be compiled by the IRS itself for some reasonable fee.

This legislation tightens congressional access to confidential tax returns. Under present law, specifically section 6103(d), the Senate Finance Committee, House Ways and Means Committee and other select or joint congressional committees, as authorized by resolution, can obtain and inspect tax returns.

Under this proposal only the Joint Committee on Internal Taxation will have the right to obtain from the IRS individual tax returns. Any decision to request data or inspect any return must be made by the entire committee, by a majority vote with a quorum present. The Joint Committee on Internal Revenue Taxation may disclose statistical information, derived from tax returns, to other congressional committees in such a manner as to protect the identity of the taxpayer or any return.

The Weicker-Litton measure would further amend section 7213 of the Internal Revenue Code, making the unauthorized disclosure or receipt of tax information a felony, punishable by fines up to $10,000 and/or imprisonment up to 5 years. With this change, Government officials seeking to pry open confidential tax files for political or personal purposes would at least face stiff criminal penalties.

There will be those Government agencies and congressional committees who protest that this legislation will prevent them from obtaining the information necessary to administer or enact laws, that their need to know overrides any privacy interest that may be involved.

If an agency needs to know something that is contained in a tax return, why not ask the taxpayer directly? All information in tax returns can be obtained by other legal means. Because the tax return makes bureaucratic investigation easier is not sufficient reason to skirt standard judicial remedies or de facto amend the Constitution.

To rely on the surreptitious use of tax returns for nontax purposes may often result in an unknowing waiver by the taxpayer of his fifth amendment right against self-incrimination. That is abhorrent to our sense of justice. It is also illegal.

The bureaucratic insistence that tax returns must be public records so that agencies can know even more than the citizen intends them to know, threatens the stability of our tax system and thus the stability of government itself. The method in which taxpayers voluntarily comply with our tax laws and, in most cases, fully report their earnings is the envy of most other nations where dishonesty is often the rule rather than the exception.

If taxpayers become convinced that the confidential data they submit is being used for political purposes, how long will it be before taxpayers cheat? Widespread cheating would be beyond the capacity of our 13,000 revenue agents to control and our entire system of voluntary self-assessment could collapse.

I urge prompt consideration and enactment of this long overdue legislation. President Nixon's Executive order opening tax files of 3 million farmers was perfectly legal even though it shocked Congress and the public. Earlier Executive orders of other Presidents have legally made tax returns available to the Renegotiation Board, the Federal Trade Commission, the Department of Commerce and the Department of Health, Education, and Welfare. From the 72d Congress to the present, Congress has enacted no fewer than 47 resolutions authorizing regular and special committees to obtain tax returns.

There will be those who will say that Watergate-type abuses of the tax system could never occur again because no President would want to risk the resulting outrage. To say this is to ignore the lesson of the painful period through which we are passing. We are a Government of laws and not of men. Congress can enact laws to protect the rights of our citizens. Congress cannot legislate good or bad judgment by Presidents of the United States.

Mr. President, I ask unanimous consent that certain editorials stressing the need for enactment of this comprehensive legislation be printed at this point in the RECORD.

Furthermore, Mr. President, I ask unanimous consent that the section-by-section analysis of the Weicker-Litton bill, and the full text of the measure be printed following the printing of the editorials.

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

[From the New York Times, Sept. 1, 1974]

PROTECTING TAX RETURNS

During the impeachment hearings in July, many members of the House Judiciary Committee exhibited particular dismay at evidence of White House abuse in the manipulation of Government agencies, especially the Internal Revenue Service. In the wake of those hearings, parallel consideration is being given on Capitol Hill and in the executive branch to ways of guarding against future misuse of I.R.S. and its files.

Congressional champions of individual privacy are pushing for stringent restraints against divulging the information taxpayers are required to furnish each year, but there are signs that the "need to know" syndrome is starting to infect the executive branch's thinking.

The current tax laws clearly provide insufficient safeguards for the data stored in Internal Revenue Service computers. Essentially, the law regards all this information as being public unless otherwise specified. Under the law as it now stands, it was perfectly lawful for former President Nixon to give the Department of Agriculture access to the tax returns of the country's three million farmers. The law also permits the Governor of any state access to the tax return of any corporation in or out of his own state.

Legislation now being developed by Repretative Jerry L. Litton of Missouri and Senator Lowell Weicker of Connecticut would place narrow limits on access to information held by I.R.S. It would preserve taxpayer anonymity in the turning over of data required by other agencies for legitimate statistical purposes. The aim of the Litton-Weicker proposal would be to make the information on tax returns private, unless otherwise specified—a wise and desirable reversal of the thrust of existing law.

To guard against excesses of the H. R. Haldeman-John Dean era at the White House, the proposed legislation would limit transmission of tax-return data to the White House to those instances where a person was being considered for an important Federal appointment. Even then the information would be confined to whether the individual had filed returns for the previous three years, whether there were tax delinquencies outstanding and whether investigations were in progress.

Current proposals circulating in the executive branch would exclude the White House from any legislative restrictions. On top of that, several agencies are reportedly reluctant to give up their present access to I.R.S. files. The White House is considering placing a limitation on its own access by executive order.

While there is room for argument that the projected Litton-Weicker restrictions on White House access are too stringent, their basic approach of including the President in an over-all program for curbing access is sound. The purpose of the tax return is to provide the I.R.S. with sufficient information to enforce the tax laws, not to open up an informational bonanza for any agency—including the White House—which can conceivably drum up some need to know intimate financial information about America's taxpayers.

One of the best ways for President Ford to assure the country that the Watergate era is behind us is to support strict limitations on the uses to which the Government puts the private information citizens are required to hand over to the I.R.S. every April.

[From the Washington Star-News, Aug. 17, 1974]

ACCESS TO TAX RETURNS

An early order of congressional business, in the aftermath of Watergate, certainly ought to be legislation to tighten access to income tax returns. Evidence collected by investigators showed clearly that the confidentiality of returns was violated and that the Nixon White House sought to use the Internal Revenue Service to harass political enemies.

A member of the Senate Watergate Committee, Lowell Weicker, and a freshman House member, Jerry Litton, deserve credit for taking the lead to get restrictive legislation on the books. Although their efforts have attracted many supporters, there seems to be an uncommon amount of footdragging.

Litton introduced a bill almost a year ago; it's still lying around. A Weicker-sponsored amendment attached July 18 to a White House expense authorization bill stirred a Capitol Hill tempest that still hasn't been resolved.

Weicker's amendment would have barred

the IRS from giving tax returns to any executive branch official "other than the President upon his written request." It was knocked out in a House-Senate conference because of House resistance but the Senate refused to accept the conference report and asked for a new conference.

In response to arguments that some executive branch operations would be hampered unduly by the amendment, particularly in the Census Bureau, Weicker agreed to narrow the restriction to the White House staff. even that apparently is unacceptable to House conferees and it is not clear yet how the matter will be resolved.

House Ways and Means Committee Chairman Wilbur Mills has taken the position that his committee ought to go into the matter more thoroughly and "develop comprehensive legislation." He said it is an issue that has concerned the committee for some time. If the committee is all that concerned, it is rather strange that it hasn't done anything up to now.

Both Weicker and Litton recognize the need for comprehensive legislation, for there is more to this than just protecting tax returns from prying eyes. There is need for a wide range of laws to prevent politicizing the IRS. But there doesn't seem to be anything wrong with passing the simple Weicker amendment as a starter. There's no good reason why White House aides should be poking around in individual tax returns. Passage of the amendment would serve notice that Congress does not intend to stand for this sort of thing, and that additional legislation of a broader nature can be expected.

And if the Weicker amendment does get lost in the legislative maneuvering, congressional leaders ought to see that Mills promptly makes good his promise to get busy on comprehensive legislation.

[From the Sacramento (Calif.) Bee, Sept. 2, 1974]

CONFIDENTIALITY OF TAX RETURNS

Something is very clearly awry when White House aides, or almost any official in the executive branch of the federal government, can go poking around individual income tax returns.

Evidence collected by Watergate investigators showed clearly the confidentiality of tax returns was violated again and again and that the Nixon White House sought to use the Internal Revenue Service to harass political enemies.

US Sen. Lowell Weicker, R-Conn., and Rep. Jerry Litton, D-Mo., have been trying to do something about this unfortunate situation for quite awhile.

Litton introduced a bill to tighten access to income tax returns almost a year ago. It is still kicking around the Ways and Means Committee.

In July Weicker introduced an amendment to the White House Expense Authorization bill which would deny White House access to tax returns except in cases of a written request by the president himself.

The amendment was deleted in a conference committee and the matter still has not been resolved. Both men have combined their efforts and have introduced legislation which would specify that an individual's tax return is private and confidential unless otherwise specified in the law. At the present time tax returns are public record unless otherwise specified in the law. The law does specify confidentiality in many cases, but it is not strict enough.

For example, White House aides were able to get newsman Daniel Schorr's tax returns on the basis he was being considered for federal employment.

The fact that under Richard Nixon those in the White House used the IRS to get at their enemies is enough to document the need for comprehensive legislation on the matter.

There is more to all this than just protecting tax returns from prying eyes.

There is a need for a wide range of laws to prevent politicizing the IRS.

The Weicker-Litton bill would be a good start.

[From the Norman (Okla.) Transcript, Aug. 30, 1974]

WATCHDOGGING IRS

Most Americans have been dismayed by allegations that the Internal Revenue Service has been used as a powerful weapon against political enemies, so it seems natural enough that strong measures are emerging to curb White House access to these confidential data.

Citizens may never know the exact extent to which confidential data was handed over to the White House and/or for what purpose.

Congressman Jerry Litton, a freshman Democrat from Missouri, became interested in the operation of the IRS when a few days after being sworn into office he discovered a presidential executive order which sought to turn over quietly three million tax returns to the executive branch.

He introduced at once a bill co-sponsored by more than 100 members of Congress which called for the revocation of this order. It was changed by the President and later, after continued pressure by Mr. Litton and others, was revoked. In the meantime, Treasury officials and officials of the USDA admitted the order was a prototype of future such executive orders.

Not many, we think, will disagree with the intent of legislation proposed by Mr. Litton and Sen. Lowell Weicker. Both are active in separate efforts to eliminate political and bureaucratic access to private information contained in an individual's tax return.

Their joint proposal would seek to close all loopholes which currently make it possible for the White House or various Federal agencies to gain access to information on an individual's tax return. They hope to tie into the bill a demand that when such information is sought it must be accompanied by a written request by the president.

The Weicker-Litton bill will spell out that an individual's tax return is private and confidential unless otherwise specified in the law. At the present time the law says tax returns are public record unless otherwise specified in the law. Their bill also will provide for a quick-check of individuals being considered for appointment to high executive or judicial posts. This check will show if an individual has filed an income tax return, is delinquent, or is under investigation.

No other information on the individual will be provided the White House. This seeks to prevent the executive branch from getting an individual's tax return by saying the individual is under appointment consideration, as in the case of newsman Daniel Schorr who was subjected to comprehensive tax audits while allegedly being considered for federal employment, although no one ever offered him a job.

SECTIONAL ANALYSIS OF PROPOSED WEICKER/LITTON BILL ON CONFIDENTIALITY OF TAX RETURNS

SECTION 1

Section one of the bill strikes section 6103 of the Internal Revenue Code of 1954 as amended to date (hereafter, the Code), the current provision governing confidentiality of tax returns. It creates a new section 6103 with seven major subsections, identified as a, b, c, d, e, f, and g.

Subsection a of the new section 6103 would change the inherent character of the tax return. Under current law, tax returns are "public records." Further, the current law grants the President the right to determine by Executive Order who shall be permitted inspection of such returns, although some persons and groups are authorized by statute. Under the new section this authorization for the President to order inspections is removed, and only those persons and groups authorized by statute to inspect returns may do so. In addition, subsection a provides returns will not be inspected nor information from returns disclosed except as provided. An exception from this strict prohibition against release of tax return data is made for anonymous statistical material from such returns, which the Commissioner is permitted to publish.

Subsection b of new section 6103 adds a definition of "tax return" for the purposes of confidentiality. Under existing laws and regulations the term "return" is not defined. Under the new bill it will be defined to cover only those documents filed by the taxpayer "under compulsion law, containing information necessary to determine Federal Tax liability." This would appear to include any attachments to the basic tax return from which might be required, but exclude any information gathered on the taxpayer or submitted voluntarily and not "under compulsion of law."

Under subsection c of new section 6103 there is contained a list of those persons and organizations permitted to inspect tax returns. While this is essentially done by regulation and Executive Order under current law, the new section 6103 makes such delineation statutory. The first group of persons entitled to inspect a taxpayer's returns are the taxpayer and his authorized representative. Thereafter (in order of stautory listing, although implying no priority of entitlement) the Internal Revenue Service and the Department of Treasury's officers and agents are given free inspection of returns, as are personnel on the Department of Justice, but with reference only to cases referred to Justice by the Commissioner, with the condition that such inspection be for the purpose of enforcement or administration of the Federal tax laws. The officers and employees of the Department of Justice are also authorized to inspect returns for the purpose of enforcement or administration of the Federal tax laws, but the Attorney General must make a written request for such returns naming the person whose return is sought. This will act to prevent the random inspection of masses of tax returns. In addition to these Federal Departments, the proposed section provides that any State tax bodies may inspect tax returns for the enforcement or administration of State tax laws. Here, too, there is a requirement that the principal tax officer of the State request such returns in writing and declare who is to inspect them. While the returns are to be inspected only for the purpose of enforcement or administration of State tax laws, if the request so expresses in writing that such is the intent, the returns may be given to local officials of any subdivision of the State for administration or enforcement of local tax laws.

The President of the United States currently may receive any tax returns or data by Executive Order. Under the new section 6103. subsection (c)(5), he shall be able to receive personally such information as he requires only upon written request, specifically naming the taypayer whose return is sought.

Subsection c also requires the Commissioner to make a quarterly report to the Joint Committee on Internal Revenue Taxation concerning requests for tax returns. The report, to be made within 30 days after the close of each calendar quarter, must include a list of returns furnished the President,

State tax authorities, and the Department of Justice for cases not referred to it by the Commissioner. The report must also include date of request and, in returns furnished States, name of the requesting official. The Joint Committee may make such contents public to the degree it deems proper.

Under the new section 6103 the Joint Committee on Internal Revenue Taxation assumes a new, broader role. Under existing law the Joint Committee, as well as the Ways and Means and Senate Finance Committees, are permitted access to all tax data and returns, subject only to the requirement of executive session reception of the data in certain cases. However, under the new bill, all tax returns must be received by the Joint Committee on Internal Revenue Taxation and data from those returns "in statistical form only without directly or indirectly identifying any particular taxpayer" may be thereafter sent to any other committee or the whole of the House or Senate. Such actions by the Joint Commission on Internal Revenue Taxation must be by a majority vote, a quorum being present.

Subsection e governs the furnishing of certain types of tax returns to certain specified Federal bodies. The subsection states that both the Social Security Administration and the Railroad Retirement Board may be furnished tax information with respect to income, Railroad Retirement and Social Security taxes. This does not materially alter existing law.

Also under subsection 3, a provision is added providing all Federal departments, agencies, commissions and any State tax authorities with tax statistical data, but preserving anonymity of the taxpayers concerned. Provision is also made for the charging of a reasonable fee for such information.

Subsection f of new section 6103 merely states that a certified copy of returns sought by authorized persons shall be furnished by the Commissioner at a reasonable fee.

Subsection g provides for the Commissioner to furnish any inquirer information as to whether another person has filed a tax return for a given year, but only as to that fact.

SECTION 2

Section two repeals 6106 of the Code, which provides for certain inspections of unemployment tax returns. Since such returns would appear to fall within the general definition of a "tax return" contained in subsection c of section 1, section 6106 would appear to be deadwood.

SECTION 3

Section three changes the laws regarding the crime of unauthorized disclosure of tax return information. The bill would amend section 7213 of the Code, which governs the crimes of unauthorized disclosure of tax return data, changing the penalty for such disclosure to a felony from a misdemeanor. Furthermore, the former penalty of up to a $1,000 fine and up to one year in prison is changed to up to a $10,000 fine and up to five years in prison. The bill would also make the knowing receipt of unauthorized tax data a felony punishable by up to a $10,000 fine and five years imprisonment.

SECTION 5

Section five states that the amendments of sections one and two shall be effective on the first day of the third month beginning after enactment, and the effective date of section three shall be the date of enactment of this Act.

S. 3982

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

SECTION. 1. LIMITATION ON INSPECTION OF RETURNS AND DISCLOSURE OF INFORMATION.

(a) Section 6103 of the Internal Revenue Code of 1954 (relating to publicity of returns, etc.) is amended to read as follows:

"Sec. 6103. Confidentially of Returns.

"(a) PROHIBITION ON INSPECTION AND DISCLOSURE.—All returns made with respect to the taxes imposed by this title are confidential records. Except as provided in this title—

"(1) no such return shall be open to inspection, and

"(2) no information contained in any such return shall be disclosed.

Paragraph (2) shall not preclude the publication by the Commissioner of statistics derived from such returns, except that no such publication shall disclose the identity of any taxpayer or of any return.

"(b) DEFINITION OF RETURN.—For purposes of this section, the term 'return' means any form or other document, prepared by or on behalf of a taxpayer and filed under compulsion of law, containing information necessary to determine tax liability under this title.

"(c) AUTHORIZED INPECTIONS.—Returns of the taxes imposed by this title shall be open to inspection, in such manner, at such times and places, and subject to such conditions consistent with the provisions of subsection (a) as the Commissioner shall prescribe by regulations, by the following persons:

"(1) The taxpayer by or for whom a return was made or his authorized representative.

"(2) Officers and employees of the Internal Revenue Service, the Department of the Treasury, and, with respect to matters referred to the Department of Justice by the Commissioner, the Department of Justice, in each case solely for purposes of the administration and enforcement of this title.

"(3) Officers and employees of Department of Justice, solely for purposes of the administration and enforcement of this title (other than matters referred to the Department of Justice by the Commissioner), and only upon the written request of the Attorney General of the United States specifically naming the taxpayer whose return is to be inspected.

"(4) Any official, body, or commission, lawfully charged with the administration of any State tax law, if the inspection is for the purpose of such administration or for the purpose of obtaining information to be furnished to local taxing authorities as provided in this paragraph. The inspection shall be permitted only upon written request of the principal tax official of such State, designating the representative of such official, body, or commission to make the inspection on behalf of such official, body, or commission. Any information thus secured by any official, body, or commission of any State may be used solely for the administration of the tax laws of such State, except that upon written request of the principal tax official of such State any such information may be furnished to any official, body, or commission of any political subdivision of such State, lawfully charged with the administration of the tax laws of such political subdivision, but may be furnished only for the sole purpose of, and may be used only for, the administration of such laws.

"(5) The President of the United States, upon his written request specifically naming the taxpayer whose return is to be inspected, provided that the inspection of such return is necessary in the performance of his official duties.

The Commissioner shall, within thirty days after the close of each calendar quarter, submit a report to the Joint Committee on Internal Revenue Taxation listing the returns furnished for inspection during that quarter under paragraphs (3), (4), and (5), the date on which the request for inspection of each such return was received, and, in the case of returns furnished under paragraph (4), the name and position of the individual making such request. The Joint Committee may make public such portions of such reports, or information derived therefrom, as it deems advisable.

"(d) JOINT COMMITTEE ON INTERNAL TAXATION.—The Joint Committee on Internal Revenue Taxation shall have the right to obtain data and to inspect returns and to submit any relevant or useful information thus obtained to the Senate, the House of Representatives, or any committee of the Senate or the House, except that information obtained from such returns may be disclosed in statistical form only without disclosing the identity of any taxpayer or of any return. Any decision of the Joint Committee to request any data or to inspect any return shall be determined by a majority vote of the members present and voting, a quorum being present.

"(e) DISCLOSURE OF CERTAIN INFORMATION.—

"(1) Social security and railroad retirement taxes.—The Commissioner shall furnish to the Social Security Administration and the Railroad Retirement Board information derived from returns of the taxes imposed by chapters 2, 21, and 22.

"(2) Federal agencies and State tax authorities.—Upon the request of the head of any department or agency of the Federal Government or of the principal tax official of a State, the Commissioner is authorized to furnish statistical information derived from returns to such department or agency or such State, except that no information so furnished shall disclose the identity of any taxpayer or of any return. Any information so furnished shall be compiled by employees of the IRS and the Commissioner may prescribe a reasonable fee for furnishing such information.

"(f) FURNISHING OF COPIES.—Whenever a return is open to the inspection of any person, a certified copy thereof shall, upon request, be furnished to such person under regulations prescribed by the Commissioner who may also prescribe a reasonable fee for furnishing such copy.

'(g) DISCLOSURE OF INFORMATION AS TO PERSONS FILING INCOME TAX RETURNS.—The Commissioner shall, upon inquiry as to whether any person has filed an income tax return in a designated internal revenue district for a particular taxable year, furnish to the inquirer, in such manner the Commissioner may determine, information showing that such person has, or has not, filed an income tax return in such district for such taxable year."

(b) The table of sections for subchapter B of chapter 61 of such Code is amended by striking out the item relating to section 6103 and inserting in lieu thereof the following:

"Sec. 6103. Confidentiality of returns."

SEC. 2. UNEMPLOYMENT TAX RETURNS.

(a) Section 6106 of the Internal Revenue Code of 1954 (relating to publicity of unemployment tax returns) is repealed.

(b) The table of sections for subchapter B of chapter 61 of such Code is amended by striking out the item relating to section 6106.

SEC. 3. UNAUTHORIZED DISCLOSURE OF INFORMATION.

(a) Section 7213 of the Internal Revenue Code of 1954 (relating to penalties for unauthorized disclosure of information) is amended—

(1) by striking out "misdemeanor" each place it appears in paragraphs (1), (2), and

(3) of subsection (a) and inserting in lieu thereof "felony";

(2) by striking out "$1,000" each place it appears in such paragraphs and inserting in lieu thereof "$10,000";

(3) by striking out "1 year" each place it appears in such paragraphs and inserting in lieu thereof "5 years"; and

(4) by redesignating subsection (e) as (f) and inserting after subsection (d) the following new subsection:

"(e) UNAUTHORIZED RECEIPT.—Any person who knowingly receives any information or material which is disclosed or furnished in violation of the provisions of subsection (a) shall be guilty of a felony and, upon conviction thereof, shall be fined not more than $10,000, or imprisoned for not more than 5 years, or both, together with the costs of prosecution."

SEC. 4. EFFECTIVE DATES.

The amendments and repeal made by sections 1 and 2 shall take effect on the first day of the third month which begins after the date of the enactment of this Act. The amendments made by section 3 shall take effect on the date of the enactment of this Act.

By Mr. McINTYRE (for himself and Mr. JAVITS):

S. 3983. A bill to establish a Federal Domestic Development Bank to provide loans, loan guarantees, and technical assistance for the support and expansion of public facilities and private business operations in economically depressed urban and rural areas of the United States, to promote competition and planned regional development, and to aid areas or businesses which are faced with technological obsolescence or which are otherwise in financial difficulties. Referred to the Committee on Banking, Housing and Urban Affairs.

A DOMESTIC DEVELOPMENT BANK

Mr. McINTYRE. Mr. President, I introduce for myself and Senator JAVITS, who has worked extensively with me in developing this legislation, the Federal Domestic Development Bank Act. The need for this particular legislation is, I believe, clear.

The legislation we propose today is designed to address itself to this country's economic underdevelopment. Such a bank, while it would not be the first effort of its type, would raise the issue of whether America seriously wants to confront and deal with the failures of macroeconomic controls of monetary and fiscal policy. Such policies, although on an aggregate scale may achieve certain limited national goals, too often fail to meet many regional economic needs. A domestic development bank would be a natural supplement to the existing Government economic tools. Our wide international experience would seem to indicate that we have developed the expertise to make such institutions work.

Surely, if we were able to rejuvenate the economies of Japan and West Germany so that they have become our leading international competitors, if we were able to help bring Latin America, in part, out of its centuries of colonial underdevelopment, and if we were able to save the Tennessee Valley from years of depression, then we should be capable of breathing economic vitality into the economically depressed areas of Kentucky, the Indian reservations of the Southwest, the north country of New Hampshire, and the textile manufacturing belt of Massachusetts.

Mr. President, the domestic development bank proposal is predicated on a belief that local and regional financial and entrepreneurial institutions are not and cannot support economic growth to an extent that would lift depressed and underdeveloped regions from their economic stagnation. Furthermore, the venture capital necessary to support the existence and expansion of business enterprises in these depressed regions has been absent. This is principally due to the risk which in underdeveloped regions is comparatively greater.

In reality, there are four kinds of capital which are undersupplied and generally unavailable in hard core depressed areas. There is a shortage first, of private producer capital, for physical capital investment, working capital inventories, and venture capital for business expansion. There is second, a lack of what is called social overhead capital, the public facilities such as transportation networks, communications links, schools and hospitals which are necessary prerequisites to support commercial development. Third, underdeveloped regions generally lack technological capital, the technical knowledge and skills that can be used to increase the productivity of plant capital. These regions are largely underutilizing their natural resource capital, missing the flow of services that might come from a more rational assessment and exploitation of local raw materials. Finally, there is shortage of human capital, which basically amounts to underutilized people who are in that condition because of a lack of training, education, health and opportunities and who after years of economic deprivation are not effective in a position to contribute to the economic growth of their region.

The proposed bank legislation is versatile enough to confront each of these capital shortages by authorizing the bank "to extend credit and participate in extensions of credit" to business and commercial developments, though such requests for credit can only be undertaken after all other private or public credit has been exhausted.

Alleviating capital shortages for enterprises in this way in selected economically depressed regions is clearly a vital public service, since the economic health of a region is linked directly to the well-being of business in the area. This is especially important because the growth of business activity, oftentimes, depends on the availability of venture capital. Yet, less than 1 percent of businessmen seeking venture capital actually find it. Access to credit is largely determined by creditworthiness, prospects for growth, and so forth. Quick access to credit is a basic necessity for flexible business operation and the ability to respond to changes in market conditions. Without access to capital and credit, most businesses are unable to survive financial crises.

Nevertheless, credit is usually open on the most reasonable terms to conglomerates and other major business enterprises. Preference of this type is most evident in the establishment of the "prime interest rate," which is the interest rate applied to major loans to big business. The "prime interest rate" is usually 2 or 3 percentage points less than the rate applied to loans for smaller businesses.

In inflationary periods such as the one which we are presently experiencing, interest rates go up. The persons hardest hit by high interest rates are the small businessmen. Small businessmen remain at the bottom of the credit list and if credit is available at all, it is at the higher rates, regardless of the credit worthiness of the small business. The restricted money supply and interest rates of inflationary periods take a severe toll on small businessmen. The small business, for instance, is usually the first to have its credit cut off. It is little wonder then that the small business, in such a precarious credit position, often fails when faced by higher rates.

The cyclical credit difficulties facing small business survival are compounded by other factors. Mismanagement of the American economy has most recently produced a combination of declining economic growth and runaway price rises unsurpassed since the growth recession of 1956 to 1958. This new "stagflation" is likely to place further constraints on the economic viability of small and medium-sized businesses, as credit disappears, while capital cost requirements multiply.

In addition to this, the energy crisis promises to exacerbate these developments considerably. The incredibly high estimates of investments needed to increase oil refinery capacity and the availability of alternative energy sources, ranging as high as $1 trillion, will require large credit reservoirs for potential energy investors. It is, therefore, likely that the bulk of funding for energy industry expansion will be grabbed by the multinational energy companies, or related industries, who already dominate the field. The increasing concentration now evident in energy industries, combined with the precarious positions of all other small businesses in the credit market, show tendencies of making the American economy structurally less competitive and thus less able to effectively confront the restricted output and inflationary prices of an uncompetitive market environment.

The proposed development bank legislation will allocate credit to areas of the economy most in need—namely, small and medium sized businesses, local communities, and regional governmental units. The net result will be the prevention of the capital shortages causing artificial regional business depressions. It would also serve to modify and strengthen regional market structures as a future-oriented preventive measure.

Mr. President, while the United States in the aggregate is a wealthy country, it has regional areas of economic underdevelopment. How and why these regional disparities occurred is really a matter of relatively impersonal factors. Nevertheless, the result of regional economic underdevelopment has been to needlessly subject potentially productive individuals to lives of poverty and to stifle human development.

On a larger scale, regional economic

underdevelopment results in an overall less productive nation which, in terms of world trade, makes the United States less competitive. On a domestic level, these areas act as a drag on the economy taking in economic aid in an unsystematic fashion and achieving little on a dollar-for-dollar basis.

In part, our failure to deal with regional economic disparities in the country can be laid on the facts of political life. Political subdivisions such as States and countries are determinants of regional needs. But the size and design of these political divisions many times bear no resemblance to the real regional needs which is based on a mutuality of interests grounded on such factors as geographic factors, population demography, and the like. Consequently, there has been no perceived need to establish any mechanism to deal with regional needs on the long run. EDA, for instance, is tied to aiding political subdivisions like counties. The commissions, like ARC, which were later established were a first step in the right direction, but unfortunately ARC and others have not been able to achieve their potential. Other programs like the SBA were designed more to help individuals in need rather than regions, but if a region's economic base is not strong enough to support such businesses, SBA could end up pouring Government money into a losing game plan.

A good case, therefore, can be made to aid regional entities which are superordinant entities which have a mutuality of economic interests within a given geographic area. We can learn from the past failures of other domestic development programs in order to achieve this goal. The Federal Domestic Development Bank Act has tried to incorporate as much from the experiences of past development programs structurally as possible, so that the same mistakes will not repeat themselves. As a practical matter though, in order to achieve regional goals, it will probably be necessary to use existing political subdivisions to channel the bank's aid, but it can be done in a systematic manner to realize regional goals.

Hopefully, the purpose of the bank on a regional level will be to attempt to develop capital resources so the region may develop a stable and diversifide minim'um regional economic base. Ultimately, the base line of the bank's real purpose and effect will be at the human level.

Can the bank help stop widely varying economic conditions within regions in order to promote the necessary confidence to undertake long term commitments of private capital and long range planning efforts for rational investment for the future? And can the bank help achieve a structurally more competitive economy? While the potential seems possible, the questions remain open.

I trust, though, the introduction of this legislation will spark lively discussion on the subject of regional development which should be a vital domestic concern to all. While this legislation surely is not the last word on the subject, it is a start and one which I hope will stimulate helpful comments and suggestions.

Mr. President, I ask unanimous consent to insert at this point in the RECORD a section-by-section analysis of the Federal Domestic Development Bank.

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

SECTION-BY-SECTION SUMMARY

Section 1: Short Title: This act may be cited as the "Federal Domestic Development Bank Act."

Section 2: Purpose: The purposes of this act are principally to aid:

—Economically depressed urban and rural regions;

—Stimulate deconcentration and competition of industries within regions of the United States to foster balanced growth;

—Small and medium sized enterprises in economically depressed regions, to generate increased employment opportunities, viable local economies and planned regional development.

Section 3: Establishment of the Bank: The Bank shall be incorporated for a period of 40 years after which Congress may renew.

Section 4: General Powers: The Bank shall have general corporate powers which include, but are not limited to, the power to sue and be sued, make contracts, hold and dispose of property, and issue by-laws.

Section 5: Management of the Bank: The Bank shall be managed by a full-time 11 member Board of Directors, chosen by the President with the advice of the Senate. The term of each director shall be eight years and the terms shall be staggered.

Section 6: Administrative: The Bank shall have its principal place of business in Washington, D.C., with regional offices and advisory groups throughout the United States. The Board of Directors shall set policy which the officers of the Bank shall execute.

Section 7: Conflict of Interest: No director, officer, or employee shall make any decisions which shall relate to any question affecting personal interests. Any member so doing shall be required to divest himself of such interests as are necessary or resign. The Bank is further prevented from aiding any political party.

Section 8: Functions: Functions of the Bank shall include, but are not limited to, providing technical assistance to those receiving financial aid from the Bank. This section also provides for preferences and limitations on financial aid to ensure the Bank carries out its enumerated purposes. In most cases, the Bank shall act as a "bank of last resort" for political subdivisions, private enterprises and non-profit organizations when credit is not available at reasonable rates from private or other public institutions.

In addition, if for reasons of necessity the Bank determines that the purposes of the Act will be furthered by the initiation of certain projects under its own ownership, it may do so provided that the Bank divest itself within a reasonable period of time of such assets.

Section 9: Guarantees: As an alternative financing mechanism, the Bank may provide guarantees for loans in lieu of the loans themselves in order to further the purposes of this Act.

Section 10: General Fund, Capitalization: Four methods of capitalization are provided for the Bank. Initial capitalization shall take place by having the Treasury purchase up to 20% of the first stock issue of $10 billion, and the remainder as necessary, to meet demands on the bank. Thereafter, the Bank may sell Bank non-voting stock up to twenty times the paid in capital and relend this borrowed capital in order to meet the purposes of this Act. When the Bank turns a profit, the Act provides that the first 25 percent of all net profits shall be immediately paid to the Treasury Department in order to redeem the Bank's stock and thereby insure the Bank's independence as an agency.

Section 11: Intergovernmental Cooperation: Whenever possible, the Bank shall provide aid to projects only when such projects are consistent with over-all areawide development plans of a region, state or locality. When necessary the Bank may recommend that certain other programs be phased into the Bank in order to prevent overlapping jurisdiction.

Section 12: Criminal Penalties: Criminal penalties are similar to those provided in the Law Enforcement Assistance Act.

Section 13: Labor Standards: All projects funded must pay at least the minimum wage level set by the federal law.

Section 14: Tax Exemption: Only real and tangible personal property of the Bank may be taxed by the federal, state and local governments.

Section 15: Audit and Report: The General Services Administration shall audit the Bank yearly and report its finding to the Congress and President.

Section 16: Annual Report: The Bank shall report annually on its condition to Congress and the President.

Section 17: Authorization: The Act provides for $1.5 million for initial start-up personnel costs and thereafter such sums are appropriated as are necessary to carry out the purposes of this Act.

Mr. JAVITS. Mr. President, I am pleased to join with the Senator from New Hampshire in introducing the Federal Domestic Development Bank Act.

This bill will establish a for-profit corporation patterned after the concept of the World Bank and other successful international development banking concepts which will be authorized to extend credit and participate in extensions of credit to both government and private business, render technical and management assistance in connection with its activities and thereby aid economically depressed urban and rural regions which have suffered economic hardships, as shown by a variety of indices, in order to stimulate employment opportunity in those areas, promote the economic survival and preservation of jobs in those businesses whose markets are being threatened by increased import penetration, and contribute to a well-balanced national economy by facilitating business ownership by persons whose participation in the free enterprise system is and continues to be hampered by historic, ethnic, social and economic considerations.

Senator MCINTYRE has quite ably described the provisions of the bill, and has put the legislation in perspective relative to other Federal Government activities.

I do, however, wish to make some observations as to the need for this legislation, the basic operating scheme and why I believe its consideration is so important to our national economy as a whole and to small businessmen in particular.

I. THE NEED FOR A REVIVAL OF SMALL BUSINESS

Mr. President, if we are to continue to function as a great nation, then we must use our knowledge and ability to create, invent, and adapt in order to find new methods and approaches to encourage and nurture our small business enterprises and the economic stability of all our communities.

The longer we delay in restoring this balance and broadening the opportunities for all Americans the less likely it will be that we can accomplish it at all.

It is a well-known fact that small business accounts for over 98 percent of our total business units, providing jobs for 65 percent of the Nation's non-Government workforce and contributing more than 40 percent of the gross national product. But by any other measures, such as market share, assets and profits, small business is losing ground drastically.

The relative diminution of the small business share of the national economy is developing trends which tend to worsen the health and dynamism of the American socio-economic system. To avoid such consequences it is imperative that we take action to restore, expand and promote the viability of small business before current trends become irreversible.

For instance in 1960, small- and medium-size corporations in manufacturing had 50 percent of the assets and were responsible for 41 percent of the profits. By 1970 these corporations had only 33 percent of the assets and by 1972 they had only 30 percent of the assets and only 28 percent of the profits.

The energy crisis is but one example of the plight in which we now find ourselves. As a direct result of shortages of essential materials small companies throughout the country are closing and when combined with an inflationary spiral that has not been matched since World War II it all makes a very bleak picture for aspirant entrepreneurs.

However, there is a way in which we can begin to make steps to restore the competitive balance to our economy and to provide a mechanism which will enhance the probability of growth of our small business community and a revitalization of our blighted urban and rural areas. The Federal Domestic Development Bank is intended to address this need and should be one of our highest priorities in Government.

There is no shortage of would be entrepreneurs in our country. There is no shortage of talented people, willing to venture into the unknown with an entrepreneurial spirit of optimism. There is no shortage of employees or managers. There is, however, a shortage of mechanisms designed to attack these areas of our country in a broad, all-encompassing and properly financed manner.

We must begin to turn this Nation's attention to using its credit in a comprehensive way to build and rebuild small business—industries and entire communities which in the long run we must understand and appreciate are more important than building sidewalks and sewers in those communities.

Rest assured Mr. President, that I too believe the American people have the energy, the resourcefulness, the intelligence and the determination to make of our economy what we want it to be. I believe that we in the Congress must take the leadership role in being responsible and responsive and toward that end I believe the Federal Domestic Development Bank is one of the most important ways in which we can move this economy in the right direction.

As stated by the NSBA, in a presentation to Congress earlier this year:

For almost two centuries now we have been building toward a society marked by vast and stable, if still mildly distributed, prosperity. We have been blessed with a heritage of commitment to increasing equality of access to skill, freedom, to opportunity, to wealth, and to influence. Although access to these values is not yet shared equally enough by all Americans, over the long pull we have moved steadily in the direction of the magnetic, egalitarian goal of the American Revolution. One tap root of our growth in freedom and opportunity has been economic diversity. It is not too much to say that continuation of the imbalances of growth in our economy will shrivel that tap root, that it will result in an unplanned, counterrevolution against the American dream.

Perhaps all freedom and all opportunity would not perish quickly in a nation dominated by public and corporate semimonopoly. But freedom and opportunity would surely be safer and more generally shared if they continue to be rooted in a diversely owned and diversely controlled American economy.

The Federal Domestic Development Bank could be the first and most important step in the revival and reinforcement of the American ideal where opportunity is open to every citizen to make something, to build something, to create something, to invent something; and, then having done so, to enjoy the fruits of his enterprise.

In their report to Washington last spring, the Small Business Association of New England stated the ideal to which proponents of the Federal Domestic Development Bank aspire:

Indeed, the survival and the strengthening of American small business community is not primarily for the benefit of the small entrepreneur, although he will be one of the beneficiaries. The larger group of beneficiaries will be the American public which, because the small business has always been one of the cornerstones of the American economy, has tended to forget that the existence of the large, thriving small business community is one of the elements which adds strength to the warp of the American social fabric.

SBANE went on to set forth some of the vital functions that small businesses perform.

The small, independently-owned business forms the backbone of many American towns and small cities. Civic contribution of a local businessman, rooted to his community, with no intention of the possibility of moving elsewhere is incalculable. It is the businessman who knows he is staying who contributes the most to the social welfare of his town. . . .

The small business is still the place where inventiveness flourishes. According to one county, half of some sixty some major inventions in this century have been the work of either a single individual or have come out of a small business. These include: air-conditioning, automatic transmission, ball point pens, cellophane, cinerama, the helicopter, insulin, the jet engine, power steering and zipper fasteners.

. . . the viability and prosperity of (millions) of small businesses in this country depends in part on awakening the federal government to the fact that here is an institution that deserves some special attention at this moment in this country's history. This is not to request that the inherently inefficient be kept alive in resuscitators or by artificial injections. It is not to prevent the orderly evolution of the business system, which is always undergoing some change . . . what it does mean is that the particular problems of small business in a society dominated by macro-institutions need to be appreciated and enough attention paid to them to restore the situation to the status quo ante.

The Federal Domestic Development Bank Act is designed to expand the Federal effort to promote domestic ownership and management; otherwise small business stands no chance of stemming the economic decay existing in our central cities or reversing the tide of rural poverty.

II. THE NEED FOR A NEW INITIATIVE

Urbanization has been the dominant domestic trend in this country—a trend far outrunning our ability to comprehend and deal with it. Urbanization has proliferated the big city slum, the slum which continues to give birth to crime, despair, and hopelessness.

The crisis of the core-city is also a crisis for rural America, whose people are taking flight to the cities as farm manpower needs diminish with mechanization.

No program or effort which seeks to resolve the unemployment problems of the cities' slums can stand alone—rural migration needs to be halted or at least slowed and the economy of rural America brought back into equilibrium.

This bill seeks to tap the resources of what can be our greatest ally in our efforts to curb the growing lists of unemployment—the private sector.

Government must take the lead in order to marshal the forces and talent to solve our unemployment problems and the problems of our distressed urban and rural communities which frequently encompass whole geographical regions. These Government funds must be used in a catalytic manner in order to stimulate private efforts.

In 1967, I introduced the Domestic Development Bank Act which is quite similar in purpose and overall design to the legislation we propose today. My efforts in that legislation came as a result of the growing recognition of a need eventually to establish an essentially private source of capital for economic development for our depressed urban and rural areas, and there has been an acceleration in the Federal effort to stimulate employment opportunities but they have yet to make available sufficient capital to meet the challenge which unemployment imposes and give a real boost to our own struggling enterprises. The efforts of the SBA, EDA, OMBE, and other Federal agencies may be laudable, but they are not enough.

This bill is the result of careful analysis of some dozen or so bills which have been introduced in the past few years. In addition we have received the important suggestions of a number of our colleagues, suggestions which have been incorporated in this bill. Moreover, the nucleus of the National Domestic Development Bank Act has had a great deal of study and analysis.

The problems of unemployment and lack of business opportunity, which I sought to address in 1967 and again in

1973 when I introduced the Domestic Enterprise Bank Act are still with us.

Small businessmen must continue to struggle against ever increasing competition at a time when both money and raw materials are in short supply. The small businessman finds it difficult to locate adequate capital on reasonable terms to update his manufacturing plant, to purchase new equipment, or conduct research and development activities to keep abreast of the technological flood of miniaturization and increased technical expertise.

I need not remind Members of the Congress that we have yet to solve the problems created by large-scale unemployment. The continuing staggering unemployment rate in our city slums and other underdeveloped and overpopulated areas bespeaks our failure successfully to wrestle with the problem.

We should constantly remind ourselves that the National Advisory Commission on Civil Disorders concluded in March 1968:

> Unemployment and underemployment are among the persistent serious grievances of the disadvantaged minorities.

In order to begin to approach a well-balanced national economy there is an urgent ueed for the involvement of the rural and urban poverty area residents, many of whose participation in the free enterprise system continues to be hampered by historic, ethnic, social, and economic considerations in the ownership and management of the business community which serves him. The Economic Opportunity Loan Program, which I authored, has evolved to a point where there is some tangible sign of success, but it is not enough.

The Department of Commerce's Office of Minority Business Enterprise which is charged with coordinating all Federal minority enterprise programs has a small budget of only $50 million which is hardly $1 million per State. It is just not enough.

But the cruel fact is that even if these new initiatives continue to be expanded and improved to meet their stated goals, they are minimal when one considers the extent to which the economically and socially deprived have been denied the opportunity to participate fully in the free enterprise system.

III. THE NEW INITIATIVE

Mr. President, the Bank would be established as a profitmaking corporation authorized to make long-term, low-interest loans and guarantees, to participate in loans with public or private lenders to sell participations in its loans, and to provide supportive managerial and technical assistance. In essence, it would be very much like the World Bank in its purpose, operations, and structure. The World Bank has demonstrated that the provision of attractive credit is a powerful development tool in underdeveloped areas and that such a venture can be economically sound. In fiscal year 1972, the World Bank earned $183 million in net income and has raised over $3.4 billion from private investors for its development activities.

Another example of a banking institution of this type is Pridco—the Puerto Rican Industrial Development Co. Pridco has grown from a modest beginning to an organization with a net income of $15.3 million in 1972 and has successfully sold several bond issues. It provides industrial facilities for sale or lease to industry, develops tourist facilities, grants short- and long-term loans to industry and engages in promotion and research activities. With the help of Pridco as the financial and real estate arm of its economic development program, Puerto Rico has attracted over 1,300 manufacturing enterprises to the island.

The Federal Domestic Development Bank would initially issue $10 billion in capital stock subscribed by the Federal Government. As was true of the World Bank, the Government would initially subscribe and pay in a portion of the initial subscription with the bank having a call on the remaining portion—as a reserve to meet the bank's liabilities on its own borrowings on the private market.

The economic incentive provided by this new source of credit would be enormous. On the one hand, it would allow rents in business and commercial facilities to be less than in areas where this financing was not available. Moreover, by providing a substantial percentage of project costs, the Bank would enable developers and industrialists to get their equity back within a very few years by use of the deductions presently available under the Internal Revenue Code.

The Bank's paper would be sold at competitive rates and should be particularly attractive investments for labor-management pension funds, foundations, insurance companies, and other investing organizations which would like to put their capital to work in a socially useful as well as profitmaking manner.

The Bank would finance private business and commercial projects where capital is not otherwise available on reasonable terms. Loans could go to businesses and projects of all sizes, and in some cases, as with a portion of its small business portfolio, the Bank could operate through guarantees to local banking and financial institutions or by using local banks as agents.

Loans could also be made to public agencies for essential public development projects such as transportation or power facilities which could not be financed through other sources.

The Bank would have authority to make mortgage loans for low and moderate income housing. The Bank would also be authorized to make mortgage loans for residential facilities where housing is integrated with business facilities, as on the upper floors over retail stores. The mortgage loan could cover the entire project.

One of the more important functions of the Bank would be to take the initiative in bringing management and capital together for projects and to act as developer or owner of a particular project until such time as a private purchaser could be found. Unlike a tax incentive economic development scheme, which is essentially passive, the Bank approach would provide an active entrepreneural agent.

The Bank would also come to the aid of business enterprises substantially harmed by increased import penetration of domestic markets. The financing necessary to purchase additional equipment, plant relocations, expansions, or renovations as well as various research and development projects could be supplied by the Bank.

The modernization of production and manufacturing techniques, in addition to the ever increasing need for experienced personnel, trained and qualified in technical, managerial, and scientific skills, could be part of the overall enterprise efforts financed by the Bank.

The Bank would be empowered, in connection with all such projects, to undertake insurance arrangements in connection with such facilities. These arrangements might take the form of self-insurance of a project by the Bank, co-insurance between the Bank and the borrower, or reinsurance arrangements concluded by the Bank with insurance companies to protect the facility against casualty loss.

IV. A PERMANENT CHANGE

Mr. President, one of the diseases that underlies all of the symptoms of unemployment and the economic problems faced by entire regions of our Nation is the lack of business opportunity, and the lack of capital in large enough amounts and for long enough time to make a permanent change in the area and in the lives of its residents. We cannot fool ourselves any longer thinking we can change the face of a Harlem, an Indian reservation, or East Los Angeles with $50,000 loans.

What is needed is a large, well capitalized vehicle capable of making large, substantial, long-term investments and at the same time providing capable management and technical expertise combined with a broad understanding of the economic realities of the Nation in which we live.

Clearly, capital alone is not the answer, nor was it the sole solution in Europe after World War II, in South America during the early 1960's or in Japan during the late 1950's. Capital must be accompanied by a willingness to share our management and technical expertise, our growing markets and a simple faith in the dignity and worthiness of our fellow man.

Mr. President, we may need more Federal Government money and programs, but more than that, we need a domestic development bank to stimulate the private sector to make capital available to small businessmen, local communities, and in some cases entire States in order to make permanent changes in the face of our Nation among those who lag behind in the economic progress which belongs to us all.

By Mr. ABOUREZK:

S. 3984. A bill to designate the birthday of Susan B. Anthony as a legal public holiday. Referred to the Committee on the Judiciary.

Mr. ABOUREZK. Mr. President, today I am introducing a bill making February 15, the anniversary of Susan B. Anthony's birth, a national holiday.

As Members of a Congress deeply troubled with the unfortunate moral and ethical issues with which we are now faced—not to mention such vital and ongoing issues as the economy, energy, and

defense—it is easy to let seemingly less important matters slide into the background. By this, I am referirng to the as yet unchanged situation of nearly 53 percent of our country's population.

In reflecting upon this predicament, certain questions inevitably come to my mind. Why, for instance, have women been relegated to a second-class citizenship in the United States? The answer, I believe, lies in our doctrines and customs—in traditions that are so deeply ingrained that they are contested only minimally, if at all.

Why have so few women become attorneys, or physicians, or lawmakers, or engage in any of a host of male-dominated occupations?

I can find no acceptable answers.

I have always been perplexed by the fact that the valuable resources women have to offer are inevitably overlooked. I have wondered why, in a country as highly developed as ours, we take advantage of only half of our human resources, thereby disregarding the skills and abilities women have to offer.

In no way do I propose to believe that this legislation can atone for the centuries of discrimination that women have sustained because of the mere fact that they are women. Unfortunately, it will not raise their salaries, elect them to public office, provide them with equal benefits in our institutions of education, or assist them in furthering their position in the economic world.

But it will publicly commemorate the birth date of an admirable woman—and, in so doing, perhaps further the cause of women's equality just a little. This legislation gives us the opportunity to pay national tribute to a truly remarkable woman—a woman ahead of her time, who fought for the realization of a vision she had in which all people were equal in the eyes of their Government.

By Mr. WILLIAMS:

S. 3985. A bill to prohibit the shipment in interstate commerce of dogs intended to be used to fight other dogs for purposes of sport, wagering, or entertainment. Referred to the Committee on Commerce.

THE ANTI-DOG-FIGHTING ACT

Mr. WILLIAMS. Mr. President, today I am introducing a bill to end the deplorable and evidently growing practice of dog fighting. I have long been a sponsor and supporter of legislation to insure the humane treatment of animals. Rarely have I seen a more blatant case of cruelty to animals than the one I seek to remedy through passage of this bill.

An August 15 article in the New York Times has brought the illicit promotion of dog fighting to national attention, and has aroused the profound concern of many of my constitutents.

It is indeed shocking that in a civilized country such as ours, a spectacle so abhorrent to the vast majority of Americans can attract an increasing number of adherents. But this is the case, according to Mr. Duncan Wright, executive director of the American Dog Owners Association. Breeders in different parts of the country train dogs to kill smaller animals, then pit them against other fighting dogs in brutal matches which sometimes last for hours. Profit, as well as entertainment, is a motive of participants in these clandestine events, as substantial amounts of money are wagered on each fight.

Although all of our States have laws prohibiting dog fighting, the fact that the practice transcends State boundaries and is increasing, indicates that additional measures are warranted. I believe that regulation by the Federal Government would be an effective means of halting this inhumane activity.

Mr. President, I ask unanimous consent that the New York Times article of August 15, 1974, and the text of the bill be inserted at this point in the RECORD.

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

DOG FIGHTING: ILLEGAL, BRUTAL, GROWING

(By Wayne King)

CHICAGO.—Pat Podzianowski is a construction worker by trade, a burly, ponderous man about 40 years old, with a great stomach. His bare upper body, across the chest and back and over the arms, is covered with tattoos.

There are two naked women spinning a spider web, a fiery serpent with a human torso in red, green and black, flaming fighting cocks and, on one shoulder, a pair of dogs, their jaws open, fighting with fangs and straining muscles.

They look very much like those in Mr. Podzianowski's back yard in the Chicago suburb of Tinley Park. Mr. Podzianowski is a breeder of fighting dogs, Staffordshire terriers, one of an estimated 40 to 50 such breeders around the country.

They are part of a collection of men—as many as 5,000 by the best-informed estimate—who regularly meet clandestinely at locations across the country to take part in an illegal and apparently growing activity: pitting one dog against another and betting on fights that last up to several hours and often leave one or both dogs dying or dead.

"There is no question that this has gotten bigger," says Duncan Wright, executive director of the American Dog Owners Association. "In the past few years it has quadrupled. Ten years ago, you wouldn't have organized rings, now you do. It's getting bigger and nobody is noticing.

1,000 MATCHES A YEAR

Mr. Wright said his investigators estimated that 1,000 matches a year were held in the United States.

The matches are held secretly not only because they are illegal under various state humane laws, but also because the fights are always accompanied by heavy betting.

There are enough practitioners to support two publications. The larger of the two is called "Pit Dogs," which has about 30 pages per issue. The magazine dedicates most of its space to accounts and pictures of fights. A subscription can be obtained only upon the recommendation of an existing subscriber. It is published in Starke, Fla.

The other publication, a newsletter, is published in New York.

For his own part, Mr. Podzianowski prefers to advertise his dogs in a regular dog fanciers publication, and a small ad simply offers American Staffordshires "for any purpose."

"People get the idea," he says. "You do get these people who call up and say, 'You fightin' them dogs?' I don't even answer. But if somebody comes out here and looks at the dogs, all them scars on 'em, they know."

LONGTIME BREEDER

Mr. Podzianowski says he has been breeding fighting dogs for 19 years. He has also raised fighting cocks. On a recent summer Saturday, however, the dogs commanded all his attention.

There are fights scheduled on this day, two of the dogs are out of his line of breeding, and he is to be the referee for the two fights.

About half of those who will attend the fights gather first at Mr. Podzianowski's home; others will join the group later.

Some are local men from around Chicago, others have come some distance. There is a strong contingent of Southerners, "some boys from Nashville," the only introduction that is made, all that is customary. A few are from Texas, one is a Canadian.

For the most part, they are in their 20's and 30's, although there are a few older men. One is a reporter, although the others do not know that.

Some matches are family affairs, men, women and children, but this meeting attracts only men. Beer is passed around, there is reminiscence about other fights, in Texas, Mississippi, Florida, in Chicago, Milwaukee, Cleveland and other places, talk of dogs with names like Raw Jaw, Tony the Tiger, Wild Woman, and Mr. Podzianowski's famous Cassius Clay, a 17-fight winner.

One lanky man recalls a recent fight in which one of the dogs was "messed up pretty bad; he passed his insides after the fight." The dog had to be killed.

This generates talk of the best way to dispose of a badly injured dog—Mr. Podzianowski says he favors an icepick thrust into the heart as the cleanest way—and some instructions from him to a novice on how to train a puppy for fighting, develop its blood instincts and teach it to parry.

"Now, you don't want to throw a kitten in there with the puppy right away for it to kill, it'll just go crazy for more. What you want to do is get yourself one of those cats and put it in an onion bag and string it up on a rope from the top of the garage. Use a spring, you know, like a front-door screen spring, and hang that cat up there so its paws are out through the onion bag. You want to get yourself some clippers and clip the claws off.

"LET THE DOG KILL IT"

"Then you let the puppy at it, the cat'll bob up and down and the dog'll go after it. Pretty soon, the dog gets tired and sweaty and you pull it off and drag it back to the corner and hold it against the wall. It'll be hell to hold, but you hold it and then turn it around and—hyaaaah—you let it go back at it.

"If the cat gets pretty mauled up in the bag, just take it down and keep it till the next day and then throw it in and let the dog kill it."

According to Mr. Wright of the Sacramento-based Dog Owners Association, a fighting dog in training might be "fed" a score or more of cats or younger dogs to hone its blood instincts before it is pitted against another dog. Mr. Wright has been conducting an investigation into dog fighting on behalf of his association for more than two years, during which time, he reports, he attended 18 fights on an undercover basis, compiling an extensive list of participants.

In some states, the pitting of any animal against another is specifically outlawed by statute. In others, it falls under general humane laws related to the mistreatment of animals. In no state is dog fighting legal, according to Mr. Wright.

Although there have been some arrests for dog fighting in the last 18 months—a total of five raids in California, Oklahoma, Massachusetts and North Carolina—most fights are known only to the participants.

Even when arrests are made, fines are not high—$875 and probation in a recent Massachusetts case—and only the organizers, not the spectators, are normally booked. Moreover, enforcement is difficult.

The men attending the Chicago match met first at Mr. Podzianowski's, then drove north

some 25 miles to another meeting place at a skating rink in Brookfield, where they were joined by others, then south again a few miles to the little ex-urban community of Countryside, the site of the fight.

LOOKOUTS POSTED

The contingent by this time includes 52 men, who file into a construction supply warehouse and pay $10 each to a barrel-chested young man as an admission fee. Lookouts are posted at the door. Once inside, no one leaves until the fights are over.

Several men quickly erect the 15-foot-square "pit," laying down an old red carpet topped with a tarpaulin and enclosing this with blood-spattered plywood walls some three feet high.

All four doge to be pitted are Staffordshire terriers, medium-sized, quick dogs known for their staying power and strength of jaw—the most powerful of any breed.

According to Mr. Wright of the Dog Owners Association, most fighting dogs are specially bred "cur fighters," normally mixed breeds. He also reports use of purebreds such as Dobermans, German shepherds, St. Bernards, Siberian huskies and Alaskan malamutes.

For the most part, drugs are not given to dogs before fights. However, says Mr. Wright, "There is a highly organized ring operating in the six southwestern states and using drugs.

DRUGS AND CATTLE PRODS

"They fight every weekend night, each night in a different location. They fight only untrained purebred dogs they acquire from dog pounds, killing about 30 a weekend. Because the dogs are untrained, they use injected drugs and cattle prods.

"Admission is $9 and gambling is against the house. There is prostitution, illegal selling of liquor and probably other things as well."

Mr. Wright estimated that in a weekend of such activity, as much as $90,000 changed hands.

At the Chicago match, the first two dogs to be pitted were females, a red one called Lady and a somewhat larger black and white dog called Dolly, both were leashed and wearing studded collars.

They appear emaciated, ribs like washboards, but this is deceptive. The dogs are not starved, they are fed red meat, but are exercised on treadmills and the like, sweated down to fighting weight.

They are weighed—35 and 37 pounds—and placed in the pit, held by their owners in opposite corners.

A man in sandals holds up a fistful of bills and calls out, "I got a hundred and fifty on the black-and-white!" Someone shouts, "I'll take a hundred," another asks for 3-to-2 odds, still others mill about arranging what are called "side bets." There is almost always a prearranged bet between the dog owners, although the exact amount in this case was not learned. Bets of $500 or more are fairly common.

With the betting still going on, the dogs are released.

Without a sound, not the faintest growl, the dogs leap toward each other and rear, lips rolled back, clashing fangs in the center of the pit. Still there is no sound other than the scratch of claws on the tarp, crunching sounds as one dog or the other seizes a leg, choked gurgling as a dog grabs the throat.

TACTICS OF THE FIGHTERS

In dog-fighting parlance, dogs are said to "work the stifle" (favor throat holds), or to "work the legs," or "work the ears."

"A good ear dog," Mr. Podzianowski observes, "is hard to beat."

The fights normally last from about 30 minutes to 2½ hours and more, during which time the dogs inflict continual punishment on each other, slashing, choking, chewing on ears and legs, breaking bones and inflicting invisible internal injuries.

Some of the dogs die not in the pit, but after the fight, dehydrated from the exertion, suffering unseen injuries.

In this fight, the spotted dog gains an early advantage, throwing the smaller red dog to the canvas, chewing alternately at the throat, the ears, the legs.

The owners are both lithe, well-muscled men in their 30's, remarkably similar, although one is light, the other dark. One wears a black sleeveless T-shirt, the other an identical red one. Each wears a tattoo of fighting dogs on one shoulder. In the crowd, two or three other men sport the same tattoo.

Both owners are in the pit with their dogs, often down on their hands and knees, inches away from the working fangs, whispering encouragement with urgent intimacy. "Come on Red Lady, come on sweetheart." "That's right, girl, atta girl. . . ."

For 10 minutes, the larger dog holds the red to the mat, chewing ears and legs, although she has herself been cut several times on the head, on both eyelids and on the body.

Suddenly the red dog wrenches free and is on her feet. She is cut on the chest—"Get it, get it, there's blood." There is a crunching pop that sounds like breaking bone. "Is it a break," someone asks, "did she break it?"

No, instead the dogs have clashed fangs. The man in red picks up a broken tooth from the mat. Before the match is over, there will be two or three more to pick up.

BLANK AND PINK

There is new betting, new odds. Still the two dogs fight, soundlessly, never turning away. There is a strong odor of sweat, and of blood. Both dogs have flecked the mat with pink slaver. The black and white dog has become black and pink, smeared with blood from nose to haunches.

Suddenly the red dog whirls away, apparently in terror, and attempts to leap the side of the pit.

Mr. Podzianowski shouts, "It's a turn!" In a turn, one dog turns away, running, refusing to fight any longer, and it signals the key juncture in the match, called a "scratch."

The red dog, which has turned (or "scratched"), is taken to a corner; the black and white is held in its corner. The red is released and must within a few seconds redeem itself and show its courage by again attacking the other dog. The red does not, and the match is over.

The quality of ferocity is so highly prized that a losing owner is entitled to ask that the winning dog demonstrate its ferocity through a "courtesy scratch"—that is, that the winning dog demonstrate its willingness to go on by again attacking the loser (which might be dead).

THE STORY OF PEACHES

Mr. Podzianowski likes to tell of a dog of his named Peaches. After a fight in Mississippi, which Peaches won by killing the other dog, the loser asked for a courtesy scratch.

"Her front leg was broke and sticking through the skin at two places. It would jab holes in the canvas when she walked. The guy said, hell, she couldn't make it over the line again, so I let her go. That dog didn't know what was wrong, she tried to run at the other dog and that stub of a leg would hit the floor and she'd tumble. She finally turned almost a flip into the boards and landed under that dog and dug in. You tell me that dog didn't have heart?"

The second fight of the Chicago match continued for over a half-hour before it ended with one owner conceding. The owner, apparently genuinely concerned, feared his dog would die.

Not so the owner of Lady, the loser of the first fight. He would, he said, take her home and kill her. No use wasting food, he said.

S. 3985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 3 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 48. Protection of dogs.

"(a) As used in this section, the term 'commerce' means commerce between a point in any State or possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico) and any point outside thereof, or between points within the same State or possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico) but through any place outside thereof, or within the District of Columbia, or from any foreign country to any point within the United States.

"(b) The Congress hereby finds (1) that the practice of promoting, instigating, or otherwise conducting, for purposes of sport, wagering, or entertainment, any exhibition, show, or other program involving a fight between dogs, including dogs bred or trained for that purpose, is cruel and inhumane treatment of such animals; and (2) that the movement of such dogs in commerce adversely affects and burdens such commerce.

"(c) It shall be unlawful for any person to ship, transport, or otherwise move, or deliver or receive for movement, in commerce, any dog which such person knows or has reason to know has been bred or trained to fight other dogs for purposes of sport, wagering, or entertainment.

"(d) It shall be unlawful for any person to ship, transport, or otherwise move, or deliver or receive for movement, in commerce, any dog which such person knows or has reason to know is being so shipped, transported, moved, delivered, or received in order to utilize such dog, for purposes of sport, wagering, or entertainment, in any show, exhibition, program or activity featuring or otherwise involving a fight between that dog and another dog.

"(e) It shall be unlawful for any person to knowingly promote, conduct, carry on, or participate in, for purposes of sport, wagering, or entertainment, any show, exhibition, program or other activity involving a fight between one or more dogs, including a dog bred or trained for that purpose, if any one or more of such dogs was moved to such show, exhibition, program, or activity in commerce.

"(f) Any person who violates any provision of this section shall be punished by a fine of not more than $1,000, or imprisonment for not more than one year, or both."

Sec. 2. The analysis of chapter 3 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"48. Protection of dogs.".

By Mr. CURTIS:

S. 3987. A bill to prevent importation of ectoparasites into the United States. Referred to the Committee on Agriculture and Forestry.

Mr. CURTIS. Mr. President, section III of title 21 of the U.S. Code dealing with the importation of wild animals into the United States fails to provide protection from the introduction of ectoparasites—insects—which may result in the establishment of exotic insect pests in our domestic livestock industry. Such an event has already occurred with the fly Hippobasca longipennis introduced with cheetahs into Texas, California, Oregon, and Georgia. These ectopara-

sites may have more than one animal host—the wild animal and domestic animals—and may be capable of transmitting diseases including diseases not already present in the United States.

The bill I introduce today would give the Animal and Plant Health Inspection Service, USDA, the authority to treat imported animals for control of ectoparasites. I hope prompt action can be taken by the appropriate committee.

By Mr. BIDEN:

S. 3988. A bill to provide for the preparation of State Energy Conservation Programs through Federal and State cooperation and shared responsibility, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. BIDEN. Mr. President, I have become deeply concerned in recent months about the future of America's energy conservation efforts. I read reports of increased automobile traffic; I hear of more and more people violating the 55 mile per hour speed limit; I feel the blasts of cold air that greet you as you walk into shopping centers. I marvel that we can so quickly forget last winter. The only real enforcer of conservation at the moment seems to be the high price of energy—the most cruel conservation technique of all.

Have we already forgotten last winter? Then we were told often that energy consumption in the United States more than doubled from 1950 to 1973—from 37,000 trillion Btu's to 76,000 trillion Btu's, and that the current annual growth rate was five percent per year. We heard that U.S. energy consumption was far outstripping its domestic production, so that the Department of the Interior was predicting in the fall of 1973 that we would need to increase imports of 250,000 barrels per day just to make it through a normal winter. Crude oil stocks were 14 million barrels below normal levels. And then the Arab nations imposed their embargo on crude oil shipments to the United States. The country entered into a period that at times verged on panic. Is all of this now forgotten? The embargo is lifted and gasoline flows freely again. We seem not to remember that even before the embargo regional shortages were being predicted. May not these shortages reappear this winter?

One thing we have not forgotten, I daresay, is the cost of petroleum products. The price of imports and some domestic crude has quadrupled since the embargo. It is reflected in the price of gasoline at the pump and it is reflected in the fuel adjustment charge on every utility bill. But still, while we complain, we take no real, concerted action to conserve the use of energy.

The Congress has created a Federal Energy Administration and given it authority to carry out conservation programs. I do not believe that we have done enough. In the days of the energy emergency last year, it was often the State and local governments that proved willing and able to take decisive action. The Federal government seemed paralyzed. My staff has made a survey of what local governments did and are doing in this important area of energy conservation. Their research bears out the words of John Sawhill, the Administrator of the Federal Energy Administration, when he said:

> States can take major credit for the success of the petroleum allocation program during the severe shortages of this winter. Yet I think the public was not really aware of that. By quickly reacting to crises, and matching suppliers and buyers at all levels, the states were on the front lines while we at FEA coordinated the program at the national level.
>
> States also moved quickly to develop energy conservation programs that dampened demand during and since the embargo. Besides conserving energy in state facilities, they rallied industry and the public for voluntary conservation efforts on an unprecedented peacetime scale.

A strong conservation program can also assist our whole economic picture. An obvious factor is that decreased use of petroleum products may affect the world price. Strong conservation is an essential to energy independence, and unless we slow demand we will never achieve independence of expensive foreign supply. Our economy and those of many other nations of the world are still suffering from the shocks of the tremendous transfers of money from oil consuming nations to oil producing countries. These shocks may well continue unless we can manage to cut down on our need for imports.

As Dr. Arthur Burns of the Federal Reserve Board said at a recent hearing of the Senate Budget Committee:

> But there is one difficulty that I think is very real and it is a difficulty that applies more to countries than applies to banks. The quadrupling in the price of oil has resulted in enormous increases in the dollar value of imports of countries around the world, an enormous flow of funds to the oil exporting countries. The less-developed countries in the world are in very serious difficulty and some industrial countries are in difficulty as well. And I had felt from the beginning that the hike in the price of oil has released financial forces on a scale that is simply unimaginable and I believe that this is the most important threat that the world financial system faces at the present time.
>
> We in this country will come through reasonably well. I have no doubt about that. But what happens elsewhere is bound to have an effect on our economy and also on our political position in the entire world.
>
> At the beginning of the oil crisis we reacted intelligently. We put through a conservation program. But we and other countries around the world have been getting back to our lazy ways of doing business as usual and our conservation program is very much weaker.
>
> Again, at the beginning of this crisis the Administration announced a new program, Project Independence. I think it was a proper response but so far at least as far as my limited knowledge goes, Project Independence has been more rhetoric than substance and I think that is a serious mistake.

Mr. President, I do not believe that the energy crisis, whatever its cause, has gone away. It still remains in tangible form through higher prices. Predictions are freely made that at least in some parts of the country, including my State of Delaware, we will be seriously short of natural gas, with the possibility of serious unemployment as a result. We may not have as much coal as we need. And considering our profligate use of crude oil in the form of gasoline, I worry for the coming winter about fuel to heat our homes, to power our electrical generating plants, and to make up for the natural gas shortages in industry.

For these reasons, Mr. President, I am introducing legislation today that could strengthen our conservation efforts. This proposal is not a substitute for anything but an additional piece of badly needed legislation to deal with our energy problems. In most simple terms, it would provide for Federal grants to be made by the Federal Energy Administration to State governments for the development of State energy conservation programs. These programs could encompass everything from mandatory rationing or allocation activities in time of emergency to continuing efforts to educate the consumer—whether individual or corporate—to the means and real necessity of conservation. The emphasis of the bill is to have continuous effort, not emergency action.

Congress has already given the Federal Energy Administration the authority to work with State governments and to provide technical assistance to them in implementing energy conservation measures. I believe this would strengthen the partnership that was envisioned by the earlier law.

Mr. President, this country faces many challenges today. In many of them, a solution to our energy problems is necessary. I believe that this bill can contribute to the solution.

Mr. President, I ask unanimous consent that the complete text of the bill be printed at this point.

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

S. 3988

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 "State Energy Conservation Programs Act of 1974".

CONGRESSIONAL FINDINGS

SEC. 2. The Congress finds that—

(1) it is necessary that there be available for essential uses adequate supplies of energy at a reasonable cost;

(2) the availability in the past of low cost energy has stimulated energy consumption and waste through inefficient or unnecessary use;

(3) the cost of energy has escalated rapidly in the past year;

(4) expanding uses of finite energy resources pose serious economic, social and national security problems;

(5) increasing dependence on energy supplies imported from foreign sources further aggravates these problems;

(6) shortages of fossil fuels of varying severity can be expected to recur over the next several years;

(7) the States have shown great flexibility and adaptability in dealing with energy problems; and

(8) many energy conservation activities can best be carried out at the local levels of government which are closer to the people concerned.

CONGRESSIONAL DECLARATION OF POLICY

SEC. 3. The Congress finds and declares that it is the national policy (a) to conserve fuels and energy resources; (b) to make energy conservation a major element in achieving energy self-sufficiency at reasonable costs; and (c) to enlist the talent and resources of the States and their subdivisions, in cooperation with the Federal Government, in planning for and carrying out energy conservation programs.

STATE ENERGY CONSERVATION PROGRAMS

SEC. 4. (a) The Administrator of the Federal Energy Administration shall encourage each State to prepare a State Energy Conservation Program which shall set forth the actions that can be taken by each State to encourage or require the conservation of energy resources both on a long-term basis and on an emergency basis. Such Programs shall be designed to supplement and coordinate with Federal energy conservation programs and to result in a reduction in the growth of energy consumption.

(b) The Administrator of the Federal Energy Administration shall make a determination of the levels of energy conservation consistent with national goals to achieve energy self-sufficiency to be used as a guide by the States in developing their State Energy Conservation Programs; but such determination shall not be binding on any State.

(c) In accordance with regulations promulgated by the Administrator of the Federal Energy Administration, the Administrator is authorized, upon application by the State, to make a grant to any State government for the preparation of a State Energy Conservation Program. Such grants may equal the cost of preparing the Program, but such grants shall not be used to carry out such a Program.

(d) State Energy Conservation Programs may include:

(1) actions by the State to manage the distribution of gasoline, home heating fuels and other energy sources;

(2) programs to reduce or encourage the reduction of the use of electric power, natural gas, fuel oil or other fuels in homes and in commercial and industrial establishments;

(3) transportation plans to promote a reduction in the use of motor vehicle fuels, including voluntary restraint in the use of motor vehicles, encouragement of alternate transportation means, setting highway speed limits, promotion of car-pooling arrangements, and use of mass transit;

(4) programs or facilities for recycling or reuse of materials, where feasible, or the use of solid wastes for energy production;

(5) the means of developing cooperative working relations between government and private groups, as well as among private groups, to plan and carry out energy saving programs, including the free exchange of information and techniques;

(6) the use of building and plumbing codes to encourage or require energy conserving construction techniques;

(7) an examination of energy pricing policies, to the extent that they are under any control by the State, to assure that they encourage energy conservation;

(8) plans for the development of public education programs to make clear the need for and means of energy conservation;

(9) organization and procedure for receiving consumer complaints and assuring consumer protection in carrying out energy conservation programs;

(10) actions that the State government and its local subdivisions can take in connection with its own operations to conserve energy;

(11) the evaluation of the needs of various groups within the State for energy resources to assure that a disproportionate burden is not placed on any one group through a conservation program and that the economic and social impacts of energy conservation are equitably borne;

(12) the role of local governments within the State in carrying out the Program;

(13) such other activities as may encourage energy conservation.

(e) Each State Energy Conservation Program shall provide for the designation of an existing State agency or the establishment of a new agency to represent the Governor in continuing efforts of energy conservation and to provide coordination of all State agencies that may be involved in energy conservation activities.

(f) To the extent appropriate and applicable, a State Energy Conservation Program may provide programs for encouraging responsible development and utilization of energy resources found within the State in coordination with Federal energy research and development programs.

COORDINATION WITH FEDERAL AID PROGRAMS

SEC. 5. A State Energy Conservation Program may detail the means by which existing Federal grant-in-aid programs could be better used to promote energy conservation while achieving the original Congressional intent for those programs. State energy Conservation Programs may include proposals for Federal financial incentives for the development and maintenance of public transportation systems.

REPORTS

SEC. 6. Within one year after the passage of this Act, the Administrator of the Federal Energy Administration shall report to the Congress concerning the State Energy Conservation Programs that have been prepared. In that report he shall recommend what Federal financial assistance, if any, should be made available to States to implement these Programs.

AUTHORIZATION

SEC. 7. There is authorized to be appropriated the sum of $10,000,000 for the 1975 Fiscal Year for the purpose of carrying out the provisions of this Act.

By Mr. TAFT:

S. 3989. A bill to assist local areas in obtaining reimbursement for construction of public waste treatment works constructed prior to July 1, 1972. Referred to the Committee on Public Works.

Mr. TAFT. Mr. President, today I am introducing a bill to assist local areas in obtaining reimbursement for construction of publicly owned waste treatment works which were constructed with Federal financial assistance granted prior to July 1, 1972.

Public Law 89–234, the Water Quality Act of 1965 required that States adopt water quality criteria applicable to interstate waters. The State of Ohio adopted water quality standards, including an implementation plan, in April 1967. The implementation plan required that Cuyahoga County install a secondary waste treatment facility at the Cuyahoga County Sewer District No. 6 plant at Rocky River, Ohio, by September 15, 1969.

Delays occurred in the awarding of construction contracts, caused by lawsuits and difficulty in adopting an activated carbon pile system for the secondary treatment facility.

Cuyahoga County had applied for and received a Federal R. & D. grant to finance a full-scale demonstration project in August 1968. The original grant of $741,000 was given a $250,000 supplement in 1970, to furnish a total grant of $991,000, of which $790,000 could be used for construction. The rest was to be used for research. This grant amounts to 25 percent of the total cost of the project, which is over $4 million. Other communities, which applied directly for construction grants, were given from 55 to 75 percent funding for their plants. However, because of an apparent gap in the law, the Cuyahoga County plant was ruled ineligible for construction funds.

First of all, the Environmental Protection Agency told the Cuyahoga County people that there was no longer any R. & D. money available for construction, only for research. When the county learned this, it applied for construction grants, but was told it was not eligible. The reason given for the ineligibility was complex.

The definition and interpretation of the term, "construction."

The Federal Water Pollution Control Act, Public Law 92–500, section 206(a), provides 50 percent reimbursement for any publicly owned treatment works on which construction was initiated after June 30, 1966, and before July 1, 1972. Section 212 of the act (Public Law 92–500) defines "construction" as preliminary planning to determine the feasibility of treatment works, engineering, architectural, legal, fiscal, or economic investigation or studied, surveys, designs, plans, working drawings, specifications, procedures, or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works, or the inspection or supervision of any of the foregoing items.

Under this definition of "construction," Cuyahoga County's waste treatment facility would qualify for funding, because contracts for plumbing, ventilating, electrical work, and the activated carbon itself were awarded on January 27, 1972, and preliminary planning had been carried out with R. & D. money. The total amount of the contracts awarded was $411,000. The agreement with the general contractor also was executed on that date, but it was later voided as a result of a lawsuit, and the final contract was awarded on October 2, 1972.

Section 35.905–47 of the rules and regulations published in the February 11, 1974, Federal Register which apply to Public Law 92–500 defines construction differently than the law does itself. The regs define "initiation of construction" as the issuance to a construction contractor of a notice to proceed or, if no such notice is required, the execution of a construction contract. Because the January 27 agreement with the general contractor was voided by a lawsuit and the final contract was not awarded until October 2, 1972, Cuyahoga was ruled ineligible because of the delays incurred by the Cuyahoga County group in beginning construction, the Environmental Protection Agency placed them on 180-day notice to begin construction, prior to October 18, which was too early to receive construction grants under Public Law 92–500, and too late to receive reimbursement grants.

I do not believe that it was the intent of the Congress in passing the Federal Water Pollution Control Act to prohibit applicants from eligibility if they began preliminary construction planning and awarded some contracts for that construction prior to the date mentioned. This was expressly stated in the law, yet the regs do not take it into account at all. My office has been in touch with the EPA and has been told that their interpretation of "initiation of construction" is the "issuance to a contractor of a notice to proceed . . ." as stated in the regs, and the establishment of a specific date from which the actual, physical construction of a project can be measured.

I believe this is a unique case in which the congressional intent has been misinterpreted. I hope the Congress will act expeditiously to rectify this situation.

Mr. President, I ask unanimous consent that the text of my 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. 3989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 206 of the Federal Water Pollution Control Act is amended by inserting "(1)" after "(a)" and by inserting at the end thereof the following:

"(2) Any publicly owned treatment works which was constructed with Federal financial assistance granted subsequent to June 30, 1956, and prior to July 1, 1972, under the provisions of this Act other than section 8 as in effect at the time of such grant, shall be reimbursed in an amount equal to the amount by which the total of such financial assistance received is exceeded by 50 per centum of the cost of construction of such works or 55 per centum where the Administrator determines that such treatment works was constructed in conformity with a comprehensive metropolitan treatment plan described in paragraph (1) of this subsection.".

By Mr. CHURCH:

S. 3990. A bill to amend title II of the Social Security Act to provide that the special minimum primary insurance amount thereunder shall be increased—in like manner as other benefits thereunder are increased—to take account of increases in the cost of living. Referred to the Committee on Finance.

IMPROVING SPECIAL MINIMUM BENEFITS

Mr. CHURCH. Mr. President, I introduce for appropriate reference, a bill to make improvements in the special minimum monthly benefit provision under the Social Security Act.

In 1972, the Congress enacted a new special minimum payment for persons with low lifetime earnings and a long-term attachment to the social security program.

It was the intent of Congress that this special benefit be at least equal to the basic Federal payment level under the supplemental security income program.

SSI, which also became law in 1972, was designed to build a Federal floor under the incomes of the aged, blind, and disabled. Today the monthly income standards are $146 for qualifying individuals and $219 for couples.

At present, the special minimum monthly payment is computed by multiplying $9 by an individual's covered employment above 10 years but not greater than 30 years.

Thus, a social security beneficiary, who became eligible at age 65 and with 30 years of covered employment, would be entitled to at least $180. In the case of a couple similarly situated, their minimum payment would be $270—one and one-half times the amount for an individual.

A few months before the enactment of the special minimum monthly payment, my cost-of-living adjustment mechanism was approved overwhelmingly.

This automatic escalator, which was designed to protect the elderly from inflation, was adopted as a part of my 20 percent social security increase.

However, the new special minimum payment was not subsequently included within the scope of coverage of the cost-of-living adjustment mechanism, essentially for two reasons.

It was believed that additional time was needed to obtain information about these beneficiaries to determine whether there was, in fact, a clearcut need to increase their benefits on a periodic basis; and

There was no cost-of-living adjustment mechanism for SSI.

Events since 1972, however, provide compelling reasons for perfecting the special minimum monthly benefit.

The bill that I introduce today is designed to implement this goal in two key respects:

First, it would make the automatic cost-of-living adjustment mechanism applicable to special minimum monthly payments.

Today the vast majority of beneficiaries of Federal income maintenance programs have some protection against the cruel impact of inflation. More than 30 million social security beneficiaries will receive a cost-of-living increase next July. Civil service annuities are raised when the inflationary rate is at least 3 percent. Recently, legislation was approved to provide automatic cost-of-living increases for SSI recipients Moreover, efforts are underway to extend similar protection to railroad retirees and veterans' pensions.

This coverage, I strongly believe, should now be extended to social security beneficiaries who receive special minimum payments.

Surely they are no less deserving than other social security beneficiaries or Federal annuitants.

Quite to the contrary, they may be in greater need of such protection because they are struggling on limited, fixed incomes. In many cases, their special payments constitute the primary source—and in some cases, almost the entire amount—of their income.

At present, approximately 110,000 persons receive special minimum monthly benefits. Average benefits for retired workers now amount to about $162 a month.

When the 1973 Social Security Amendments were considered in the Senate last November, a similar two-step, 11-percent raise was also provided for persons receiving special payments. Unfortunately, however, this measure was modified in conference committee. And the net impact is that special minimum beneficiaries received only a 6-percent increase.

This is the primary reason that I have adopted a two-pronged thrust for my bill. The second part would, in effect, pass on the second stage of last year's two-step, 11-percent increase for persons receiving special minimum payments. This would occur simultaneously with the provision to make the automatic cost-of-living adjustment mechanism applicable for special minimum beneficiaries, effective for June 1975.

The effect of this change is to assure that these individuals will receive a comparable increase in payments as other social security beneficiaries did under the recent two-stage raise.

Both of these provisions are urgently needed. And I am hopeful that the Congress will act promptly and favorably on these overdue improvements.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

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

S. 3990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that (a) section 215(a)(3) of the Social Security Act is amended by striking out "$9.00" and inserting in lieu thereof "$9.50".

(b) The amendment made by this section shall apply with respect to monthly insurance benefits under title II of the Social Security Act for months after May 1975.

SEC. 2. (a) Section (1)(2)(A)(ii) of such Act is amended by striking out "(but not including a primary insurance amount determined under subsection (a)(3) of this section)" and inserting in lieu thereof the following "(with any increase in the special minimum primary insurance amount applied after the determination of such special minimum primary insurance amount under subsection (a)(3) of this section)".

(b) The amendment made by this section shall apply, after the application of section 1 of this Act, with respect to monthly insurance benefits under title II of the Social Security Act for months after May 1975 (without regard to when the insured individual became entitled to such benefits or when he died).

By Mr. DOLE:

S. 3992. A bill to amend section 403 of the Congressional Budget Act of 1974 to require that all monetary bills reported for consideration by the House or Senate be accompanied by an inflationary impact statement, and for other purposes. Referred to the Committee on Government Operations

Mr. DOLE. Mr. President, for many years it has been recognized that Government programs and expenditures directly and indirectly affect the economic health of our Nation. It is now apparent that these Government programs can affect the economy for better or worse.

The American people blame U.S. Government officials for our current double digit inflation. The American people are entirely justified in pointing their fingers in the direction of Washington, D.C.,

Government programs both currently and in the past for major contributions to inflation. If action is not taken now, Congress will continue to enact legislation and adopt programs which will give added support to inflation in the future.

It is sad but true, but until this moment Congress has never really known the future impact of its programs. Congress adopts new measures without ever analyzing and projecting the impact these programs will have. The requirement for an inflationary impact statement by the House and Senate budget offices will end this blind legislative process. Congress can now learn in advance what the inflationary impact of proposed programs and expenditures will be.

Government programs and expenditures can be inflationary in two ways. First of all, it is generally recognized that Government expenditures are, in many circumstances, inflationary. Government expenditures add to the demand for a good or service. If our economy is already producing a particular product at capacity, the added demand created by Government will not result in an increase in usability but merely in higher prices. With the inflationary impact statement, Members of Congress will be able to determine if a proposed expenditure will actually result in an increase in usability and hence an increase in the well-being of Americans or if the Government expenditure will only result in higher prices.

But Government expenditures are not the only Government area which causes prices to increase. In recent years a variety of programs have been enacted which have resulted in added costs for U.S. business. Inevitably these added costs have been passed on to the U.S. consumer.

In most cases, the objective and results of these programs have been laudable. Unfortunately, we have not considered what the cost of these programs are. They have frequently added to the prices of products purchased by American consumers. It is now time to consider whether or not the benefits of future programs will justify the higher prices paid by the U.S. consumer.

The inflationary impact statement will provide Members of Congress with the information needed to evaluate proposed Government programs and expenditures. In the past, Members of Congress have been voting from the darkness. The inflationary impact statement will shed light on the effect which programs have on the prices paid by Americans. Congress will now be in a position to better evaluate the cost of proposed programs and to represent the interests of the American people.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2022

At the request of Mr. TUNNEY, the Senator from Kentucky (Mr. COOK) was added as a cosponsor of S. 2022, the Flexible Hours Employment Act.

S. 2433

At the request of Mr. CRANSTON, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 2433, a bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program.

S. 3701

At the request of Mr. MATHIAS, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 3701, a bill to provide that income from entertainment activities held in conjunction with a public fair conducted by an organization described in section 501(c), (3), and (5) shall not be unrelated trade or business income and shall not affect the tax exemption of the organization.

S. 3901

At the request of Mr. MONDALE, the Senator from Connecticut (Mr. RIBICOFF), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 3901, a bill to amend the Federal Reserve Act to permit the Federal Reserve Board to allocate credit to national priority needs.

S. 3952

At the request of Mr. PELL, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 3952, the Social Security Recipients Fairness Act of 1974.

S. 3955

At the request of Mr. METZENBAUM, the Senator from Washington (Mr. JACKSON), the Senator from Missouri (Mr. EAGLETON), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 3955, the Foreign Investment Review Act of 1974.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 104

At the request of Mr. BIBLE, the Senator from Arizona (Mr. FANNIN) and the Senator from Nevada (Mr. CANNON) were added as cosponsors of Senate Concurrent Resolution 104, relating to the availability of unleaded gasoline and related equipment.

SENATE CONCURRENT RESOLUTION 110

At the request of Mr. KENNEDY, the Senator from Alabama (Mr. ALLEN) was added as a cosponsor of Senate Concurrent Resolution 110, relating to the situation in Cyprus.

SENATE RESOLUTION 399—SUBMISSION OF A RESOLUTION URGING FULL PUBLIC ACCESS TO INFORMATION REGARDING THE WATERGATE INVESTIGATION

(Referred by unanimous consent to the Committee on Government Operations.)

Mr. MANSFIELD submitted the following resolution:

S. RES. 399

Whereas, It is paramount to the national interest that the American public be made fully aware of all facts connected with and relating to Watergate matters and the fruits of all investigations conducted pursuant thereto; and

Whereas, It is uncertain that there is now assured public access to all such facts as they are contained in papers, documents, memoranda, tapes and transcripts, Be It Therefore

Resolved, That President Ford take all steps necessary to assure full public access to all facts connected with and relating to Watergate matters and the fruits of all investigations conducted pursuant thereto, and Be It Further

Resolved, That except in cases clearly vital to the national security interests of the United States, President Ford afford the American public full access to all such papers, documents, memoranda, tapes and transcripts originating at anytime during the period January 20, 1969 through August 9, 1974 at the earliest practicable time and in an adequate and effective manner.

THE NATIONAL INTEREST REQUIRES FULL PUBLIC ACCESS TO ALL FACTS AND THE FRUITS OF ALL INVESTIGATIONS RELATING TO WATERGATE AND ALL PAPERS, DOCUMENTS, MEMORANDA, TAPES, AND TRANSCRIPTS BEARING THEREON

Mr. MANSFIELD. Mr. President, this resolution speaks for itself. It calls upon President Ford to assure the American people that in the national interest they will be provided all of the facts of Watergate and all of the facts relating to maters connected therewith.

That the American people are entitled to these facts is unquestioned in my judgment; that they are not now assured of that opportunity is equally clear, however.

As I have expressed before, I do not criticize President Ford for his actions in this matter to date. It is my fervent belief that he is a sincere man, who is sincerely motivated.

On the other hand, Watergate and all of its ramifications are not now behind us. They will not be behind us until the record is complete. To accomplish that objective in our free and open society will require full access by the American people to all relevant data and information. To justify this action I would refer to the words of Mr. Justice Story in a case cited by Attorney General Saxbe in his opinion issued by the White House on September 6:

> From the nature of the public service, or the character of the documents, embracing historical, military, or diplomatic information, it may be the right, and even the duty, of the government, to give them publicity, even against the will of the writers." (*Folsom* v. *Marsh*, 2 Story 100, 1841)

Such a duty and such a right have been clearly and amply demonstrated with respect to the nature of Watergate and to the character of all information relating thereto.

Mr. President, I ask unanimous consent that the resolution which I now

submit be referred to the Committee on Government Operations.

The ACTING PRESIDENT pro tempore (Mr. BENNETT). Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 392

At the request of Mr. TAFT, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of Senate Resolution 392, concerning the safety and freedom of Valentyn Moroz, Ukrainian historian.

SENATE RESOLUTION 394

At the request of Mr. STEVENS, the Senator from Montana (Mr. METCALF) was added as a cosponsor of Senate Resolution 394, a resolution disapproving the alternative plan for pay adjustments for Federal employees.

SENATE RESOLUTION 399

At the request of Mr. MANSFIELD, the Senator from West Virginia (Mr. ROBERT C. BYRD), and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of Senate Resolution 399, urging full public access to information regarding the Watergate investigation; and

At his own request, the Senator from New York (Mr. JAVITS) was added as a cosponsor of Senate Resolution 399, supra.

ENERGY SUPPLY ACT OF 1974 AMENDMENT

AMENDMENT NO. 1855

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

Mr. BARTLETT submitted an amendment intended to be proposed by him to the bill (S. 3221) to increase the supply of energy in the United States from the Outer Continental Shelf; to amend the Outer Continental Shelf Lands Act; and for other purposes.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1850

At the request of Mr. ABOUREZK, the Senator from California (Mr. CRANSTON), the Senator from Alabama (Mr. ALLEN), and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of amendment No. 1850, intended to be proposed to the bill (S. 3394, to amend the Foreign Assistance Act of 1961, and for other purposes.

NOTICE OF HEARINGS BY THE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES

Mr. MOSS. Mr. President, the hearing on S. 2350 and S. 3484, which would assign responsibility for operation of the earth resources satellite system to a Federal agency, previously scheduled for 9:30 a.m. on September 18 is now scheduled for 10 a.m. on September 18.

The Committee on Aeronautical and Space Sciences will meet in executive session at 9:30 a.m. in room 231 of the Russell Office Building to mark up S. 2495, a bill to amend the National Aeronautics and Space Act of 1958 to apply the scientific and technological expertise of the National Aeronautics and Space Administration to the solution of domestic problems, and for other purposes.

ANNOUNCEMENT OF HEARINGS

Mr. JACKSON. Mr. President, I wish to anounce for the information of the Senate and the public that open public hearings have been scheduled by the Subcommittee on Parks and Recreation on September 13, 1974 at 11 a.m. in room 3110, Dirksen Senate Office Building, on the following bills:

H.R. 14217, to provide for increases in appropriation ceilings and boundary changes in certain units of the National Park System, to authorize appropriations for additional costs of land acquisition for the National Park System, and for other purposes.

H.R. 13157, to provide for the establishment of the Clara Barton National Historic Site, Maryland; John Day Fossil Beds National Monument, Oregon; Knife River Indian Villages National Historic Site, North Dakota; Springfield Armory National Historic Site, Massachusetts; Tuskegee Institute National Historic Site, Alabama; and Martin Van Buren National Historic Site, New York; and for other purposes.

NOTICE OF HEARING ON DAIRY PRICE SUPPORTS

Mr. HUDDLESTON. Mr. President, the Subcommittee on Agricultural Production, Marketing and Stabilization of Prices of the Committee on Agriculture and Forestry will hold a hearing Monday, September 30, on dairy price supports. Dairy producers are caught in a serious cost-price squeeze and the subcommittee is anxious to hear testimony from average dairy farmers on their economic plight. We also want to hear witnesses representing consumer groups who can present the situation facing the average housewife purchasing milk and dairy products for her family. The hearing will begin at 10 a.m. in room 324, Russell Office Building, and witnesses will be limited to 10 minutes for their oral presentations. Anyone wishing to testify should contact the committee clerk as soon as possible.

ADDITIONAL STATEMENTS

HEROES, INC.

Mr. MATHIAS. Mr. President, each of us, individually and as members of society, owe a deep debt of gratitude to the policemen and firefighters who stand ready to come to our assistance when we call them. In many cases, they aid us at great risk to their own safety and health, and in many tragic cases, they are killed in the line of duty.

Society's response to this dedication must be to recognize their contribution and our obligation to the well-being of their families. Recently, I was privileged to be able to participate in the annual dinner of Heroes, Inc., an organization whose purpose is to provide for the families of firefighters and policemen who have given their lives. Over 700 persons attended the benefit this year. I want to call my colleagues' attention to this organization and the cause which it supports.

I ask unanimous consent that a list of those responsible for heroes this year be printed in the RECORD, together with the text of the prayer offered by the Reverend R. Joseph Dooley, chaplain, Catholic Police and Firemen's Society.

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

HEROES, INC.

COMMITTEE

Detective Robert G. Denell, Chairman—M.P.D.

Nicholas Genua, Co-Chairman—Retired Det. Sgt., M.P.D.

Lieutenant Clayton G. Clark, Co-Chairman—M.P.D.

Captain James O. Blackston, Co-Chairman—U.S. Capitol Police.

Officer Albert J. Fenstomocher, Co-Chairman—M.P.D.

Captain Donald R. Randall, Co-Chairman—M.P.D.

John L. Marshall, Co-Chairman—Andrews-Bartlett & Assoc. Inc.

Florence "Timmy" Timko—Congressional Staff.

Sergeant William T. Thrower—M.P.D.

Walter L. Gold—Public Relations.

Detective Sergeant Marvin R. Gulick, Montgomery County Police Department.

Sergeant Herman E. Payne—D.C.F.D.

Jack Roberts—Security Officer, Suburban Trust Bank.

James Caulfield—Legal Advisor.

Thomas Lerch—D.C. National Bank.

Detective Corporal Vince Schachner, Prince Georges County Police Department.

Robert W. Mogel—Retired Lieutenant, D.C.F.D.

William "Bill" Mayhugh—WMAL Radio.

Lieutenant Ray Hill—U.S. Capitol Police Department.

Sergeant Robert Sharkey—M.P.D.

Inspector Michael Mague—U.S. Post Office.

Andrew J. Warhola—Bellamah, Neuhauser & Barrett, Inc.

Thomas F. Kalanevich—Detective Agency.

Lieutenant Buddy F. Jenkins—E.P.S.

Detective Sergeant Archie C. Hall—Alexandria Police Department.

Officer Lorraine Paradise—M.P.D.

Earl Goss—Montgomery County Law Firm.

Marty Sullivan—Bank of Bethesda.

Sorra-Lee Schwaitzberg—Travel Agency.

Mimi Meyerson—Hotel Association of Washington, D.C.

Captain William Humphrey—M.P.D.

Lieutenant Kenneth V. Moreland, Treasurer—M.P.D.

Morris "Moe" Bisker—American Sales Company.

Frederick H. Kruelle—Hendricks-Miller Typographic Co.

Jerald J. Booth—Formal Attire.

William "Bill" Gold—District Line, Washington Post.

Leonard "Bud" Doggett, President, Heroes, Inc.

M.P.D.—Metropolitan Police Department.

E.P.S.—Executive Protective Service.

D.C.F.D.—District of Columbia Fire Department.

PRAYER

Eternal Father, we, the members of Heroes, Incorporated, "Honor Every Responsible Officer's Eternal Sacrifice" through our generosity, advice, and help to those families of police officers and firefighters who have made the supreme sacrifice. In our own humble way, we strive to pay tribute to those who have died in the performance of duty, by giving their lives for our protection. These brave men and women guarded us by day and night and have answered their last roll call. But Heroes won't forget them, Lord, or their families and lovel ones; and we pledge these families the help and encouragement they need to carry on. We remember with pride and respect those who have died, honoring the departed, by helping the survivors. We will keep faith, Dear God, as long as we draw breath, with those who rest in Honored Glory. Amen.

By Reverend R. Joseph Dooley, Chaplain—Catholic Police and Firemen's Society.

S. 3512, UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1974

Mr. MONDALE. Mr. President, on May 16, 1974, the distinguished Senator from Michigan (Mr. HART) and I introduced S. 3512, the Unemployment Compensation Amendments of 1974. The bill provides for basic and comprehensive reform of the Federal-State unemployment insurance system.

While we must act forcefully to implement economic policies and programs to eliminate the high level of unemployment which our Nation is currently experiencing, we must also help those who are the victims of the current unemployment.

Unemployment insurance is a Federal-State system, designed to provide temporary wage-loss compensation to workers as protection against the economic hazards of unemployment. Funds accumulated from taxes on wages during periods of employment permit payments of benefits to covered workers during periods of unemployment. At the same time as the unemployed worker is assisted financially while he is looking for work, the benefit payments help maintain purchasing power throughout the economy and cushion the shock of unemployment on the economy. In addition to helping the worker, the program is designed to help the entire economy by maintaining spendable income. By maintaining purchasing power, it acts as a stabilizing force in the economy, helping to prevent an economic downturn from gathering momentum and forcing further declines in consumer purchasing power. The benefits are countercyclical in effect and help to prevent unemployment from spreading and lasting a longer period.

Unfortunately, our present system under which benefits were first payable in 1939, does not meet the criteria for an adequate design. The system has not kept pace with the dynamics of our economy and the growth in wage level. Too many people are still excluded from coverage. Of those who are covered, too many exhaust their right to benefits before they are able to find employment. Even when they are receiving benefits, too many workers receive benefit amounts which are inadequate when compared with rising wages.

Our unemployment compensation system came into effect as a result of congressional action in 1935. Just as Congress had a responsibility to develop a program and see that it was enacted into law, so too it has a responsibility for seeing that the program is modified to insure that its basic objectives continue to be met.

Specifically, this legislation makes six changes in present law.

First, the bill enables a uniform, Federal standard providing for a maximum duration of unemployment compensation benefits of 39 weeks. The additional 13 weeks—weeks 27–39—which will be added to the 26 weeks now provided by most States, are financed through Federal-State cost sharing. The "trigger" for extended benefits is eliminated for weeks 27–39.

Second, the bill would enact Federal standards for eligibility for unemployment insurance benefits. A State may not require an employee to have in his base period for eligibility more than 20 weeks work for 39 weeks of unemployment insurance benefits.

Third, the bill embodies Federal standards for amounts of compensation the weekly benefit amount of any eligible individual for a week of total unemployment must be an amount equal to a 66⅔ percent of such individual's average weekly wage or an amount equal to the maximum weekly benefit payable under State law, whichever is lesser. The State maximum weekly benefit amount must be no less than 100 percent of the statewide average weekly wage.

Fourth, the bill extends coverage to new categories of workers. Coverage is extended to agricultural workers, domestics, and State and local government employees.

Fifth, the waiting period, a noncompensable period of unemployment in which the worker must have been otherwise eligible for benefits, may be no longer than 1 week. If an eligible individual has received compensation for 3 or more weeks in his benefit year, compensation will be retroactively paid to such individual for the waiting period.

Sixth, the bill establishes a Special Advisory Commission on Unemployment Compensation.

I am pleased and proud to announce today that S. 3512 has received the endorsement of the AFL–CIO, the UAW, and the Teamsters Union.

These three important elements of organized labor recognize the need for reform and that S. 3512 promises meaningful reform. Their members have experienced the disastrous consequences of unemployment; their members have experienced the inadequacies of the current Federal-State system; their members want reform.

I am delighted with their support, and I know that their support means so very much to the prospects for successful passage of this important bill. Once again, organized labor has helped in an important way with the development of critical legislation and with support for its prompt passage.

I ask unanimous consent that letters from Mr. Andrew J. Biemiller, director of legislation, American Federation of Labor and Congress of Industrial Organizations; Mr. Jack Beidler, legislative director, International Union, United Automobile, Aerospace & Agricultural Implement Workers of America—UAW; and Mr. David Sweeney, political and legislative director, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America be printed in the RECORD.

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

AFL–CIO,
Washington, D.C.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: We have carefully studied S. 3512, a bill to extend and improve the Federal-State unemployment insurance system, which you introduced on May 16, 1974.

Recently, the AFL–CIO Executive Council said "Despite this danger, (sustained high unemployment) the nation is still saddled with an obsolete system of unemployment compensation incapable of meeting the needs of jobless workers."

The Council statement on "Unemployment Insurance" continued, "the glaring deficiencies of the entire unemployment compensation system merit the immediate attention of the Congress.

S. 3512 merits the consideration of Congress because it meets the present deficiencies in our Federal-State unemployment insurance system.

First, it includes the thousands of workers who after 39 years remain without the protection of unemployment insurance, namely, agricultural and domestic workers and public employees.

Second, it sets a minimum standard nationwide in the determination of eligibility.

Third, it fixes a minimum weekly benefit amount for each state that is related to the economy of the state.

Fourth, it approaches the problem of the "waiting period" in the same manner which has so long been accepted in the field of workmen's compensation. S. 3512 extends unemployment insurance to 39 weeks.

Fifth, without the use of "triggers," which have served the unemployed so badly that the Congress has had on six different occasions to remove temporarily one of the phases of the two part trigger.

We believe S. 3512 will underwrite the basic needs of the unemployed worker to weather his unemployment and provide as is often claimed the first bulwark against depression.

We commend you for introducing S. 3512. We will urge its support by the Congress.

Sincerely,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

UAW,
Washington, D.C.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: For years, the UAW has sought realistic and meaningful reform of the unemployment insurance system to make it more responsive to the needs of America's working men and women. The legislation you are planning to introduce

embodies the most important of the reforms we seek, and we hope the Congress will act favorably upon the proposals contained in your bill.

On behalf of the UAW, I wish to express to you our continued support for the kind of needed reforms proposed in your unemployment insurance legislation. Your concern about this vitally-important issue is appreciated.

Sincerely,

JACK BEIDLER, *Legislative Director.*

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA,

Washington, D.C.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: On behalf of the International Brotherhood of Teamsters, I endorse your proposed revision of our present unemployment compensation laws.

Of particular concern to our organization is the extension of unemployment insurance benefits to those who, because of the accident of occupation, have not been uniformly entitled to participate in a comprehensive insurance program. Thus, we encourage your inclusion of coverage for farm workers, domestics and state and local employees.

In addition, we believe that your proposal represents a fair and reasonable approach to worker eligibility for compensation and the amount of weekly benefits to which an individual is entitled.

With regard to a worker's eligibility we believe that special interests in the various States have, in many instances, combined to deny workers the opportunity to receive unemployment compensation, notwithstanding the fact that these people are as entitled to participate as any other working person. In or view, the only reasonable solution to such a matter is the establishment of Federal standards.

Again, in the spirit of reasonableness, your formula for compensation amounts recognizes that there are variations among individual States as to the amount a person should receive in unemployment compensation.

Senator, in summary, we believe your proposal for improvements in unemployment compensation will not only prove beneficial to those workers who should be affirmatively included with in the provisions of an unemployment compensation law, but will also improve the status of those who are currently eligible for these benefits.

Thank you for your consideration in this matter.

Sincerely,

DAVID A. SWEENEY,
Political and Legislative Director.

PROPOSED VA CEMETERY IN COLUMBIA, S.C.

Mr. THURMOND. Mr. President, on June 27, 1974, I introduced a bill to provide for the establishment of a national cemetery in or near the city of Columbia, S.C.

Since that time, several bills have been introduced in the House of Representatives to accomplish a similar purpose.

The Greater Columbia Chamber of Commerce has passed a resolution memorializing the Congress to consider actively a national cemetery in the Greater Columbia, S.C., area.

Mr. President, I am pleased to call this resolution to the attention of my colleagues and 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

A Greater Columbia Chamber of Commerce resolution memorializing Congress to actively consider locating a national cemetery in the Greater Columbia, S.C., area

Whereas there are only about 6,500 remaining grave sites in the two national cemeteries already in existence in South Carolina, those being in Beaufort and Florence;

And, whereas there are now over 300,000 veterans living in South Carolina;

And, whereas a great many veterans would wish to be interred in a national cemetery;

And, whereas there is a military establishment, Fort Jackson, in the Greater Columbia area to provide troops for appropriate honors;

And, whereas the Columbia area is centrally located and accessible to a large portion of this state;

Now, therefore, be it resolved that the Greater Columbia Chamber of Commerce urges the United States Congress to consider development of a national cemetery in the Greater Columbia area which could meet the burial needs of the many veterans of this state as well as of the southeast.

TRIBUTE TO JOHN FRANCIS SHELLEY

Mr. TUNNEY. Mr. President, John Francis Shelley was a big and vibrant man, full of compassion and hope and deep and great love for his native San Francisco. He served that city well in many capacities—in the California State Senate from 1938 to 1946 and then in Congress from 1949 to 1964 and then, crowningly, as mayor from 1964 to 1968.

Even after he left city hall, he continued to serve his city as her representative to the State legislature and administration.

Additionally, he helped build labor into a unified and potent force in California, serving as State president of the American Federation of Labor from 1947 to 1949.

He was a true son of San Francisco, loving each of her neighborhoods, her splendid vistas, hailed wherever he went in "The City," as he called her, as "Jack," as persons in all walks of life affectionately called him.

His heart was open to the suffering of the poor, and, as mayor, he pursued programs of renewal and rebuilding that reshaped crumbling neighborhoods and brought hope where there only had been despair.

When, in the mid-1960's, summer tensions ignited cities across our land, Mayor Shelley marched resolutely and calmly when riots threatened his city. A tall man well over 6 feet, he stood clearly silhouetted in the midnight glare that tense summer of 1966. He ignored police warnings to take cover. He simply talked with the persons he confronted in the street, and tensions began ebbing.

Brave, full of energy and drive for so many years of dedicated and impressive public service, Jack Shelley shall be missed.

He died in the city he loved, and all San Franciscans grieved.

THE WORLD POPULATION CONFERENCE

Mr. MATHIAS. Mr. President, this week the United Nations Conference on Population is being held in Bucharest, Romania. Many of the developed nations of the world are painfully aware of the need to control geometrically expanding population. We are beginning to recognize the interrelated nature of food supplies, natural resources, urban problems, pollution, and population. The most important result that can be gained through the Bucharest conference is to insure the developing areas of the world are aware of the mistakes that we in the already developed countries have made. There is no need to repeat those mistakes.

On August 18, both the Washington Post and the New York Times provided very thoughtful articles on world population. The Washington Post excerpted and adapted parts of Lester R. Brown's latest book "In the Human Interest: A Strategy To Stabilize World Population" for their purposes. Lester R. Brown, senior fellow of the Overseas Development Council, is one of the most thoughtful analysts of population problems. The New York Times article by Michael S. Teitelbaum, program officer in the population office of the Ford Foundation also provides a thoughtful and balanced view of the world population problem. I ask unanimous consent that these articles be printed in the RECORD.

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

[From the Washington Post, Aug. 18, 1974]

HOW MANY MORE PEOPLE?

(By Lester R. Brown)

In an increasingly interdependent world each person added to the population, however poor and wherever born, exerts an additional claim on the earth's food, energy and other resources.

In an earlier age the addition of another person to the world population was of little consequence, since resources far exceeded man's wildest visions of potential needs. The supply of primary commodities exceeded effective demand, resulting in chronically depressed prices and markets highly favorable to buyers. Vast areas of fertile land awaited the plow. Petroleum reserves were greater than envisaged needs. Fresh water was in abundant supply, and the earth's capacity to absorb waste far exceeded man's discharge of it. Forests grew faster than trees were cut. There appeared to be more fish in the ocean than man could ever hope to catch.

Suddenly all this is changing. The assumption of boundless abundance of raw materials is being replaced by the prospect of chronic scarcity for many vital ones. World markets for energy and protein are being converted from buyers' to sellers' markets. These and other changes, which became abruptly apparent in the early Seventies, suggest that we may be on the verge of one of the great turning points in human history.

Present population projections assume that the final quarter of the century will be largely an extrapolation of the one just ending. United Nations projections, prepared

for the World Population Conference starting Monday in Bucharest, foresee world population, now approaching 4 billion, reaching anywhere from 10 to 16 billion by 2100 or shortly after. The future path deemed "most likely" by U.N. experts involves a global population stabilized at just over 12 billion. But is such a prospect desirable, or even likely?

The assumptions underlying the U.N. projections are exclusively demographic in nature, dealing with such matters as fertility behavior and life expectancy. They do not examine the effects of these projected population increases on energy requirements, thermal pollution, waste generation, resource scarcity, ecological stress, unemployment levels or inflation. In short, population may be too big an issue and too complex to be left to demographers alone. Population projections which do not incorporate data from ecologists, agronomists, resource specialists, meteorologists and human toxicologists may not be either realistic or useful.

PRESSURES ON FOOD

From now on, population growth will aggravate virtually all the important problems facing mankind. In addition, new stresses resulting from population growth are beginning to appear.

The pressure of continuously rising demand for food is beginning to ecologically undermine major food-producing systems. In Africa, over the past 35 years, a doubling of human and livestock population along the southern fringe of the Sahara has resulted in overgrazing and deforestation, encouraging the southward movement of the desert at rates up to 30 miles per year. Initially, the expanding desert affected only six sparsely populated countries containing 22 million people, but now the drought has reached parts of more populous countries, such as Nigeria and Ethiopia. In effect, Africa is losing a sizable slice of its total food-producing capability while its population continues to multiply at a record rate.

The Indian subcontinent provides another dramatic example of severe ecological overstress. As population growth continues, the subcontinent is being progressively deforested. Deforestation in the Himalayas and the surrounding foothills is a serious matter, for this is where the subcontinent's major river systems—the Indus, Ganges and Brahmaputra—originate. The result of this trend is quite predictable: the frequency and severity of flooding must surely increase. Since the deforestation is continuing, it seems certain that flooding in Pakistan, India, Nepal and Bangladesh in the future will be even worse than in the past. In effect, deforestation is gradually undermining the subcontinent's food-producing capacity, casting a cloud over the future of its 750 million people.

Still another major food-producing system being adversely affected by the pressure of growing demand is oceanic fisheries. Only recently the ocean was viewed as an almost limitless source of protein, but the outlook has been sharply altered over the past few years. From 1950 to 1970 the world fish catch climbed steadily, more than tripling, from 21 to 70 million tons. Since then, the catch has declined for three consecutive years, even while investment in fishing fleets and processing facilities continues to expand. Over fishing, depleted stocks and declining catches are becoming commonplace in areas ranging from the haddock fishery in the northwest Atlantic to the anchovy runs off the western coast of Latin America.

FEELING THE PINCH

As global population pressure builds, it contributes to resource scarcity and inflation. Virtually every country is now threatened by two-digit inflation, including some, such as the United States, which have traditionally avoided it. Increasingly, economists are beginning to realize that monetary and fiscal policy cannot cope with the type of inflation now being experienced. Gradually it is being recognized that projected demand trends must be modified by slowing population and by simplifying lifestyles.

Continuing population growth is beginning to reduce individual options and impinge upon individual freedoms. For example, Americans are faced with the prospect of rationed visits to national parks because of overcrowding. Over the past several decades, growing population pressure has greatly reduced opportunities for international migration.

In the years ahead national governments almost certainly will impose restrictions on international travel. This is likely to occur first in those countries, such as Spain, Greece, Jamaica, or, eventually, Kenya, where the number of tourists per year may begin to exceed the local population, competing with them for local services and amenities. Until now, the principal constraint on international travel was the ability to purchase an airline ticket; soon, overpopulation may also be a constraint.

The costs of continuing population growth are many, and in different countries they may take different forms. Within the United States the costs of population growth are recognized much more clearly at the local level than at the national level. It is in local communities, where air and water pollution, traffic congestion and crowding are felt, that resistance to population growth is deep and growing deeper. Communities from Maine to California are seeking means to limit local population growth, not all of them constitutional.

OVERNIGHT CHANGES

Other countries are starting to respond to the costs of population growth. In Japan two years ago a government appointed commission recommended an increase in birth rates in order to help overcome the shortage of labor plaguing the Japanese economy. A few months ago a second commission reversed the earlier recommendation and suggested Japan reduce its birth rate and seek to stabilize its population. The reason for the reversal: a deteriorating environment, and continuing outbreaks of environmentally induced illnesses and deaths. Concern over environmental degradation among the Japanese has reached the point where it is capable of unseating a government not responsive to it.

Only two years ago the Mexican government was one of the most pro-natalist in the world. The policy changed almost overnight, with announcement of a program to establish several hundred family planning clinics. The Mexican government had been frightened by the analyses of its economic planners. Even though Mexico had achieved a highly respectable 7 per cent rate of economic growth, it simply was not creating jobs rapidly enough to accommodate the young people coming into the labor force. Rising unemployment among young people concentrated in urban areas is a sure formula for social and political unrest.

In some countries the lack of fresh water is generating deep concern. In Egypt the event that jolted the leadership into action on family planning was the realization that population growth during the construction of the vast Aswan dam would totally absorb the additional food production it made possible.

Even a country as rich in resources as Brazil must use extreme caution. Its cereal deficit has expanded steadily in recent years until by 1973 it had the largest cereal deficit in the Western hemisphere. This provides further evidence that a generous endowment of resources alone is not sufficient to overcome the arithmetic of exponential population growth.

A DIFFICULT GOAL

Sustained, rapid, population growth is so recent that there has not yet been time to grasp the arithmetic. Most of us understand the short-term effects of a 3 per cent population growth on the need for food, water, housing and education, but how many realize that such a seemingly innocuous rate of growth results in a 19-fold increase within a century?

As we better understand the arithmetic of exponential population growth, and the full costs of continuing on the current demographic path, it seems certain that the necessity of departing from this path will become broadly recognized. The ecological stresses and resource scarcities already evident make the task more urgent. Difficult as it may seem, I believe we should try to stabilize world population at 6 billion by the year 2015.

Many familiar with the built-in momentum of population growth will declare this target unrealistic and unattainable. And this is understandable, for it will not be easy. The only thing more difficult is trying to feed, clothe, educate and house the projected populations. The population with which many countries will be confronted, even if they meet this proposed global timetable for stabilizing at 6 billion, makes the prospect of not meeting it equally impossible to imagine. This timetable shows India going from 565 million to 968 million, Mexico going from 55 million to 103 million, and Egypt somehow supporting not 35 million but 61 million.

The strategy for stabilizing world population at 6 billion divides the world into two parts: developed and developing. The developed countries would be asked to stabilize their populations by 1985, much as East Germany, West Germany and Luxembourg have done in the past few years. In West Germany, population growth came to a halt in 1972 when the crude birth rate (annual births per thousand population) declined to 12, exactly balancing the crude death rate of 12. The United States crude birth rate, dropping from 26 to less than 15 over the past 15 years, must drop another five points to balance the death rate of slightly less than 10 in order to stabilize its population (excluding immigration).

For the developing countries, population stabilization could be approached in two phases. The first would involve reducing their crude birth rates, now ranging from 20 to nearly 50, to 25 by 1985, essentially the same as that of the United States in 1958. Several developing countries, including Barbados, Taiwan, Mauritius, Hong Kong, Chile and Singapore, have already done so. Several other countries, including Sri Lanka, South Korea, Cuba and China, have reduced their crude birth rate below 30. If these countries can then maintain their birth rate at this level or lower until the year 2005, then the sharply reduced age group born between 1975 and 1985 will be entering the reproductive years. The developing countries could then repeat what the developed countries are being asked to do between now and 1985—that is, bring births and deaths into balance, thereby stabilizing their populations.

BIRTH AND TAXES

Under this timetable, no country, developed or developing, would be asked to do anything which some countries have not already done. We do not yet know how rapidly births can be reduced if national governments make an all-out effort, simply because so few governments have done so. Of the 160 or so countries in the world probably no more than two—Singapore and China—have come close to making an all-out effort. These countries have systematically examined the entire range of social and economic policies,

seeking to reshape them so as to reduce births.

Among the more important national economic and social policies influencing birth rates are tax policy, the minimum age of marriage, old age social security, both education and employment opportunities for women, and the availability of family planning services.

Tax policy can influence birth rates, particularly in the number of children for whom deductions can be claimed and as in differing tax rates for married and single individuals. The United States permits income tax deductions for an unlimited number of children. The Philippines now limits deductions to four.

Raising the minimum age of marriage, in effect the Irish solution to overpopulation during the late 19th Century, can contribute directly to reducing family size. In China today, the minimum recommended age of marriage for men is 28, for women 26. Other developing countries are also raising the age of marriage, though none have gone as far as China.

One of the strongest motivations for having large families is the desire by parents in developing countries to insure security in their old age. Thus social security programs can contribute to a reduction in family size. In Socialist countries such as China, the production team or commune increasingly assumes responsibility for the elderly, thus reducing the need to depend on children.

Equal employment and career opportunities for women can provide an alternative to child-bearing and child-rearing. In countries such as the Soviet Union, West Germany and the United States this appears to be contributing to a steady decline in birth rates. The notion that there are alternative means of self-fulfillment to childbearing is, for most traditional societies at least, a rather radical idea.

Trends in fertility are strongly influenced by the socio-economic environment in which people live. The historical record indicates that human fertility does not usually decline rapidly until certain basic social needs are satisfied. Birth rates do not normally drop voluntarily in the absence of an assured food supply, reduced infant mortality rates, literacy, and at least rudimentary health services.

The ready availability of a full range of family planning services, including contraceptives and advice, is essential. Investment in this activity probably pays a greater dividend than in any other area. In some developing countries fully 80 per cent of the population lacks ready access to family planning services. The estimated 40 million induced abortions each year around the world attests in part to the existence of this lack.

The United Nations fund for population activities estimates the annual cost for providing family planning services at about $1 per person in a developing country. Using this estimate, it would require about $2 billion to make available family planning services throughout the developing countries, excluding China. Even if this figure were doubled to allow a possible underestimate, it would still be a trivial sum compared with the scale of the problem and the costs of failing to respond to this new threat to the well being and security not only of ourselves but of our children.

[From the New York Times, Aug. 18, 1974]

NOT EVERYONE CAN HEAR A POPULATION EXPLOSION

(By Michael S. Teitelbaum)

It is hardly news that the explosive rates of world population growth threaten to overwhelm the development efforts of the "Third World" and lead to Malthusian famine, disease and despair. The alarms have been raised worldwide. Why, then, is there a need for the big United Nations conference on population, starting tomorrow in Bucharest?

The melancholy fact is that there is hardly any intellectual or political agreement as to the reality of, much less the solution to, the problem of overly rapid growth.

Some developing countries, including China and India, have recognized the problem and adopted policies designed to cope with it; the results range from major success to fundamental failure. But the leaders of a large number of countries either reject rapid population growth as a problem, or give it low priority and believe that little need be done to cope with it.

World population growth now is 2 per cent a year, implying a doubling of the population every 35 years. In some developing countries the growth rate is 3.5 per cent, i.e., a doubling time of only 20 years.

Such rates dwarf the rates of 19th-century Europe, which averaged about 0.7 per cent. These latter rates eventually declined "naturally" (i.e., in the absence of government policies) but this so-called European Demographic Transition took many decades.

In addition, the difficulties now of providing capital investment, housing and food for the rapidly expanding populations has negated much of the impact of economic progress in developing countries.

The countervailing arguments the predominant positions in some parts of the world, particularly Africa and much of Latin America, fall into five categories.

The Pro-natalist view has a long history. It is fair to say that strongly pro-natalist forces were characteristic of every society that survived up to the modern epoch, because throughout most of mankind's existence it was only through high fertility levels that societies could compensate for their devastating mortality. Since the substantial mortality declines of the 19th and 20th centuries, the Pro-natalist position has held variously that rapid population growth is a stimulus to economic growth by providing an increasing labor supply and demand for goods; it is crucial for the protection of currently underpopulated areas from covetous neighbors; or it is thought to increase a nation's military and political power.

The Problem Elsewhere theory sees "population problems" such as food scarcity and resource depletion as the results of wasteful productive activities of the rich countries rather than of the high fertility of the poor countries. Another argument is that the problems attributed to overly rapid population growth are actually results of inappropriate patterns of concentration. There is plenty of land and resources, goes this argument; the need is for policies to redistribute population more evenly.

The Anti-colonialism view is based on the belief that restraint is being urged on the developing nations by the developed nations to serve their own ends. Such efforts are seen as designed to maintain the status quo of unequal power. Alternatively, the importance attached to restraint of growth is really an effort to "buy development cheaply" instead of providing the massive investment required for true social and economic progress.

Naturalistic Optimism is perhaps the most common pattern of thought. Proponents point out that Malthus was wrong in 1798 when he predicted that population growth would soon outstrip available food and resources. Improvements in technology will show the "neo-Malthusian" predictions of today to be equally misguided.

But the best available scientific evidence supports a less simplistic view. In the long term, social and economic development may be a necessary condition for fertility declines to low levels, but it is clearly not sufficient to bring about needed declines in the near- and medium-term future.

There is extensive opposition to policies stemming from mere Mathematical Misperception. Many national leaders see little urgency in rapid population growth because they believe that such growth can be "turned off" when a "suitable" population is reached. Their assumption is that growth will stop when fertility levels are reduced to replacement level (an average fertility level of just over two children per woman, which is required to replace the present population of reproductive age). Fertility at present averages two to three times the replacement level in most developing countries.

GROWTH "MOMENTUM"

The mathematical realities are otherwise. Population growth has a "momentum" due to the "young" population resulting from recent growth. The more rapid the recent rate of growth, the greater the momentum for future growth. With modern developing countries, even an immediate reduction of fertility to replacement level (obviously a near-impossibility) would lead certainly to a population increase of 75 percent to 125 per cent from 1970 levels. This momentum is long-term; populations would continue to grow for 60–70 years before growth would cease.

Some of these arguments reflect serious concerns and have limited evidence to support them. Patterns of consumption in the developed world do affect the availability and price of commodities required by developing countries (and vice versa). Very rapid urbanization does affect the quality of life. Poverty, illiteracy, maldistribution of wealth and the absence of old-fashioned security do affect fertility.

However, none of this justifies the conclusion that policies directed specifically to population concerns are therefore unnecessary. The problems will not be solved by such simplistic "either/or" arguments.

It is abundantly clear that the population growth and the resultant momentum for future growth severely restrict the ability of many nations to achieve their development goals. In no case is the objective an immediate cessation of population growth; this is hardly feasible in view of the momentum factor. Instead, the objective is to slow growth and reduce the force of momentum so that a new equilibrium is possible during the 21st century.

ECONOMIC FUNDAMENTALIST—RICHARD L. STROUT ON THE VIEWS OF ALAN GREENSPAN

Mr. PROXMIRE. Mr. President, Richard L. Strout of the Christian Science Monitor is without peer in the breadth of insight he shows in his journalistic coverage of the Government. He has just written an article for the September 14, 1974, issue of the New Republic, where he also doubles as TRB, on the nomination and confirmation of Alan Greenspan as Chairman of the Council of Economic Advisers.

ANTEDILUVIAN VIEWS

As those of us who have met Mr. Greenspan and have heard him know, he is a delightful, intelligent, and sophisticated human being. At the same time he holds economic views which can best be described as "antediluvian" which literally means "born before the flood."

In his confirmation hearing he said he opposed the antitrust laws and the progressive income tax. He looks upon consumer protection legislation as an interference in the free market.

Obviously in a free society one welcomes divergent and even radical or iconoclastic views. But ordinarily we do not place such persons in charge of our affairs, especially at a time of economic crisis.

ADMINISTERED PRICE INCREASES

One of the key points is that in a series of industries—steel, autos, chemicals, oil, and nonferrous metals—we are witnessing the brutal exercise of sheer economic power. At a time of roaring inflation prices rise as production is reduced. In a truly competitive economy or industry, an increase in price would bring forth an increase in production or a decrease in production would follow a fall in prices. But not so in these industries. They are concentrated industries which can deliberately reduce production to keep prices high—and they are doing it with a vengeance.

INFLATION CAUSED BY CONCENTRATED INDUSTRIES

This is the fundamental basis of our inflation. We do not have a demand inflation with too much money chasing too few goods. We do not have a wage-push inflation where wage increases outstrip productivity and hence unduly add to costs. But we do have an administered price inflation in the concentrated industries.

A major way to deal with this is through the vigorous enforcement of the antitrust laws—laws which the new Chairman of the Council of Economic Advisers eschews.

It is too sad even for irony. In the name of free competition and laissez faire Mr. Greenspan refuses to support actions which can bring competition.

It is like the football player who loves the game and competition so much he is unwilling to have any rules.

Mr. Greenspan, with all his intelligence, essentially supports the jungle and economic anarchy rather than competition.

I ask unanimous consent that Mr. Strout's excellent article be printed in full in the RECORD.

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

[From the New Republic, Sept. 14, 1974]

ECONOMIC FUNDAMENTALIST—CHAIRMAN GREENSPAN

(By Richard L. Strout)

I confess that Alan Greenspan startles me. He is President Ford's new top economic adviser. I heard Sen. Proxmire ask him questions in an otherwise all but deserted Banking Committee room recently and my astonishment grew. So, I think, did Proxmire's. Witness testified, without notes, with an earnestness and sincerity that left no doubt of his conviction. At a big financial loss he is leaving his Wall Street consulting firm of Townsend-Greenspan & Co. (where he has been on retainer for 100 corporations among the largest in the country, including almost all of the nation's 10 biggest banks) and he is willing to serve in Washington at a time of economic crisis.

What are his views? That is what is extraordinary.

He opposes the antitrust law.

He opposes the progressive income tax.

He opposes consumer legislation as an intererence with the free economy.

He subscribes to a form of laissez-faire capitalism that has been elevated into a cult called objectivism. Its leader is controversial author-philosopher Ayn Rand, with a dogma that she terms "rational selfishness" (and that sounds like economic Darwinism). Mr. Greenspan graduated summa cum laude from New York University's School of Commerce, with graduate work at the University of Chicago.

Miss Rand appears to have done more in shaping his views than did Dr. Arthur Burns, chairman of the Federal Reserve Board, a former teacher. Bespectacled Mr. Greenspan agrees that his 20-year association with Miss Rand helped to wean him from an earlier liberalism and other "mistaken policies."

"Alan is my disciple philosophically," Russian-born Miss Rand, 69, author of *The Fountainhead* and *Atlas Shrugged*, said recently.

To put the thing in context consider recent developments. The world economy and banking system are under great strain. Food is everywhere short, and the oil producers have quadrupled the price with the effect of imposing a kind of excise tax of $60 or $70 billion annually on the consumers, at the same time that the producers' extraordinary new income is sloshing about the hard-pressed international exchange system.

In this crisis the United States is theoretically a balance wheel, a stabilizing force; America's GNP is almost one-third of the free world's total GNP. But America is infected with plague too, and is running the highest inflation fever in peacetime history. The housing industry is prostrate from lack of capital (which has been dried up by the anti-inflationary restrictive policies of the Fed), and the industrial average of stocks has plunged from a high of 1050 in 20 months to below 700.

For anybody who went through the '30s it causes shivers. Inflation in Germany, for example, wiped out the middle class and brought Hitler. Times have changed. In those days on the American streets the threadbare poor sold apples for a nickel; they would charge a quarter today.

And so Alan Greenspan comes to President Ford. He will help to guide and direct his economic course. He has been confirmed as chairman of the three-man Council of Economic Advisers by the Senate without a record vote and with only three senators speaking. Of the 10 men who have been CEA chairman since the Employment Act of 1946 created the council "to promote maximum, employment, production and purchasing power," Greenspan is only the second without a Ph.D. (possibly a good thing) and he is far and away the most conservative. Perhaps conservative isn't the word. Under ideological relativity if you go far enough around the circle you emerge as a radical. How Mr. Greenspan squares his practical business counsel with his laissez-faire theories I don't know, but his writings and testimony make him sound like a fundamentalist mystic.

"The entire structure of antitrust statutes in this country is a jumble of economic irrationality and ignorance," he wrote in 1962. "It is the product: a) of a gross misinterpretation of history, and b) of rather naive, and certainly unrealistic, economic theories."

As an example he argued that "the control by Standard Oil at the turn of the century of more than 80 percent of refining capacity made economic sense. . . ."

Why not, he asked? Competition takes care of trusts if you leave them alone; this happens by a natural process for laissez-faire is the most efficient and productive of all possible economic systems."

Mr. Greenspan could have changed his views since then but showed no sign of it as he testified before the astonished Sen. Proxmire. I offer a few more samples of his early writing taken from the Ayn Rand periodical, *The Objectivist*.

"Stripped of its economic jargon," he wrote, July 1966, "the welfare state is nothing more than a mechanism by which governments confiscate the wealth of the productive members of a society to support a wide variety of welfare schemes."

He charged that "welfare statists" were trying to demonetize gold because it was a barrier to "confiscation through inflation": "This is the shabby secret of the welfare statists' tirades against gold . . . Deficit spending is simply a scheme for the 'hidden' confiscation of wealth. . . ."

Under the title "The Assault on Integrity," he attacked consumer protection laws, and agencies like the Securities and Exchange Commission: "Regulation—which is based on force and fear—undermines the moral base of business dealings," he said. He called it the "hallmark of collectivists": "They confess their inability to grasp the crucial importance of the moral values which are the motive power of capitalism. Capitalism is based on self-interest and self-esteem; it holds integrity and trustworthiness as cardinal virtues and makes them pay off in the market place, thus demanding that men survive by means of virtues, not of vices. It is this superlatively moral system that the welfare statists propose to improve upon by means of preventive law, snooping bureaucrats, and the chronic goad of fear."

Greenspan, at 48, is 11 years older than when he wrote the above, but he still seems to have the ardor of Horatio Alger. President Nixon picked him to succeed outgoing Chairman Herbert Stein in the last throes of his administration when the White House attention was on other matters and when it may have been difficult to get others to join the wreckage. The Stein resignation was effective August 31. President Ford inherited the appointee, sworn in last week and did not intervene to head him off in the Senate as he might have done gracefully enough. The inexperienced President is up against what will probably be the toughest domestic problem of his term, economic control, and he is charging right into the so-called summit conference of labor, industry, consumers and other groups, a conference where he promises to preside. It will be a TV spectacular with Vice President-designate Rockefeller perhaps helping out and the CEA chairman available.

Mr. Greenspan is now part of a monolithic group of business-oriented economic advisers that Mr. Ford inherited from his predecessor: economic counsellor Kenneth Rush, former head of Union Carbide; Treasury Secretary William Simon, former partner of Salomon Brothers; Budget Director Roy Ash, former president of Litton Industries; William Eberle, director of the Council on International Economic Policy, former president of American Standard, Inc. There is also shrewd, pipe-smoking Arthur Burns, whose mild conservatism seems almost radical in this group. Dr. Burns thinks that stiffer antitrust law enforcement would help stop inflation, for example, a view rejected by chairman Greenspan, his former pupil.

President Ford has shown admirable flexibility in some directions since taking office and many hope that he will shortly shake up his economic counsellors. Sen. Proxmire vainly tried to further this development.

On August 13 he sent a "Dear Colleague" letter to each member of the Senate outside of the Banking Committee, questioning the nomination. Greenspan, he reported, was a man of skill and probity—a man who also "made it emphatically clear" that he opposed vigorous enforcement of the antitrust laws; who "does not support consumer protection legislation"; who "has the almost incredible posture for an economic realist in these days—of opposing the progressive income tax," and who, when he leaves Washington, has a place waiting for him back home on Wall Street with his old firm and its business fees and loyalties.

The Senate confirmed Alan Greenspan August 19 without a roll call.

To find somebody in high office these days who oppose the graduated income tax has a quaint nostalgia that is rather charming.

Back in the Civil War there was a small income tax, but the Supreme Court called it unconstitutional, five to four, in 1894. Mr. Justice Field declared "The present assault upon capital is but the beginning. It will be but the steppingstone to others, largest and more sweeping, till our political contests will become a war of the poor against the rich."

The 16th Amendment in 1913 legalized the tax and seemed to settle the matter. But it left some unhappy. Mr. Greenspan, meet Justice Field.

THE MAINSTREAM MEETS McGOVERN

Mr. ABOUREZK. Mr. President, the Washington Post this past Sunday carried a superb article by William Greider of the Post's national news staff about my senior colleague from South Dakota, Senator McGOVERN.

A central warning Senator McGOVERN issued in his 1972 campaign was that our system was being corrupted. He spoke not only about Watergate and related scandals, but about the entire range of official deception, and about the sustained attempt to literally transform the presidency into an elective monarchy.

Senator McGOVERN's attempts to sound the alarm were largely dismissed as excessive campaign rhetoric. It was only later that we discovered that, if anything, he had understated the case.

There are other examples where Senator McGOVERN was right on specific issues, as Mr. Greider's article points out. But just as striking is the habit of integrity and the style of openness Senator McGOVERN conveyed, as compared to the standard President Ford is trying to set now. In 1972 Senator McGOVERN risked ridicule when he practiced those ideals, and so much admiration was reserved for the smooth, shrewd professionals in the White House. Now as Mr. Greider points out:

If you compare the Nixon style of leadership with the example set by McGovern, it's obvious which legacy is more relevant at the Ford White House. Instead of McGovern slipping back into the mainstream, it is more the other way around.

Indeed, today essential honesty at the White House—which is something you should think we could expect—is celebrated as if it alone were the key to national salvation.

Mr. President, I think this article I have described, entitled "The Mainstream Meets McGovern," deserves both to be widely read and carefully contemplated. I, therefore, 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:

THE MAINSTREAM MEETS McGOVERN

(By William Greider)

After his great defeat, George McGovern swiftly became a non-person in national affairs. He was an embarrassment to his political party, an aberrational figure best forgotten.

In the nature of things, Washington shuns losers, especially big losers who threaten the status quo, much the way members of some religious sects turn their backs on those who have broken the faith. It happened to Barry Goldwater after his catastrophic loss of 1964 and to McGovern after 1972.

After many months of having every utterance transmitted instantly to the nation, the Senator suddenly had no voice. When McGovern chose to be out of the country at the moment of his rival's triumphant inaugural, the speech he gave at Oxford, England, was dismissed as the stale bile of a poor loser.

What McGovern said, among other things, in that speech on Jan. 21, 1973, was this:

"I am convinced that the United States is closer to one-man rule than at any time in our history—and this paradoxically by a President who is not popular. Fundamentally, we experienced an exhaustion of important institutions in America. Today only the presidency is activist and strong, while other traditional centers of power are timid and depleted. This is why one man in the White House was able for so long to continue a conflict of madness in Southeast Asia hated by so many of his countrymen."

An exercise in bad taste, people said, and the Oxford speech probably hastened McGovern's descent into obscurity. The press not only stopped seeking his pronouncements on issues and events, but it began turning collectively for Democratic Party opinion to some of the men he had defeated for the nomination, Humphrey and Muskie and Jackson. When McGovern called for President Nixon's impeachment on Oct. 23, 1973, the first senator of either party to declare himself so explicity, the speech was ignored, not even mentioned by the major newspapers.

McGovern's personal hurt was obvious enough. "The toughest thing to take in defeat," he said in a recent interview, "is to be defeated because you weren't understood. I was defeated for the Senate in 1960 and people clearly understood what their choices were and I accepted the verdict. I got over that race in a matter of days. The reason this one has been so hard to swallow is that I see the evidence all around me, in the press and elsewhere, that they have a great misunderstanding of me as a person. That's hard to take."

FAMILIAR GESTURE

This year, McGovern is running again in South Dakota, where his conservative opponent is trying to revive the radical image which scared voters so much in 1972. The outcome is important to McGovern, of course, and to his followers who are still faithful, but its import for national politics will be marginal.

Meanwhile, events have given the nation a new President whose opening gestures have created a sudden euphoria in the capital. As a Republican congressional leader, Gerald R. Ford joined in the campaign demagoguery which portrayed McGovern as a reckless radical. But as President, Mr. Ford acts as though he is reading McGovern's old campaign speeches for inspiration.

In these few short weeks, President Ford has convincingly declared himself for openness and candor in the White House, which was the overriding theme and style of McGovern's presidential campaign. Mr. Ford promptly abolished the propaganda office set up by his predecessor, the Office of Communications, a step which McGovern promised back in October 1972. Mr. Ford's easy manner at the economic "summit" session last week, his effort to convey the complexity of the problems rather than his own magic abilities to solve them, resembled McGovern's own style in '72 when he staged similar theatricals with voters.

It must provide wry consolation for the senator. In various ways, President Ford has reached out to address the same sensibilities which McGovern aroused in 1972—and which generated so much scorn for him from the "regulars" of both parties.

Gerald Ford extends a hand to the black voters represented by the Black Congressional Caucus (a cornerstone of McGovern's campaign). Gerald Ford appoints a woman as chairman of the Republican National Committee (which McGovern did for the Democrats in '72). Gerald Ford scraps the old hard-line rhetoric in favor of compassion toward Vietnam dissenters (McGovern's endorsement of amnesty was a political millstone). Even the President's wife alters the landscape with a frank statement on abortion (though her husband's press secretary immediately began modifying what she said, much the way McGovern was forced to do).

Indeed, if Gerald Ford makes any reasonable gesture toward rationalizing the nation's drug laws, particularly the harsh prison terms meted out to first-time marijuana users, then Sen. Hugh Scott and the others who painted the "triple-A" label on McGovern—for amnesty, abortion and acid—could use the same brush on their own President.

THE MAINSTREAM HAS MOVED

These are matters largely of style and sentiment. Gerald Ford is not George McGovern, rest assured. Still, so many of the perilous steps which McGovern took in '72 now seem to be conventional risks or even obligatory gestures. If you compare the Nixon style of leadership with the example set by McGovern, it's obvious which legacy is more relevant at the Ford White House. Instead of McGovern slipping back into the mainstream, it is more the other way around.

"I think the country now demands openness," McGovern reflects. "They didn't understand the importance of it in the pre-Watergate era, but they do now. I don't think he has any option other than to be available to the press and to be candid.

"That doesn't mean he can't be cautious and there may have been times when I should have been more cautious in what I said. But he's going to have to make himself available to the press and to the people in a way that his predecessor never did and I think he's doing that to his credit. But it's another bit of irony to see the high praise he's getting for doing something that I really think we did consistently all during 1971-1972."

McGovern has a hunch that the idea of amnesty for Vietnam draft evaders, conditional or something less, gained respectability because Republican politicians were confronted with the parallel question of amnesty for their ex-President, Richard Nixon.

"When prominent people began to say, 'I think he's suffered enough," other people said, 'Well, by God, my kid's suffered enough in Canada, up there in exile for the last five or six years.' The discussion of amnesty for Nixon or forgiveness for Agnew or Kleindienst, all of this created a climate in the country where people once saw it was impossible to temper justice with mercy now think it's a pretty good idea."

On a deeper level, the national government is still a long, long way from the basic ideas which George McGovern advanced as a candidate. Neither Congress nor the new President is anywhere close to embracing the full particulars of his controversial platform.

Meanwhile, McGovern's leaderless political party is still preoccupied with purging any trace of his brief tenure as its standard-bearer. Democrats have spent the intervening years gloating over Watergate and feuding intramurally. McGovern's own view is a grim warning: If the Democratic nominee in 1976 is not at least as progressive as he was in 1972, the party will lose and deserve to lose.

For it is clear that the political consensus is moving in his direction on some important issues, quite rapidly in several instances. McGovern assesses the progress this way:

"I think every one of the major recommendations we made in '72 on foreign policy, on defense policy, on tax reform, on open campaigning and an open presidency, the willingness to talk to the people and talk

to the press, the effort to finance a campaign on small contributions and open disclosure, all of this is now almost the conventional wisdom. I can just see these things coming to pass."

When McGovern proposed his $50 billion defense budget, it alarmed the status quo. This summer, however, the Senate voted a military cut equivalent to $6.5 billion; in 1972 McGovern was proposing an annual reduction of $10 billion. The Senate cuts are far from becoming final, but they were induced by inflation pressures which are forcing even the pro-Pentagon conservatives to take a harder look at military spending.

"If the House goes along and the President accepts that," McGovern said, "it's a major victory, I think. I never was under any illusion that the figure I proposed was exactly right. I don't know whether it ought to be $10 billion or $9 or $11. But if you can get them to turn the corner and start scaling down the military outlays, it seems to me that opens the way for more critical examination of other aspects of the military budget."

When McGovern was campaigning, fiscal conservatives shrunk in horror from his proposal to guarantee a job for every working man and woman. His idea was a government program of job creation with an initial price tag of $10 billion. Now the Ford administration has under consideration a more modest version of the same idea—a $4 billion program to create jobs as a hedge against rising unemployment.

Tax reform still seems a long way off and certainly the fundamental surgery which McGovern proposed is not exactly imminent. Yet, as a political issue, tax reform now rates a salute from McGovern's colleagues in Congress, even while they hide from it by delay. Across the nation, tax reform has become a standard item in the typical baggage of campaign issues. As McGovern said, it has to happen.

The issue of welfare reform, which got McGovern in so much trouble with his celebrated $1,000 per family formula, is not advancing. After the 1972 election, Mr. Nixon's less doctrinaire advisers whispered around town that they would be preparing a new approach on a guaranteed income for the poor, but it never surfaced, a victim of impeachment politics. The issue, these Nixon men privately complained, had been "given a bad name" by McGovern's inept handling of it, which seems a gratuitous slur when it was their own campaign apparatus which demagogued the welfare issue so blatantly.

The one most painful wound for McGovern, when he reflects on his ill-fated issue of war and peace, the U.S. involvement in Vietnam and, more important, America's view toward the world. He can find some comforting developments, but U.S. foreign policy under Henry Kissinger is still rooted in games of power diplomacy, not the moral vision McGovern preached.

McGovern claimed—correctly, as it turned out—that the Nixon administration was not prepared to end the fighting in Vietnam, that peace was not at hand, despite Kissinger's famous promise a few days before the election. The war continues with American money and Vietnamese casualties. It was Congress which ordered a halt to the bombing over Kissinger's objections. It was the Senate which has attempted to scale down the U.S. arms shipments over administration protests.

For McGovern, it is the cruelest irony, even though his complaints were substantiated.

"When I said this was the most corrupt administration in American history," the senator says, "one of the major factors I had in mind was an administration that would deliberately continue a war for another four years for what I think were domestic political reasons. I'll always think that. I've seen no evidence to the contrary.

"They finally settled on terms that they could have had in 1969 and I guess one of the bitterest pills I ever had to swallow was to see this administration win the Nobel prize for settling the war in Vietnam when, in fact, they not only prolonged it for four years but they actually spread it into Cambodia and Laos and carried on that secret, unauthorized, unconstitutional bombing for a year and a half in Cambodia . . .

"The final irony about Vietnam is that it was always said that if my formula were accepted, which was to agree to withdraw with the understanding that the prisoners would be released, it would be running out on the people of Vietnam and our departure would be followed by bloodshed and a bloodbath, as I guess they called it.

"Well, the bloodbath is there. The one difference is that I proposed to terminate the flow of American military supplies, which is what's fueling the war. You couldn't have this kind of massive killing if it weren't for the continued flow of American arms and, furthermore, you would have more pressure toward a settlement if those arms weren't there. As long as we continue to bankroll that Thieu regime, we're sabotaging our own peace agreement."

On a broader perspective, McGovern does not see much hopeful change in U.S. foreign policy. Except for the opening to China, McGovern finds U.S. policy still based on adventurism and big-power manipulation, the ingredients which led to Indochina in the first place. His own preachment on human rights and moral purpose were dismissed alternately as naive mush or neo-isolationism. Yet McGovern asks today:

"I don't know, for example, why we're trying to make the United States a major naval power in the Indian Ocean at this stage in history. What we ought to be looking at is the massive food and population crisis that is gathering force in South Asia and all across Africa. Yet the administration still thinks in those old power terms rather than in the new global dimensions that we're going to have to concentrate on if we expect to keep the human race alive on this planet."

Kissinger's latest diplomatic miracle in Cyprus, somewhat tarnished by the subsequent anti-American riots and the slaying of our ambassador, strikes McGovern as another absurdity of a foreign policy dominated by military considerations, a vest-pocket war in which American taxpayers were involved because they provide the guns for both sides.

"It's a classic example," he says, "of American arms behind Greece and Turkey that were used not for our security but to go to war over a third country. One of the things that was a major thrust of my campaign was to get military spending scaled down, not just to save money, but to demilitarize our foreign policy."

OPENNESS WORTH RISKING

If McGovern's various ideas have continuing strength, then that makes his failure as a candidate all the more striking. He now accepts the principal blame for his campaign's failure to communicate those ideas in a way which could attract popular support, though perhaps there is enough blame to share with others—the press, which allowed Nixon to hide behind phony rhetoric; the other politicians who waved the bloody shirt on complex issues; the general mindset which perceived McGovern as "strident" when he warned about Nixon's corruption.

One of the elements which helped undo McGovern of course, was his open campaign style, his pious claims of candor and honesty. When the candid candidate was caught in a few dramatic lapses, he lost that claim of credibility forever. Popular distrust seemed deeper than if he had never promised openness in the first place.

In a way, Gerald Ford faces that same peril now. He is out on the same limb. His earnest promises to operate with openness and honesty have been convincing, his first gestures have been imaginative. Still, if events trip him up suddenly, Mr. Ford could likewise find himself doubly damaged by his own good intentions.

The image of a wholesome, straightforward man in the White House is so potent these days, the danger is that press and public and White House aides will somehow translate it into the old magic of an infallible President. George McGovern thinks that openness, despite its risks, is still the best antidote.

"I would have to admit," McGovern said, "that over the long haul, the politicians that seem to survive the longest are the ones that say the least, but that doesn't mean that that's right. I think, given the present state of the country, Ford has to take whatever risks are involved in being open with the country. The other way only holds up if you assume that your personal political survival is the most important thing in the world, and it's not. The survival of any given politician is of small consequence to the country, and that's what a President has to think about now."

FEDERAL SPENDING: WHERE DOES THE RESPONSIBILITY REST?

Mr. HARRY F. BYRD, JR. Mr. President, I believe that there is a growing awareness in our Nation of the impact which huge Government deficits have had and are continuing to have on the economy. Each day it becomes clearer that our Government's long string of unbalanced budgets is a major cause, if not the major cause, of inflation.

On August 29, the Eastern Shore News of Onancock, Va., edited by Mr. George N. McMath, published an excellent editorial on waste and excessive spending by the Federal Government.

The editorial cites a number of wasteful expenditure items in the Federal budget which had been pointed out by Congressman JOHN CONLAN of Arizona, and concludes that the administration and the Congress have a joint responsibility to eliminate such practices.

The editorial also points out the importance of restoring balance to the Federal budget as a "first step" toward curbing inflation.

I strongly agree with the points made in this editorial. We are not going to get the cost of living under control until we get the cost of Government under control.

I ask unanimous consent that the editorial from the Eastern Shore News be printed in the RECORD.

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

WHERE DOES THE RESPONSIBILITY REST?

Recently we ran an editorial on federal spending and pointed out some of the ridiculous national expenditures which had been brought to light by Congressman John Conlan of Arizona. These included such items as $19,300 to study why children fall off tricycles, $46,089 for a dictionary of witchcraft, and $70,000 to study the Indo-Australian ants.

The question arose as to where the responsibility rests for these expenditures. The Administration recommends a budget and Congress reviews it and passes a budget bill. We wrote to Congressman Conlan for his views on which branch of government was to blame for unwarranted expense items and his administrative assistant answered by way of a telephone call. He placed the blame first on the "bureaucrats" and then on the liberal Congress. He explained that in the budget proposed by the Administration there are lump sums for the various agencies and departments. The items quoted above and in the previous editorial were not listed as part of the President's budget. The Congressman's assistant reported that when the "bureaucrats" come before the committees they do not justify their requests except in general terms and the committees do not require such disclosure or any assurance as to where the funds will be spent.

We feel under these circumstances the Administration is initially responsible for seeing that the lid is put on unnecessary spending and that it is up to the Administration (in this case it was the Nixon Administration) to see that controls are established over the bureaucrats which would prevent a waste of public funds. But if the bureaucrats fail to use good judgment in the expenditure of appropriated funds, then it is Congress that has the second level of responsibility and should demand an accurate accounting of proposed expenditures.

Today we are faced with one of the most perplexing problems ever to come before this country—and that problem is inflation. Economists and other experts cannot agree on a solution. Runaway inflation erodes the value of the dollar; over deflation could bring on a depression with the dollar having value, but with few dollars in circulation. On one point, however, most agree. The first step in solving the problem is to balance the budget. All too often this has not been the case.

Although the Nixon budgets too frequently were out of balance, we were encouraged by his veto of various bills passed by Congress which he thought were excessive and inflationary. We also are encouraged by President Ford's early plea for a balanced budget in fiscal '75. We are discouraged to find that a group of Democrats have advocated a decrease in taxes, which as pleasant as it sounds, would only increase demand and fuel the fire of inflation. On the other hand, we are encouraged that a Republican, an independent (Virginia's Senator Harry F. Byrd, Jr.) and a Democrat have introduced legislation in the Senate to limit spending this year to $295 billion—$5 billion less than recommended by President Ford, but $25 billion more than was spent in the last fiscal year.

Every age needs statesmen and this age is no exception. Certainly in the area of fiscal responsibility and fiscal restraint we need the full cooperation of the Executive and Legislative branches of government.

An editorial in Sunday's "Richmond Times-Dispatch" was concluded with this question: "Is it too much to hope that the spirit of thrift . . . is finally catching on at both ends of Pennsylvania Avenue?" For the good of all America, we hope it is not too much to hope. The spirit of thrift is needed today in Washington, in every state capitol, and in every home.

ENERGY CONSERVATION

Mr. MATHIAS. Mr. President, there is an increasing realization in the Congress and across the Nation that we can no longer continue to consume energy as we have in the past. Each year our per capita consumption of energy has risen. We cannot possibly satisfy America's great appetite for energy without doing irreparable damage to our environment. Clearly the answer is to control the appetite. This can be accomplished in two ways. On the one hand the Government can intervene in the marketplace and impose restrictions on the use of energy. At some point in the future this may be necessary. But on the other hand, Americans can come to appreciate the finite nature of our energy resources and learn to use those resources more efficiently.

The great opportunity to use energy more efficiently has not escaped the attention of experts in the energy field. Recent studies by the Council on Environmental Quality, the Special Energy Task Force of the Ford Foundation, and by the staff of the Joint Committee on Atomic Energy of the Congress, have all shown the great benefits to be derived from meaningful conservation efforts. Dr. Rustum Roy, director of the Materials Research Laboratory of the Pennsylvania State University, has written a most provocative article in the Science Education News of the American Association for the Advancement of Science on this subject. Dr. Roy calls for increased efforts to educate the public on the importance of energy conservation. I believe the points he makes are critical to the future well-being of this Nation.

Mr. President, I ask unanimous consent that Dr. Rustum Roy's article be printed in the RECORD.

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

[From the Science Education News of American Association for the Advancement of Science, May 1974]

ENERGY EDUCATION: THE CHEAPEST SOURCE OF ENERGY

EDUCATION—FOR WHOM?

In this article I will be concerned solely with education programs for the general U.S. public—what goals may be set for such programs and what vehicles utilized. But first one must focus on the nature of the audience since many education programs go astray by not keeping firmly fixed on the target audience. The level of the U.S. public's understanding of science and its impact on our national life is perfectly illustrated by the public's response to the energy crisis. Indeed, any energy-education program could well start with what we have long advocated—a national survey of public information and attitude on basic questions such as what the general public knows, and what its attitudes are, about every energy issue from radioactive waste to smaller automobiles. Contrary to writings by social critics such as Mumford or Roszak, and typified by a recent statement in *Science*,[1] the *attitude* of the general American public toward science, as measured by national surveys of the public, shows little sign of disaffection. Such recent surveys show that "medicine" and "science" are more believed in than any similar institution in the country. But that is the end of the good news. Unfortunately for us, these positive attitudes toward science and technology are not founded on information or understanding. The positive attitudes probably result from the emotional relocation of certain philosophical-religious values, principally hope and "salvation," away from abstract and distant interpretations of "God" into concrete and demonstratively effective (at first sight) cures and comforts which the "god" of science and technology provides.

Most American citizens can accurately be described as tourists in their own culture, diplomats living comfortably in a foreign land—the world dominated by science and technology.

What then can one realistically hope to achieve in energy education of such cultural tourists, ignorant of, but friendly toward "science"? What would one want to communicate? and what means are likely to have modest or limited success? It is simply absurd to attempt to provide the general public with cognitive, information material to help people make intelligent, informed choices on the relative merits of nuclear energy versus coal. Such efforts are likely to be, indeed have become, counter-productive. The public reaction to a surfeit of detail, claim and counterclaim, or the carefully hedged-about statements of responsible scientists, is merely to increase its distrust of "authority." Furthermore, the same discussions of alternative technical strategies, of mixes of new technologies to meet the nation's energy needs, also tends to reinforce the dangerous view that man has an infinity of "technofixes" available—which will sooner or later be applied to permit the individual to do exactly as he wishes, with minimum discomfort or change in ways, and with lower taxes to boot.

[1] "The past may give some hints on how to survive the most recent recurrence of public hostility to science." S. G. Brush, *Science* 183, 1164 (1974).

FREEDOM OF INFORMATION ACT GUIDE

Mr. TUNNEY. Mr. President, one of the most important tools of citizens in learning about their Government is the Freedom of Information Act. This act specifies that citizens are entitled to see any Government documents or papers, unless they fall into certain enumerated categories of exemptions. In the 8 years in which this act has been in existence, it has proven invaluable in numerous cases.

Many people are still unfamiliar with their rights under the act, and the procedures for obtaining information under it. A Washington-based organization, the Freedom of Information Clearinghouse, has produced a very valuable brief guide to the Freedom of Information Act. Knowing that it will be of interest to my constituents and to others around the country, I ask unanimous consent that the Freedom of Information Act guide be printed in the RECORD.

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

THE FREEDOM OF INFORMATION ACT: WHAT IT IS AND HOW TO USE IT

The federal government is a vast storehouse of untapped information. This information is useful to citizens for two purposes. First are facts that can be personally helpful to individual citizens. The regulatory agencies, for instance, have a large amount of data (inspection reports, consumer complaints, product tests, etc.) on a broad spectrum of goods and services: interstate moving companies and bus lines, the efficacy of drugs, the nutritional content of processed foods, corporate marketing and merchandising practices, the on-time performance and safety records of airlines, and so forth.

So, too, do many of the executive depart-

ments. The Department of Health, Education and Welfare makes inspections of federally supported nursing homes. Agriculture has data on pesticides and the purity and quality of meat and poultry. HUD makes FHA mortgage appraisals and monitors the practices of many large housing developers. The National Highway Traffic Safety Administration has safety and efficiency information on all makes of cars. The General Services Administration tests a wide variety of consumer products that are used by government agencies.

The second purpose is that open access to government information provides the electorate with information necessary to determine if the government is protecting the public interest. Such access to information is the lifeblood of a democracy, and if it does not flow to the citizenry democracy withers. In this area, the list of facts that are being withheld by government agencies is too long and too obvious to need specification: it runs from defense and foreign policy to the safety of nuclear generators and the management of our national forests and grazing lands. As Justice Brandeis once said, "Sunshine is the best disinfectant." An open government will probably be a better government.

In order to provide the public with a tool to pry both types of information out of the Government, the Federal Freedom of Information Act was paseed in 1966. The Act provides that any person has the right of access to and can receive copies of any document, file, or other record in the possession of the Federal Government subject to nine specific exemptions. The Act applies to all Federal administrative agencies and departments. While it does not apply to state governments, many states have their own freedom of information acts for information held on the state and local level.

What follows is a general description of the Act and some specific guidelines as to how it can be used most effectively.

HOW TO MAKE A REQUEST

The first step is to determine what it is that you want access to, since the law says you must specify "identifiable documents." This may not be an easy matter, because the very reason for your request may be that the specific identity of the documents has not been made public. But you do not need to specify a document name or title. What you must do is provide a reasonable enough description to make it impossible for the government to claim that the request is too vague. For example, if you want information on nursing homes in your area, it is enough to state that the government requires annual surveys to be conducted of nursing homes, and that you want to see the surveys. Or if you are interested in the broader scope and purposes of a particular government program, you can request access to all documents that relate to the particular program.

Your request need only state that it is being made pursuant to the Freedom of Information Act (5 U.S.C. Sec. 552). With one exception (as noted later), you do not have to explain the reasons for your demand, nor do government employees have any right to ask. By statute, the only ground an agency has for refusing your demand is proof that the documents are specifically exempt under one of the exemptions. The requester does not have to prove that he tried to obtain the documents and found them unavailable. The request should state merely that if no substantive response is received within 20 days, the request will be deemed to have been denied. The importance of including such a statement is that (a) it puts the official on notice that you know your rights under the Act, and (b) it establishes a record for possible later use in court.

An appeal within an agency or department is usually necessary after an initial denial is received. An appeal letter should be addressed to the head of the agency or department and should detail the request and the denial and state that an appeal is being made of the agency's initial denial. This may be only a two- to three-sentence letter. (We have included a sample request letter and appeal letter).

If the appeal is denied, the Act provides that the U.S. District Court has jurisdiction to review the denial and order the production of documents if such documents were wrongfully withheld. The court action, while fairly time-consuming (nine months to a year), is usually fairly simple, especially if your previous correspondence has established the fact that you made a proper request and appeal.

NINE EXEMPTIONS

The nine exemptions and the type of information exempt under each are as follows: the Freedom of Information Act does not apply to matters that are:

(1) specifically required by Executive order to be kept secret in the interest of the national defense of foreign policy.

The documents exempt under this section are those, like the Pentagon Papers, that are officially stamped Secret, Top Secret, etc. Courts are most reluctant to order the release of information if this exemption is at all relevant. However, the mere fact that the information you seek may be in the possession of the Department of State or the Department of Defense does not necessarily eliminate its availability. For instance, material such as results of drug-testing done on GI's returning from overseas is not exempt under this provision.

(2) related solely to the internal personnel rules and practices of an agency

This exemption covers things such as employee parking and cafeteria regulations, as well as certain manuals that relate to the internal management and organization of particular agencies. But staff manuals instructing inspectors or agents how to perform their jobs are not exempt.

(3) specifically exempted from disclosure by statute

This exempts documents and information that are exempt from disclosure by other laws. The main ones are income tax returns and applications submitted respectively to the Internal Revenue Service and the Social Security Administration. In those cases information that relates to individual taxpayers and recipients or applicants under Social Security is exempt.

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential

The agencies under this section may withhold information only if it is either a trade secret or commercial or financial information. Confidential information that is not one of these is disclosable. This exemption applies only to information submitted to the government; government-prepared documents can never be exempt under this section.

(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with an agency

This exemption is the one most widely used by the government which will resort to it in almost every situation. In general, the dividing line between what may and may not be revealed under this exemption is the line between opinion and fact. Opinions and policy recommendations are the traditional types of information that can be legitimately withheld; for instance, a memo from a staff person to a supervisor recommending that a policy be formulated would be exempt. But factual reports or analyses of facts are not exempt. Thus a judge might or might not consider reports of inspectors or field personnel exempt; the material might contain opinions, but if it can be determined that it is more factual analysis than policy recommendation, it should be made available.

(6) Personal and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This exemption is self-explanatory. It should be pointed out, however, that this is the only exemption that encourages a balancing of interests between disclosure and non-disclosure—the one case, in other words, in which the reason behind your request may be material. If your request involves this exemption, a brief explanation of why you want the information should be made so that it can be determined whether the disclosure of information would be an unwarranted invasion of personal privacy.

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.

This is another over-used exemption, since a regulatory agency can claim that almost any information in its possession is an "investigatory file." However, the courts have stated that only where a law enforcement proceeding is presently active or contemplated can the exemption be used. While documents like annual surveys or inspections may be investigatory, they are not compiled for law enforcement purposes and, therefore, are not exempt under this section.

(8) and (9) These are special-interest exemptions that relate to banks and oil well information and are not relevant to most applications of the Act.

GUIDELINES

There are, of course, many ways in which agencies avoid disclosing information even when the information is not specifically exempt under one of the nine enumerated exemptions. Delay is generally used. While some delay may be due to normal red tape, the technique is frequently used for the specific purpose of avoiding disclosure. Remember that the less precise you make your request, the more room you provide an agency to delay while it seeks "clarification."

Identify as specifically as possible what it is you want. Describe what is requested in both specific and general terms. If the title of a report is known, request it by title. However, the same letter should also ask for "any other documents relating to the subject," or words to that effect. This is extremely important, since it helps to counter in advance the frequently used bureaucratic practice of providing only what you specifically ask for, even though other valuable information on the same subject may be in the agency's possession.

An important way to cut down on delay is to put a time limitation in your request—for example, "If a substantive reply is not received within 20 days of the date of this request letter, I will deem my request denied." At the end of the 20 days, file an appeal. The courts will uphold this procedure as long as the agencies are given a reasonable time to respond.

Another important tactic is to follow up written requests with phone calls. If the agencies are aware that you know your rights under the Freedom of Information Act, they will sometimes move more quickly. In fact, an approach that shows both knowledge and determination on your part may spare you the necessity of going to court.

Another barrier to access is cost. The law permits agencies to charge for copying and for some search time. However, charges must be cost-related and may not be used as a barrier to access. To save money, request access to documents instead of copies; and if you do ask for copies insist that any charges be related to the cost of providing them. Fifty cents per page for copying, or $4.00 for fifteen minutes of search time, is not cost-related.

If your only way to get the information is to take the government to court, here are a few facts to keep in mind:

The legal issues involved in a Freedom of Information Act suit are simple and do not require specialized counsel. Any lawyer can handle your case, and it will probably take relatively little of his time. (Many cities have public-interest law firms that might be willing to take such a case for a nominal fee.) If presently pending amendments to the law are passed, the government will pay your lawyer if you win the case.

All that your lawyer must prove is that the government refused to give you the requested information within a reasonable time. The government has the harder case, since it must prove that the information legitimately falls under one of the nine exemptions.

You will not have to go to Washington, D.C., to argue your case, even if you are suing a Cabinet secretary. The federal court in your area will handle the case.

In recent months there has been a distinct trend among federal judges to narrow the interpretation of the nine exemptions, thus making it increasingly difficult for the government to use the exemptions frivolously. Also, one of the amendments now before Congress will, if passed, further narrow the national-security exemption.

AMENDMENTS TO THE FEDERAL FREEDOM ON INFORMATION ACT

The House has passed and the Senate is considering amendments to the 1967 Federal Freedom of Information Act. If adopted, these amendments will provide that the government must respond within 15 days to all requests for information. They also allow greater access to classified information and will allow successful citizen requesters to recover legal costs including attorney fees incurred in bringing a Freedom of Information Act case to court.

STATE LAWS

As stated earlier, the Freedom of Information Act applies only to Federal administrative agencies and not to state agencies. However, many states (33) do have fairly effective laws. To find out about state laws, look them up in the state code or write the Attorney General of your state. Many of the more recent laws, like those of Texas, Oregon, New Mexico and Washington, are modeled after the Federal law; the guidelines presented in this pamphlet are also generally applicable to those states. The state laws have been used even less than the Federal law. Only through citizen use of these laws will they become effective tools for access to information on the state and local level.

SAMPLE REQUEST LETTER

(Name and address of agency)
(Washington, D.C. usually will do for address)

Dear Sir or Madam:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, I hereby request access to (or a copy of) (Identify document or describe the information that you want)

If this request is denied either in whole or in part please inform me as to your agency's appeal procedure. If any expenses in excess of $5.00 are incurred in connection with this request, please inform me of all such charges prior to their being incurred for my approval. If I do not receive a substantive reply within 20 days of the date of this letter, I will deem my request denied.

Thank you for your attention to this matter.

Very truly yours,

_____.

SAMPLE APPEAL LETTER

(Name or head of agency or Department and address)

Dear Secretary:

By letter dated (month), (day), (year) I requested access to (use same description in request letter). By letter dated (month), (day), (year), Mr./Ms. _____ of the Office of Public Information of your agency denied my request. Pursuant to the Freedom of Information Act, 5 U.S.C., § 552, I hereby appeal that denial. I have enclosed a copy of my request letter and the denial that I have received.

If I do not receive a substantive response to this within 20 days I will deem my request denied.

Very truly yours,

_____.

TYPE OF DOCUMENTS AVAILABLE

The following is a partial list of documents to which access was obtained by citizens claiming their rights under the Freedom of Information Act:

Nursing Home Reports.

Meat Inspection Reports.

Reports on the Fat Content of Hot Dogs.

Statements as to whether the Antitrust Division of the Department of Justice will stop a proposed merger.

Atomic Energy Commission reports on the safety of nuclear generators.

Civil Rights compliance documents.

Internal Revenue Service Agents' Manuals.

The 1972 Annual Report of the Office of Economic Opportunity.

Mr. TUNNEY. I would also like to mention, for those people who desire more detailed background and legal interpretations of the act, that the Senate Judiciary Subcommittee on Administrative Practice and Procedure has printed an extensive sourcebook on the act.

DEATH OF AUDLEY H. WARD

Mr. THURMOND. Mr. President, a distinguished South Carolinian and American, Audley H. Ward, of Aiken, S.C., passed away August 17.

Audley Ward was admired and respected by all who had the pleasure of knowing him. He was not only a warm human being, but he was possessed of a strong Christian faith and rendered many hours of public service to his community, State, and Nation.

Perhaps the high points of his public service came when he was elected commander of the South Carolina Department of the American Legion and national vice commander of the Legion. He also served as president of the Aiken Rotary Club and as a district governor of Rotary International.

A native of Florence County in South Carolina, he graduated from Clemson University in 1914. Most of his life was spent in Aiken, S.C., where he made his home and taught a Bible class at St. Johns Methodist Church for 43 years.

My deepest sympathy goes out to his lovely widow, Mrs. Ruth Walker Ward and other members of the family.

Mr. President, I ask unanimous consent that there be printed in the RECORD following my remarks an article in the August 19 issue of the Aiken Standard newspaper reporting on Mr. Ward's death; an editorial in the August 20, 1974, issue of the same newspaper titled "Audley H. Ward" and an editorial in the Augusta Chronicle of August 20 entitled "Audley H. Ward."

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

[From the Aiken (S.C.) Standard, Aug. 19, 1974]

FUNERAL IS HELD FOR A. H. WARD

Audley H. Ward, 83, of South Boundary Ave., S.E., died Saturday at an Augusta veterans hospital after an extended illness.

Funeral services were held Sunday at St. John United Methodist Church, with the Rev. Robert E. James and Dr. Feltham S. James officiating. Burial was in Bethany Cemetery.

A native of Florence County, Mr. Ward was a son of the late Joseph E. and Vermell G. Brockington Ward. He graduated from Clemson University in 1914 and received his Masters degree from the University of Wisconsin. He taught two years at Clemson and was one of the pioneer high school agriculture teachers at Orangeburg. He served overseas during WWI and upon his return was appointed County Agent for Darlington County. He was named District Agent for the Clemson Extension Service in 1924 with headquarters in Aiken and retired from that position in 1957.

He was a member of St. John United Methodist Church and had served as a steward and trustee. He taught the James Cannon Bible Class for 43 years.

Mr. Ward was a past president of the Aiken Rotary Club and past District Governor of Rotary International; past president of the Aiken Business Mens Club; twice commander of Aiken Post No. 26, American Legion; served as District Commander for two terms; and in 1946 was elected Commander of the S.C. Department, American Legion. He was elected one of the National Vice Commanders of the American Legion in 1951. He was also a member of the Aiken Shrine Club and was a 50 year member of Aiken Lodge No. 156, A.F.M.

He served as state and county director of the Tuberculosis Association, twice as Campaign director for the S.C. Cancer Society and three terms as president of the S.C. Cancer Society.

Following his retirement in 1957, Mr. Ward served several years as executive director of the Aiken Chamber of Commerce and in 1959 was named Aiken Man of the Year by the Chamber.

Surviving are: his widow, Mrs. Ruth Walker Ward; two step children, Mrs. Arliss Roberson Green, Columbia, David A. Roberson, Tullehoma, Tenn.; and a number of nieces and nephews.

[From the Aiken (S.C.) Standard, Aug. 20, 1974]

AUDLEY H. WARD

Audley Ward was two years old when Clemson University (college it was then) was founded in 1893 with the principal objective of promoting the betterment of agriculture in South Carolina. For most of his 83 years, Mr. Ward devoted his tremendous talents and abilities to the same cause.

He was born in a farming community of lower Florence County and after graduating from Clemson in 1914 earned a master's degree from the University of Wisconsin. He came back to South Carolina—Orangeburg—to become one of the first agriculture teachers in the state.

After overseas service in World War I, Mr. Ward went to Darlington as county agent and in 1924 was named district agent for the Clemson Extension Service with headquarters in Aiken.

In the 50 years since he arrived in Aiken, few men have contributed more to community life than Audley Ward. His career with the Extension Service, in which he supervised the work of farm agents in a number of counties, witnessed a real transformation in the status of farming and of farmers and Mr. Ward played a significant role in this movement.

His list of civic honors is lengthy. He taught the James Cannon Bible Class at St. John's United Methodist Church for 43 years, also serving terms as a steward and trustee of the church.

His leadership abilities were quickly recognized in all of his endeavors. After serving as president of the Aiken Rotary Club he moved upward to become district governor of Rotary International. He was twice commander of American Legion Post 26 and was also South Carolina's Legion commander, as well as a national vice commander.

He served at one time as president of the Aiken Business Men's Club and was a Mason and a Shriner.

In the field of health, he served three terms as president of the South Carolina Cancer Society and was twice campaign director for the state society. He was also a state and county director of the Tuberculosis Association.

After retiring from the Extension Service in 1957, Mr. Ward served for several years as executive director of the Aiken Chamber of Commerce. He was honored as Aiken's Man of the Year in 1959.

Mr. Ward was a man of exceptional qualities, but it was as an orator, humorist and after-dinner speaker that he is best remembered by his fellow citizens. Although in demand as a speaker in many parts of the nation, he was always available for worthy causes at home, and he was master of ceremonies for most of the important gatherings in the city until his health failed.

With his gifts as a speaker, Mr. Ward could hold his audiences spellbound or subject them to gales of laughter. His central theme through more than 50 years of public life was one of hope for South Carolina's farmers.

His death on Saturday is an occasion for sadness in our community and state, and we extend our sympathies to his family.

[From the Augusta (S.C.) Chronicle, Aug. 20, 1974]

AUDLEY H. WARD

Aiken and the state of South Carolina, both of which he loved so well and ably served, are ever so much diminished today for their loss to death over the weekend of Audley H. Ward.

Long known throughout the South as an able and effective speaker, the Florence County, S.C. native was one of the region's most knowledgeable agricultural experts. He served, from 1924 to 1957, as the district agent for the Clemson Extension service.

Always active in public affairs, Audley Ward was past president of the Aiken Rotary Club, past district governor of Rotary International, past president of the Aiken Businessmen's Club, as well as a member of several other civic groups. A long-time member of the American Legion, he was elected one of its national vice-commanders in 1951.

Even after retirement, Mr. Ward served for several years as the executive director of the Aiken Chamber of Commerce, and he was active in both the South Carolina Cancer Society and the Tuberculosis Association. For outstanding service to his community, he was the recipient of the Aiken Chamber of Commerce's Man of the Year Award in 1959.

Audley Ward was a man who lent his ability and the weight of his sound judgment to any enterprise to which duty called him. He will be missed, not only by his family, but by thousands of friends and associates who had long appreciated his contributions to the advancement of his city, state and Nation.

THE PRESIDENTIAL PARDON

Mr. MONDALE. Mr. President, President Ford's action on Sunday—pardoning former President Nixon—may have been an act of mercy toward Mr. Nixon. But I would like to suggest that it was an unfair, unfortunate, and unethical act toward the American people and toward our system of justice.

Over the past 2½ years, the American people have heard one allegation after another about the activities within the executive branch which have come to be known as the Watergate coverup.

They have heard admission after admission—from the lowliest "dirty trickster" to the President himself—of questionable, if not illegal, activity by high Government officials.

They have seen conviction after conviction of public servants. And they have listened as the integrity and independence of our law enforcement and regulatory agencies have been called into question.

These charges have struck at the very heart of our Government. They question our basic assumptions and tenets.

To believe that now—after all of this—the American people will settle for anything less than the full truth—complete disclosure of the entirety of Watergate—is a naive and ridiculous underestimation of the intelligence and integrity of the American people.

There is a passage in Richard Nixon's Watergate transcripts which I believe merits rereading. It comes from a conversation on March 13, 1973, between the President and John Dean. The President is discussing Watergate. He says:

> How much of a crisis will it be? . . . The point is, everything is a crisis. . . . It will remain a crisis among the upper intellectual types, the soft heads, our own Republicans too, and the Democrats, and the rest. Average people won't think it is much of a crisis unless it affects them.

Here we have one of the more obvious indications of Richard Nixon's underestimation of the intelligence of the American people.

In the telegrams, letters, telephone calls, and personal visits I got after the Saturday Night Massacre, after the Agnew plea, and after the tapes disclosures were any indication, the American people are a lot smarter than Richard Nixon ever thought.

On Sunday, we saw Gerald Ford make the very same mistake—perceiving what the American people want and what they deserve.

They will not tolerate the ultimate Watergate coverup. But that is exactly what Mr. Ford's pardon was. It will keep the truth about Watergate from the American people, possibly forever.

For months now the American people have demanded the truth and we have been seeking the truth. That is what the Senate Watergate Committee was all about; that is what the impeachment inquiry was all about; and that is what the grand juries are all about.

Now that the normal judicial processes have been short-circuited by Mr. Ford's action, our chance to get the truth have been largely eliminated.

Let me explain what I mean. We cannot now expect to get the truth about Watergate directly from the former President. We cannot expect a plea accompanied by a disclosure or confession; we cannot expect a trial of the former President for any illegal acts which may have been committed. We can hope only that, at best, some sketchy details may be disclosure at trials of former Nixon associates.

In fact, if Mr. Nixon's statement of Sunday is any indication, all we may ever learn, according to his $2 million biography some years hence, is that he is totally innocent.

In the meantime, the tapes and documents which contain the only real source of the truth remain in the possession of Mr. Nixon, protected by a contract, also announced Sunday, signed by a Government agency.

Not only is there no right of public access to the truth, there is, in fact, a realistic possibility that the truth will be destroyed, probably after the publication of Mr. Nixon's "truth telling" biography.

We will not know the truth in order to better legislate remedies to prevent future Watergates.

We will not know the truth in order to set the historical record straight on the worst political scandal in American history.

We will not even know what Mr. Ford has pardoned—be it misuse of the CIA and FBI, harassing tax audits, the sale of ambassadorships, the compromise of the antitrust laws, or whatever.

Contrary to what Mr. Ford must have thought, I do not believe the American people will stand for it. I believe the American people want the full truth. I believe the only real "national interest" is in full disclosure.

Accordingly, I have written to Senator SAM ERVIN, in his capacity as chairman of the Senate Government Operations Committee, asking that he immediately issue a subpena for all relevant Nixon tapes and documents to insure that they are preserved and to guarantee access to them by the Congress.

In the meantime, I suggested that the Government Operations Committee—which has oversight jurisdiction over the GSA—explore means to insure that the full Watergate truth be uncovered and provided to the American people.

When he was asked—during his confirmation hearings—about the prospects for a pardon of his predecessor, Mr. Ford said:

> I do not think the public would stand for it.

Mr. Ford was very right then and is very wrong now.

Not only, however, is Mr. Ford's act the ultimate coverup. It is also the ultimate injustice.

As I drive to the Capitol Building each morning, I see four words written over the portals of the Supreme Court Building across from the Capitol. Those words are "Equal Justice Under Law."

Among our most basic principles, equality before the law must rank at the very top. It is part of the due process clause of the fifth amendment binding the Federal Government. And, so there would be no mistake, was made part of the 14th amendment binding the States.

We are a nation of equality and legality.

Yet, what have the American people seen in this context over the past several months.

First, a former Attorney General enters a guilty plea to a minor offense and escapes jail entirely, after admitting lying at his own confirmation hearing about a significant matter of law enforcement.

Then, a Vice President of the United States enters a nolo contendere plea to a minor charge and escapes jail, while each of us reads 40 pages of accusations as to his illegal and immoral conduct while occupying the second highest office in the executive branch.

Now, a President of the United States resigns under pressure from his critics and his defenders after admitting lying to the American people and, possibly, being part of massive illegal activity. Yet, he too escapes significant punishment.

How do we explain to John Dean and all the others who have or will serve sentences for Watergate-related activity that Richard Nixon has a seaside view in San Clemente?

How do we explain to those who have public assistance denied to them for minor infractions that Richard Nixon is getting a $60,000 per year pension, an allowance for travel, $90,000 per year for staff salaries, and an allowance for offices?

How do we explain to the victims of burglaries, robberies, and other crimes that Richard Nixon is protected by the Secret Service?

How do we explain to the woman in Kentucky who received a lengthy jail term for stealing a pork chop to feed her family that Richard Nixon will never serve a day in jail?

How do we explain to the Vietnam deserter that Richard Nixon had unconditional amnesty—without any alternative service?

Most importantly of all, how do we explain to our children what equal justice means?

I surely do not mean to suggest that what these people did was right or that they should escape punishment. I do mean to suggest that everyone has the right to expect equal justice under our system of laws.

Theodore Roosevelt put it well when he said:

> No man is above the law; every man is below it; and we need ask no man's permission when we require him to obey it.

Our system of justice must, of course, be tempered with mercy. No one takes joy from another's suffering; no one takes pleasure in a family being tortured.

But, as Jerald terHorst said Sunday as he resigned:

> Mercy, like justice, should be even-handed.

I reject the notion that Mr. Nixon has suffered, in his worldview, any more than John Dean has suffered in his or than the woman in Kentucky has suffered in hers. They were destroyed—in their jobs, among their friends, and in their mental suffering—every bit as much as Mr. Nixon, if not more.

We must remember, I believe, that Mr. Nixon did not resign his Presidency; he resigned our Presidency. To the extent that he has suffered; we, too, have suffered.

Finally, I reject the notice that it would have been impossible for Richard Nixon to get a fair trial. That suggestion is an affront to the American jury system, to the American system of justice, and to the American people.

If we cannot expect equal justice in this case through the judicial system because of Mr. Ford's unfortunate act, I believe we must seriously consider whether the true national interest might not be best served by a continuation of the impeachment process.

I believe we should consider whether a House vote on impeachment followed by a Senate trial might not provide another much-needed means for fully ventilating the Watergate facts and Richard Nixon's role. At the very least, we can then prevent Richard Nixon from again holding office in this Nation.

One final measure must be given serious consideration in the wake of President Ford's action.

Although the pardon power has its rightful place in our constitutional system, it is one of the few powers that is unchecked. It is not subject to the normal process of checks and balances, found repeatedly throughout our Constitution.

In order to prevent abuse of that power—or use of that power in a questionable manner—I would propose a check on the pardon power. Specifically, I believe that we should consider a constitutional amendment which would allow an exercise of the Presidential pardon power to be overriden by a two-thirds vote of both Houses of Congress.

Sunday's events represent a sad chapter in American history. We saw the ultimate coverup and the ultimate injustice.

As we all consider now where we go from here; how we are to put Watergate behind us in an honorable way; and how we are to prevent the results that may well follow from Sunday's events from ever happening again, I believe we will do well to remember the words of former Watergate Prosecutor Archibald Cox. Although spoken in another context, they seem particularly relevant today:

> Regardless of the outcome, the value of the proceeding will depend on whether the process is so conducted that the country perceives it as a fair and legitimate measure for restoring the integrity to government.

Mr. President, the events of Sunday have provoked much critical commentary. I wish to share with my colleagues two of the most thoughtful. They are the editorials from the New York Times and the Minneapolis Tribune, and I believe that they well-express the outrage which many of us feel.

I ask unanimous consent that the editorial from the New York Times of September 9, 1974, entitled "The Failure of Mr. Ford" and the editorial of the same date from the Minneapolis Tribune entitled "The Nixon Pardon" be printed in the RECORD.

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

[From the New York Times, Sept. 9, 1974]

THE FAILURE OF MR. FORD

In giving former President Nixon an inappropriate and premature grant of clemency, President Ford has affronted the Constitution and the American system of justice. It is profoundly unwise, divisive and unjust act.

Like many lesser public figures who have commented at various stages of the long Watergate controversy, President Ford has sadly confused his responsibilities to the Republic and his understandable sentiments toward one who has inflicted grave damage upon the body politic. Both are valid and compelling but they should be clearly distinguished.

The four reasons that President Ford cites for his decision lay bare this confusion. In summary, he asserts that Mr. Nixon has already suffered enough, an adjudication of his offense would be divisive; a fair trial would be difficult to achieve; and ultimately, in any event, he—Mr. Ford—would have to decide the matter in the light of his own conscience and sense of compassion.

The adjudication of Mr. Nixon's offenses and the character of the criminal trial in which those offenses would be weighed and argued are one set of concerns. Mr. Nixon's suffering and his claims on President Ford's conscience as a political sponsor, friend and fellow human being are another set of concerns.

President Ford's overriding duty was to his public responsibilities. It is essential that the crimes committed by several of Mr. Nixon's closest associates and apparently by Mr. Nixon himself be determined in a court of law by the same rules of evidence and the same procedures of due process that apply in the American system of justice to every citizen.

Nothing less would satisfy the natural sense of justice of the American people and of a Government founded upon principles of equality and legality. Given the historic significance of Mr. Nixon's offenses that led to his becoming the first President ever to resign, it was essential that the historical record be unmistakably clear.

After the exact nature of the wounds that Mr. Nixon and his associates had inflicted upon the body politic had been determined and after the exoneration or conviction of those accused, only then could those wounds begin to heal.

Once the processes of justice had run their course, it would be possible and timely for the President and the nation to take into account the personal merits of the offenders and try to mitigate the penalties of law by recourse to the enduring human values of mercy and charity. If clemency had followed conviction rather than preceded it, there would have been wide acceptance of President Ford's exercise of his power to pardon.

As it is, by recklessly pushing aside special prosecutor Leon Jaworkski and the grand jury and the trial jury as well, President Ford has fallen short in his duty to the Republic, made a mockery of the imperative claim of equal justice before the law, promoted renewed public discord, made possible the clouding of the historical record, and undermined the humane values he sought to invoke.

His duty was to see that the law was enforced and wrongdoers punished. His duty was to see to it that those who have already served in prison for their crimes such as E. Howard Hunt, Donald Segretti and Egil Krogh; those now serving their sentences such as Charles Colson and John W. Dean 3d; and those who stand accused of grave crimes such as H. R. Haldeman, John N. Mitchell and Mr. Nixon himself would all be treated the same.

Instead, he has laid American jurisprudence open to the severe and lingering accusation that there is one kind of justice for the agents and underlings and another for the ex-President in whose name and for whose supposed benefit the misdeeds were committed.

President Ford speaks of compassion. It is tragic that he had no compassion and concern for the Constitution and the Government of law that he has sworn to uphold and defend. He could probably have taken no single act of a non-criminal nature that would have more gravely damaged the credibility of this Government in the eyes of the world and of its own people than this unconscionable act of pardon.

Rather than calm public passions and restore a fundamental sense of national unity. Mr. Ford has ignited fresh controversy. How bitter that controversy is sure to become was shown by the immediate resignation in protest of the President's own press secretary, J. F. terHorst, acting as "a matter of conscience." It might have stirred less public outrage if the President, in what amounted to secret and discreditable plea bargaining with his predecessor, had insisted on a frank and forthright confession of guilt. Instead he settled for an unctuous, guileful statement from Mr. Nixon in which the former President admits nothing specific and skillfully blurs the issues. The Justice Department's deal with former Vice President Agnew last year was seriously questionable; yesterday's arrangement sinks below even that poor precedent.

Moreover, the arrangement avoids nothing in the way of publicity and public controversy. Presumably, the cover-up trial involving six of Mr. Nixon's former aides is still to be held and he is sure to be called as a witness. He will have to testify at length under oath to all the demeaning details of the cover-up.

Because his pardon has immunized him, he cannot avoid testifying by claiming the Fifth Amendment privilege against self-incrimination inasmuch as he cannot now be prosecuted. If he testifies falsely, he is still open to prosecution for perjury. In short, nothing has changed except that the defendants and the jurors are to be confronted with the savage irony that the man who ordered the cover-up, benefited from it and repeatedly lied to the American people and to his own Congressional defenders about it is now to be a principal witness in the trial of those who did his bidding. They face the possibility of terms in prison while he can look forward to well-paid retirement in his luxurious seaside villa.

Senator Mike Mansfield, the majority leader, and others who urged at the time of Mr. Nixon's resignation that the Congress go forward with the constitutional process of impeachment by the House and trial by the Senate have now been vindicated. Because of the House's refusal to follow through with impeachment and Mr. Ford's preemption of the courts by granting this pardon, neither the political nor the judicial institution of this country have had an opportunity to weigh all the evidence concerning Mr. Nixon's offenses and reach a clear, final judgment.

In a time when the nation has been repeatedly dismayed by so many acts or corruption, intrigue and deceit, President Ford has signally failed to provide courageous and impartial moral leadership. When asked less than a year ago whether he would do precisely what he has now done, Mr. Ford indicated to Congress that he would not, adding, "I do not think the public would stand for it."

At his first news conference on Aug. 28, President Ford again pledged himself to respect the special prosecutor's obligation to take necessary action against "any and all individuals." Although not ruling out the ultimate exercise of clemency, the President observed: "There have been no changes made. There has been no action by the courts, there has been no action by any jury, and until any legal process has been undertaken I think it's unwise and untimely for me to make any commitments."

Instead of adhering to those wise public pronouncements, Mr. Ford has now moved secretly and suddenly to block the normal workings of justice. It is an act of flagrant favoritism. It can only outrage and dishearten millions of his fellow citizens who thought that at last the laws of this nation would be enforced without fear or favor. This blundering intervention is a body blow to the President's own credibility and to the public's reviving confidence in the integrity of its Government.

[From the Minneapolis Tribune, Sept. 9, 1974]

THE NIXON PARDON

On August 28, responding to a question about a possible pardon for Richard Nixon, President Ford said: "Until any legal process has been undertaken, I think it is unwise and untimely for me to make any commitment." He went on to say that he would not make such a commitment "until the matter reaches me."

But yesterday, before any formal legal action had been started, let alone put before him, Mr. Ford issued a full and unconditional pardon to his predecessor.

We think Mr. Ford was right on August 28—and, on the basis of the words he used in announcing his pardon, wrong yesterday.

The issue is not whether a pardon should have been granted to Nixon at an appropriate stage of a criminal proceeding. That decision would quite properly have rested solely with the president; his authority to issue pardons is explicitly rooted in the Constitution, is clear, and is sweeping.

But, as Mr. Ford himself repeatedly stressed during his August 28 news conference, the question of a pardon should not have been decided until after at least the beginning of a legal process against Nixon. In the absence of some more complete explanation, many Americans must conclude that Mr. Ford has espoused a double standard of justice—one for ex-presidents and another for the rest of us. The most obvious example, of course, is that of the many Nixon aides who have been indicted, convicted or sentenced to prison for criminal acts done under the direction of the man who was pardoned yesterday.

Nixon yesterday issued a statement similar to many that he has made before. He admitted no guilt for his role in the Watergate cover-up, conceding only that he was "wrong in not acting more decisively and more forthrightly in dealing with Watergate." The presidential pardon gives Nixon a license to go on making misleading statements like that one—though not many Americans, we suspect, any longer believe them.

President Ford's demeanor as he announced his decision yesterday supported his statement that he had followed the dictates of his conscience. His off-the-cuff comment that Nixon's health was "threatened" by continuing uncertainty over his fate may be the best clue to the president's decision to act now rather than waiting, as he had previously said he would do, until formal legal proceedings had at least begun.

There may have been compelling reasons for Mr. Ford to short-circuit the judicial process. But if there were, he did not make them sufficiently clear yesterday. If he believes, as he said, that pardoning Richard Nixon was essential to healing the nation's political wounds, he owes the country some further explanation. Without it, his action may have precisely the opposite effect.

OKLAHOMA CITY POLICE OFFICERS

Mr. BARTLETT. Mr. President, occasionally we see news accounts of some unpleasant incident involving a law enforcement officer who has acted improperly in the performance of his job. I believe such incidents are rare and certainly not indicative of the type of men and women who serve the people so well.

Recently an article appeared in the Daily Oklahoman which described several acts of simple human kindness performed by Oklahoma City police officers in the performance of their duties. Such acts, which usually involve spending money out of their own pockets are, I believe, much more representative of the character of law enforcement officers and should not go unnoticed.

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

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

POLICE LIKE TO HELP BUT WALLETS SOMETIMES TOO THIN

(By Steve Trolinger)

Imagine the big, tough policeman tenderly—and clumsily—cleaning up an abandoned baby and pinning on a fresh diaper or shelling out money from his own wallet at 3 a.m. so an indigent mother and child can have lodging and food.

Such events happen almost daily at the Oklahoma City Police Department.

The only hangup in the nice tale is that it is costing officers hundreds of dollars of their own money each year, not to mention taking many off-duty hours trying to care for those that have no place to go.

To help ease the situation Sgt. Richard Mullins, who is president of the Central Oklahoma Peace Officers for Better Juvenile Justice, is hoping to establish a cash fund that will be available when these emergencies arise.

"The problem is really at its worst in the winter when we get calls late at night from women who have children in a house with no gas or electricity or food because the husband has just up and left," Mullins said.

"When the husband leaves, the wife is often too proud to call for help, so a neighbor calls us and the officers end up paying for them a place to stay and food for the night," he said.

Mullins said part of that problem has been alleviated with the cooperation of Oklahoma Gas and Electric Co. and Oklahoma Natural Gas Co., both of which have offered to go to a home any time day or night and turn on the gas and electricity at an officer's request.

The sergeant said officers still need money to put up deposits with the gas and electric companies the day following the request if it is to be left on until the persons can find another means of paying the bills.

Mullins said he also would like to see enough money in a fund to guarantee payment to one grocery store on the north side of Oklahoma City and one in the south where officers can get food for the needy during the night.

"There is no problem in the daytime getting some emergency cash and food for these people through the welfare department or a religious organization, but no one in town is available for all situations, 24 hours a day," he said.

The most recent example occurred about 9:30 p.m. Friday when Mullins said the department received a call from a woman with an 18-month-old baby and no place to go.

The officer said the woman had been living with another woman in Oklahoma City doing housework for room and board while drawing a small welfare check.

He said the woman had left town on business and when she returned the landlady would not let her back into the house and was holding the welfare check in lieu of payment of a telephone bill.

"So she came to the police department asking for help and we contacted the Salvation Army. But they told us because she listed a local address and was drawing a welfare check they could not help," Mullins said.

Mullins said a community service officer later took the mother and child back to where they had been staying and the woman again refused to take them in.

The detective said the CSO officer called him at home about 2:30 a.m., Saturday and asked what to do.

"We had no choice but to come up with the money and put her and the child up in a motel for the night and buy them some food," he said.

Mullins was reluctant to admit the $20 for the food and lodging came from his own pocket.

The detective said his organization has asked the Oklahoma County Bar Association to help establish the fund and he is waiting their action on the matter.

Mullins said he believes a minimum of $100 would be needed in the fund at all times to handle the situations as they arise.

He said the "middle of the night" cases are only part of the picture. Officers constantly have to purchase diapers while others shell out for everything for toys to food and soda pop for lost or abandoned children.

"Officers have a heart and will go buy those things every time there are children in here that need help," Mullins said.

THE WAR IN SOUTH VIETNAM AND U.S. AID POLICY

Mr. TUNNEY. Mr. President, the Congress this year exercised its policy responsibility with respect to American involvement in South Vietnam in a very forthright manner. It did so through its traditional role as keeper of the Federal purse strings.

Since American troops were removed from South Vietnam a year and a half ago, the administration and the Pentagon have insisted that massive levels of military aid to the Thieu regime were necessary to prevent collapse of the Government there. Many of us in the Congress and in the public felt that too-high levels of military aid were counterproductive and only encouraged aggressive military activity by the South Vietnamese forces. The cease-fire agreement never came close to being observed after its signing in Paris, and the constant jockeying of the two sides for control of remote outposts, and land areas, was a main factor in this continued warfare.

Despite the failure of the cease-fire; despite apparent American disregard for certain aspects of the cease-fire agreement in its resupply of South Vietnam; despite the urgent need to lower the Federal budget—the Pentagon asked for a major increase in military aid to South Vietnam for fiscal year 1975: $1.45 billion, up from a spending level in South Vietnam for fiscal year 1974 of around $750 to $800 million. Congress was told that without this level of funding dire reverses would occur, our policy in Vietnam could be undermined, the country could fall to the Communists.

Congress thought differently, however. We were convinced that much of the military aid was squandered or misused, some of it represented purchase of little-needed sophisticated weapons, and the overall rate of usage of military supplies should be lowered, so as to lower the level of violence. Therefore, Congress appropriated only $700 million, less than half the request, and a figure which I personally felt could have been lowered further.

I was very gratified, therefore, to read an article in the New York Times of September 3, 1974, describing the reaction and adjustment which the South Vietnamese forces were preparing to make in response to the American aid level. This article shows that changes in strategy are perfectly feasible to lessen the usage of military supplies, without sacrificing the military control of the major cities under Government control. The result, it appears, will be less fighting in remote outposts, and perhaps a clearer realization on both sides of the essentially stalemated position. This should encourage negotiations, and observance of the cease-fire agreement. Contrary to the Pentagon's predictions, there is apparently no sign that South Vietnam will crumble because the spigot of American arms aid has been tightened up.

Mr. President, I ask unanimous consent to have the Times article published in the RECORD.

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

[From the New York Times, Sept. 3, 1974]

CUT IN U.S. AID FORCES SAIGON TO SHIFT ITS STRATEGY AND YIELD SOME OUTPOSTS

(By David K. Shipler)

SAIGON, SOUTH VIETNAM, September 2.—Cuts in American military aid have begun to force shifts in strategy by the South Vietnamese Army.

In an effort to save fuel and ammunition, Government forces have abandoned some isolated outposts, have virtually ended the "harassment and interdiction" artillery and that once peppered Communist territory and have replaced some large-unit operations with small, long-range infantry patrols that penetrate and attack deep inside North Vietnamese and Vietcong strongholds.

Army officers, foreign military men and Government civilians who describe these changes differ on their military significance.

Some think the withdrawals from outposts will effectively cede contested land to the Communists, thereby sharpening territorial divisions between the two sides and perhaps facilitating any future effort to draw a map delineating areas of control. Such delineation was prescribed by the Paris truce agreement of Jan. 27, 1973, but has been resisted by both sides.

Other military men argue, however, that many of the outposts are important. They also believe that the spotty configuration of control will persist, especially in the Mekong Delta.

WASTE OF AMMUNITION SEEN

As for harassment and interdiction fire—in which an enemy's territory and supply routes are shelled almost at random—military men have long debated the value of the practice in Vietnam.

Some regard it as a waste of ammunition that causes suffering mostly among the civilian population of Communist-held areas. Others contend that the unpredictable shelling keeps opposing troops tense, denies them rest and damages their morale.

There is widespread agreement that the third element of the strategic chance—the increased use of long-range patrols—will work to the benefit of the South Vietnamese Army, which is normally restricted to a defensive posture around population centers and along major highways. The patrols involve 6 to 30 men who are sent for several days at a time to attack specific targets in Communist territory. They have been used mostly in the northern half of South Vietnam.

The abandonment of outposts has been the most dramatic and controversial change in strategy. It first emerged six to nine months ago as nothing more than an occasional exception to President Nguyen Van Thieu's directive that not one inch should be given to the Communists.

But the exceptions have become the rule in recent weeks as the Communists have stepped up their attacks and as Congress has voted cuts in American military aid to South Vietnam, trimming a $1.45-billion Administration request to $700-million for this fiscal year.

"We are not going to have much money," said one well-placed army officer, "so these outposts serve very little purpose since we cannot afford to do anything with them."

"Unless a position has some political value, like a big city," he continued, "no position—especially in a sparsely populated area—is considered important enough for us to stick and fight and die."

According to informed sources, about 500 of the 3,000 outposts in the Mekong Delta will be "consolidated" in an effort to conserve ammunition. Some are well within secure Government areas, but others, surrounded by Communist forces, have caused large drains on fuel supplies resupplied by air.

Elsewhere, abandonment has been related to Communist attacks. Without abundant artillery shells and bombs with which to support the small forces of local militiamen who often man the outposts, commanders have taken to making fast retreats in the early stages of an assault before casualties become high.

HEAVY COMMUNIST PRESSURE

Uncounted outposts have been given up along the central coast in Quang Ngai and Quang Nam Provinces under heavy pressure by North Vietnamese troops. Some of the Government positions reportedly had been established after the cease-fire as a way of asserting Government control over fertile riceland. "The Communists are just taking back what they consider to be theirs," a Western diplomat remarked.

In Tay Ninh Province 50 miles southwest of Saigon, the North Vietnamese overran two Government outposts on Aug. 20 in what one Western military officer called an attempt to open a logistical corridor along the western bank of the Vam Co River.

This would provide the Communists with an infiltration route from Cambodia into the western provinces of the Mekong Delta, where a Government offensive routed the North Vietnamese from an important base area called Tri Phap.

Some analysts believe the main military impact of the emerging Government attitude toward outposts will be logistical. "If you have an outpost on a canal, for example," one remarked, "it makes it more difficult for the enemy to get past by night, and it provides early warning of troop movements."

But a South Vietnamese officer disagreed. "When the North Vietnamese Army moves, it moves in big units," he said "so, the existence of a small outpost of maybe 10 people doesn't make any difference. And two or three Vietcong can go anywhere—they know their way around."

The usefulness of small outposts—which often serve as bases for patrols into the neighboring countryside—has declined also as a result of a transformation of the North Vietnamese logistics system into a modern network of roads, oil pipelines and supply routes. This has happened in the absence of

American bombing in the 19 months since the Paris cease-fire agreement.

Maj. Gen. John E. Murray, who recently left the post of United States defense attaché in Saigon, observed in an interview last month that while North Vietnamese Army units coming south used to spend a month or more "squirreling around" uncovering caches of supplies and getting their logistics in order, they could now go into battle immediately upon arrival because the supply system was already functioning for them.

"There's a logistics genius back there," General Murray declared.

FIREPOWER INCREASED

One result has been an increase in the volume of ammunition and firepower used by the North Vietnamese in the fighting of the last few months. One foreign military officer said that many outposts had been given up after heavy Communist artillery barrages with no ground attack.

He noted that while the Government once used about 10 times the amount of ammunition that the Communists used in battle, the ratio had recently shrunk to two to one. "And the Communists get cost effectiveness out of every round," he explained. "They're sitting up in the hills looking down on a town, while the Government shoots up in the bloody hills and hopes it hits something."

Few believe that the strategy changes will suddenly break the military stalemate between the two sides. However, as a South Vietnamese army officer put it, "We know we don't have enough troops to occupy the whole country. But we also know they don't have enough troops to occupy the whole country."

OUR POLLUTED AIR

Mr. MATHIAS. Mr. President, for some time now the Environmental Protection Agency, the National Science Foundation, and the Congress have been evaluating the effectiveness of the Clean Air Act of 1970. As part of this evaluation process, the Environmental Protection Agency commissioned a study to determine the carbon monoxide level found in human blood.

I believe the results of tests taken in a number of different sites throughout the United States of people exposed to carbon monoxide from various sources, but who do not smoke cigarettes is profoundly disturbing. I ask that the article appearing in the Washington Post of August 27, by Victor Cohn, be printed in the RECORD.

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

[From the Washington Post, Aug. 27, 1974]

STUDY SHOWS MONOXIDE SATURATES BLOOD IN UNITED STATES

(By Victor Cohn)

Carbon monoxide has so saturated Americans' blood that nearly half of nonsmokers have more of it in their systems than federal safety standards would permit.

Smokers have two to four times more—so much that in some cases they should not be allowed to give their polluted blood to heart patients.

These are among findings disclosed yesterday from a federally sponsored survey of 29,000 persons in 18 areas, including the nation's largest cities. Called "astounding" by the survey's scientific director the results give the Environmental Protection Agency one of the most serious pictures of the nation's air pollution it has yet received.

The carbon monoxide level in 45 per cent of nonsmokers, the study showed, was 1.5 per cent or more—a level so high that it could threaten the lives of a vulnerable 1 to 3 per cent of the population.

Carbon monoxide binds with red blood cells to displace oxygen. At high levels, this is fatal. At low ones, like those now in the average person's bloodstream, it causes no known results.

But in persons with advanced heart or blood vessel diseases or in the elderly or in some infants it may cause "untoward effects they cannot tolerate," said Dr. Richard D. Stewart, main author of the report in the Journal of the American Medical Association.

A professor of environmental medicine at the Medical College of Wisconsin, he called the study's results astounding in showing that a great percentage of the U.S. population is chronically exposed to excessive carbon monoxide.

"These carbon monoxide levels are higher than we would have expected from our previous studies, which merely measured carbon monoxide in the air at specific sites," agreed Dr. John Finklea, director of EPA health effects studies.

Made from 1969 to 1972, the study found the highest carbon monoxide levels in Denver and Los Angeles. In both cities, 76 per cent of nonsmokers showed levels above 1.5 per cent, with average of 2 per cent in Denver and 1.8 per cent in Los Angeles.

Other high cities were Chicago (with 74 per cent of nonsmokers above 1.5 per cent and a 1.7 per cent average), New Orleans (59 per cent above 1.5 per cent; 1.6 per cent average), Detroit (42 per cent above 1.5 per cent; 1.6 per cent average), San Francisco (61 per cent above 1.5 per cent; 1.5 per cent average) and Seattle (55 per cent above 1.5 per cent; 1.5 per cent average).

Washington and its Maryland suburbs average lower than most large cities, with 35 per cent of the population above 1.5 per cent, and a 1.2 per cent average. New York's figures were the same. Washington's Northern Virginia suburbs were not included in the study.

Results could be worse in specific parts of the cities studied and for specific groups, Dr. Stewart and colleagues pointed out. Study of 20 blood donors at the Sears and Roebuck northeast Washington warehouse, for example, showed an average concentration of 2.1 per cent in nonsmokers.

All "vehicle-related" workers had high levels. The highest of all was found in taxi dirvers, who take in carbon monoxide with almost every working breath.

Eight nonsmoking New York City cab drivers returning from work had carbon monoxide saturations of 1.3 to 5.8 per cent. Twelve cigarette-smoking cab drivers displayed an average of 6 per cent, with the highest at 13 per cent.

Other high groups were found among workers where carbon monoxide is part of industrial pollution—metal, chemical, stone and glass processors, printers and other graphic arts workers, welders and electrical assemblers and repairmen.

Others often exposed, Dr. Finklea said, are those who live where there are faulty furnaces—common in inner city areas—and those where there is a lot of cigarette smoking indoors. "However, autos are the largest contributor," he added. Here, too, crowded inner cities are particularly affected.

The Medical College of Wisconsin study was made for EPA and jointly financed by the Coordinating Research Council which includes EPA and the auto and oil industries.

The 1971 air quality act ordered a restraint on carbon monoxide. The limit set is 1.5 per cent saturation of non-smokers' blood by carboxyhemoglobin the chemical produced when the poisonous gas enters blood cells.

EPA orginally said 38 cities had to begin various transportation controls to meet all air quality standards by 1975. But it has changed the date for 24 cities (including Washington and New York) to 1977 because of technical and political snags.

"Our study," said Stewart, "shows that if we temporize we are going to affect some persons' health."

AMERICAN NATIONAL THEATER AND ACADEMY TO HONOR ROSALIND RUSSELL

Mr. TUNNEY. Mr. President, I am pleased to announce that Rosalind Russell will be honored by the American National Theater and Academy on October 6, 1974, at the Janss Estate in Holmby Hills, Calif. The climax of the evening will be the presentation of the coveted ANTA National Artist's Award to Miss Russell.

I would like to share with my colleagues some of the outstanding highlights and activities of Miss Russell's career. Roz, as she is affectionately called, came to Hollywood from Broadway. She became a star almost immediately and has remained at the top of her profession. Her triumphs and achievements are many and varied.

She has won four Academy Award nominations as the Best Actress of the Year. The pictures were: "My Sister Eileen," a comedy; "Sister Kenny," a biographical drama; "Mourning Becomes Electra," Eugene O'Neill's tragedy, and "Auntie Mame." She has also been awarded the Foreign Correspondents' Golden Award five times as best actress.

Her variety of roles constantly proves her amazing versatility. Miss Russell created "Auntie Mame" on stage and screen; in "Majority of One" she portrayed the lovable Bertha Jacoby; in "Picnic" she played a frustrated schoolmarm; and the relentless Rose in the film version of the musical "Gypsy."

She captured every award ever devised for the theater, including the 10th Anniversary Donaldson Award for best performance by an actress and outstanding achievement in theater, 1952–53; the Antoinette Perry Award for best actress, 1952; the Barter Theater Award for best actress, 1953, and Comoedia Award for Best Actress, 1957. She also garnered "The best feminine performance in a musical" by the Variety drama critics poll.

A trendsetter in the world of fashion, she has won many awards in this field, including the Hall of Fame of the New York Dress Institute's Ten Best Dressed Women in the World.

Beyond all this talent and creativity, Roz has a great compassion and understanding of people, including the Women's Guild of Cedars-Sinai Hospital, the Center Theatre Group, the Performing Arts Council of the Los Angeles Music Center, the Sister Kenny Foundation, St. John's Hospital, and the National Arthritis and Rheumatism Foundation.

Roz was awarded the City of Hope Award for outstanding humanitarian and the Los Angeles Times Woman of the Year Award, for outstanding achievement.

She is also a member of the Los Angeles League for Crippled Children Disabled

Vets Service Foundation, a member of the United Hospital Fund of New York City, and the American Cancer Society of Beverly Hills.

Rosalind Russell is truly a great lady. Her many performances on stage and screen have brought joy and laughter into our hearts. Through her various civic and philanthropic endeavors she has helped her fellow Americans lead better, richer lives. We owe her a great debt.

I am certain that my colleagues will join with me today in commending Rosalind Russell for her contributions and congratulate her as she is honored by the ANTA.

SENATOR BROCK ON PERFORMANCE ROYALTIES

Mr. BROCK. Mr. President, I am concerned that there may be some misunderstanding as to my vote on the Ervin amendment to the copyright bill yesterday. I wish to set the record straight. The Ervin amendment deleted the performance royalty section from the copyright bill. Although I support the principle of a performance royalty for recording artists, I did vote in favor of the Ervin amendment. I did so for two reasons.

First, it is imperative that the Senate demonstrate its support for copyright revision. There are many important sections in the new bill on which the distinguished Senator from Arkansas (Mr. McCLELLAN) labored long and hard. One section reaffirms the right of a recording artist to copyright his performance of a particular song. I feared that controversy over the performance royalty section might endanger pasage of the entire bill.

Second, the distinguished Senator from Pensylvania (Mr. SCOTT) has announced his intention to introduce legislation early in the next Congress which would establish the principle of a performance royalty. The distinguished chairman of the Subcommittee on Patents, Trademarks, and Copyrights (Mr. McCLELLAN) has agreed to hold hearings on the issue, and I am confident that these hearings will demonstrate the value and fairness of the performance royalty.

In sum, I support the concept of a performance royalty and I believe that, after the Senate gives due consideration to the matter, the majority of my colleagues will suport it as well.

SUPPORT EXPRESSED FOR THE HEALTH SERVICES ACT OF 1974

Mr. WILLIAMS. Mr. President, I am indeed pleased to express my enthusiastic support for the Health Services Act of 1974. This legislation was first introduced by Senator KENNEDY, myself, and other Senators on April 1, 1974. It contains important revisions of three major programs which are due to expire and, in addition, adds several important new initiatives for the provision of health services in the United States. The original bill has been extensively revised by the Committee on Labor and Public Welfare Committee and was unanimously approved and ordered reported on August 7, 1974.

The first three important titles of the bill address themselves to the extension and improvement of the community health centers program, the migrant health centers program, and the community mental health centers program. During the last year and a half, the administration has proposed a variety of actions which would have the effect of stifling and slowing development of these health centers programs. The budget requests for 1974 and 1975 specifically proposed that no new mental health centers be funded and the administration also recommended that there be no extension of legislative authority for community mental health centers. With respect to migrant health centers the administration proposed the termination of the existing separate authority and that these vital initiatives be funded—at minimal levels—through the general authority contained in section 314(e) of the Public Health Services Act.

The administration pursued a philosophy for all health services programs which is intended to make these centers as self-sufficient as possible in order that Federal support may be reduced. Yet the commitee has heard from centers that the real effect of the administration's approach has been to risk cutbacks in services for those who are not covered by third parties and to substantially favor those whose income or insurance coverage permitted them to pay the entire bill.

It is the purpose of the legislation before the Senate today to respond to the criticisms about administrative inefficiency and lack of self-sufficiency while at the same time reaffirming the commitment of the Congress to stimulate and preserve comprehensive health services in every community where they are needed. This bill extends the community mental health centers program and reaffirms the legislative intent that the community mental health centers program is not a demonstration program. Rather, this effort is intended to assure that such centers be established nationwide and although 500 centers have been funded to date we must still work to achieve the original goal of approximately 1,500 centers throughout the United States. The bill also expands the migrant health program which I originally authored more than 10 years ago. This initiative remains a separate authority in order to give this sorely underserved population clear visibility within the statutes. It authorizes planning and development grants and startup and initial operation grants to migrant health centers and other entities which would offer a broad range of services—including ambulatory, medical, referral, and environmental health services—in an area in which not less than 5,000 migrants and their families reside. It would also provide assistance to entities without regard to the minimum migrant population requirement. And, it includes a separate authorization to cover the reasonable costs of inpatient and outpatient hospital services for migrants. Finally, with respect to the last of these community-based programs, the bill repeals section 314(e) of the PHS Act—under which neighborhood health centers have previously been funded—and replaces it with a new community health centers authority which more clearly spells out the type of centers envisioned by the Congress. This title would include planning and development, startup, and initial operation grants for the operation of community health centers which would offer a medically underserved population a broad range of ambulatory, medical care referral, and environmental health services.

In addition to these well established health services efforts, the committee has added certain other authorities to the bill to meet various specific problems which require Federal attention. Among these are:

First. Health revenue sharing—extends existing section 314(d) of the Public Health Service Act for 1 year with a total authorization of $160 million, $70 million of which would be for allocations to the States through the 314(d) formula for purposes of screening, detection, diagnosis and treatment of hypertension. Section 317 of the PHS Act is also extended for 1 year with increased authorization level and expanded to provide support for control of other diseases as well as communicable diseases.

Second. Home health services—establishes a program of startup grants to home health agencies and grants for training personnel to provide home health services.

Third. Establishment of a Presidential Commission on Mental Health and Illness of the Elderly for a 5-year period to review the mental health needs of the elderly and recommend a national policy for the care and treatment of mentally ill aged persons.

Fourth. Establishment of a new center within the National Institute of Mental Health to study the causes, control and treatment of rape and to establish a clearinghouse of information on these subjects. In addition, the bill provides support for demonstration projects in the prevention and control of rape.

Fifth. Establishment of a temporary commission appointed by the Secretary of the Department of Health, Education and Welfare to advise Congress and the President on a comprehensive national plan for the control of epilepsy and its consequences, and the roles of State and Federal Government in research on epilepsy and on the identification, treatment and rehabilitation of persons with epilepsy.

Mr. President, I am particularly gratified that this bill includes my proposal to establish a comprehensive program for the treatment and diagnosis of hemophilia. This legislation was first introduced as S. 1326 on March 22, 1973. Since that time, 24 of my Senate colleagues have joined me as cosponsors of the bill.

I find great hope in the fact that hemophiliacs are unique among chronic disease victims because they are not born crippled and they can be treated if they are able to take advantage of newly de-

veloped forms of therapy. Without this on-going care, severe and moderate hemophiliacs must suffer tragic consequences throughout their lifetime and become an unnecessary burden to themselves, their families, and to our whole society. For not only is there a severe physical crisis confronting such an individual, but he is constantly threatened with great uncertainty since a bleeding episode may strike without a warning. As a result, there is a tendency among family members and the hemophiliac himself to curb many otherwise routine day-to-day activities. This kind of toll is impossible to measure—and in many cases it is devastating.

So, I say once again, the hemophiliac has a right to care. But, how is the hemophiliac with an annual family income of $10,000 going to be able to secure adequate care?

Mr. President, we know that in the last two decades medical research has been successful in developing fractionated concentrates of factor VIII and factor IX. This development, together with new treatment techniques, have made it possible for most hemophiliacs to self-administer the appropriate clotting factor at home.

Unfortunately, despite these remarkable breakthroughs, this replacement therapy is out of reach for the average hemophiliac. And it is unavailable for several reasons; the same reasons which plague the whole of our health care system. It is unavailable because the minimum costs for replacement therapy for the severe and moderate hemophiliac run upward of $5,000 per year.

It is unavailable because this Nation has simply been wasting its precious blood resources. We have yet to develop a rational and efficient blood policy and are threatened with a major crisis in medical treatment which requires the use of blood and blood products.

It is unavailable because at the present time there are only a scattering of medical centers in the United States which provide any major emphasis on the treatment and diagnosis of this disease. Thus there are only a few areas in the country where there are adequate treatment and diagnosis facilities or where there is decent social and vocational counseling for hemophilia patients.

And, it is unavailable because we face a short supply of professional and paraprofessional personnel trained in hemophilia diagnosis, treatment, and research.

Nor do we have adequate mechanisms whereby physicians in outlying areas have ongoing contacts with those centers which run hemophilia diagnostic and treatment programs.

It is clear, therefore, that a comprehensive approach to treating hemophilia is vitally necessary. And it is because I see such great hope in fashioning a workable system that I introduced S. 1326.

As incorporated in the Health Services Act, this is a very straightforward provision.

It establishes a program to be administered by the Secretary of HEW whereby any hemophiliac in need of replacement therapy shall be entitled to payment for the actual cost of providing blood, blood products, and services associated with such treatment.

The only limitations are that most individuals are required to pay 25 percent of these costs up to a maximum of $500 per year.

But, because I firmly believe that we must do more than develop adequate financing mechanisms for health care, this provision also calls for the establishment of a minimum of 15 hemophilia diagnostic and treatment centers.

These centers would train professionals in diagnosis, treatment and research; would offer diagnosis and treatment programs together with programs of social and vocational counseling, and would provide individualized written programs for each person treated by or in association with such centers.

In addition, a provision is included authorizing grants and contracts for the establishment of blood separation centers to extract necessary blood components.

This is important for hemophilia replacement therapy and can have a significant impact on the development of a nationwide blood separation policy.

These last two provisions are vital initiatives since in my view reform of the health care delivery system must go hand in hand with universal access to that system through some sort of financing mechanism.

To attack the financing problem without assuring that the services and resources are equally available would only aggravate an already intolerable situation.

Since the time this bill was first introduced it has received a great deal of attention and support. Yet, some have said that we should wait before acting since national health insurance will solve the problem. Others have said that this is just another example of what has become the "disease of the month" club.

Well, I am not very sympathetic to those views. It does not seem possible to me that so rich a nation as the United States can say to an individual suffering from kidney disease, cancer, or hemophilia that we are not going to provide you with the resources to live a normal life.

Nor can we tell him that we have made enormous progress in finding new therapies but they are useless to you since you cannot afford them or find services and facilities to provide them.

As one Senator, I cannot and will not adhere to such a philosophy. If it will cost $150 million to save the lives of 25,000 Americans who suffer from hemophilia then I say let us act now to provide those funds. Man's humanity to his fellow man demands at least that much. And if we can at the same time find more effective and less expensive means of controlling hemophilia, let us vigorously pursue that course as well. But we must not delay any longer in either endeavor.

THE PRESIDENT'S PAY PROPOSAL

Mr. McGEE. Mr. President, the Committee on Post Office and Civil Service has acted favorably on Senate Resolution 394 to disapprove the President's alternative pay proposal affecting Federal white-collar workers and military personnel.

When this measure comes before us, I know all Senators will consider it on its merits, and those are considerable. The 5.52-percent pay raise recommended by the Chairman of the Civil Service Commission and the Office of Management and Budget is little enough, particularly since it is based on a survey of private enterprise rates of pay in March, prior to the end of wage and price controls. Considering the movement of wages and prices since that time, this raise is not even really comparability, not the catchup raise needed to bring these Government workers into parity with private industry counterparts.

Mr. President, the New York Times recently editorialized in favor of permitting this raise to take effect as scheduled, saying that there is no equity in decreeing that Federal employees alone be asked to make such a sacrifice. I ask unanimous consent that the Times' editorial, Skewed Sacrifice, be printed in the RECORD.

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

SKEWED SACRIFICE

Useful as it is to have the Federal Government try to set an example of belt-tightening in the war against inflation, we see little fairness in President Ford's decision to compel 3.6 million Federal employes to wait three extra months before receiving the 5.5 per cent pay raise they were scheduled to get Oct. 1.

Four years ago, in an effort to take politics out of the fixing of pay rates for military and Federal employes, Congress established a system under which Federal raises were to be geared to those that workers were getting for comparable jobs in private employment. A review by the Administration's own experts resulted in a determination that the 5.5 per cent increase was needed to maintain comparability now. Because living costs have gone up 11 per cent in the year since the last Federal pay increase, it could well be argued that even this proposal would leave Civil Service workers with a substantial cut in the purchasing power of their paychecks.

If President Ford believes that a three-month wage freeze is needed as part of a rounded national program calling for equality of sacrifice to stop inflation, he ought to propose it on an across-the-board basis for all workers, public and private, at his forthcoming economic "summit" conference. There is no equity in decreasing that such a sacrifice be limited to Federal employes, who are forbidden by law from exercising the right to strike. It would strengthen confidence in the President's sense of economic justice if he recognized that unfairness on his own, instead of leaving it up to Congress, in the thirty days it now has in which to block the Ford order.

PERFORMING ARTS ROYALTY

Mr. WILLIAMS. Mr. President, I was unable to be present for the vote on the Ervin amendment to S. 1361, revision of the Copyright Law. If I had been present, I would have voted against the Ervin amendment.

In the past, I have introduced legislation to provide for royalty payments for musicians, other artists, and record-

ing companies when their talents are used for public performance. I have supported this principle for many years, and I am still convinced that the creation of a performance royalty is consistent with the overall policy approach of copyright legislation which is to encourage and protect the creative arts.

I do not believe that a performance royalty would be unconstitutional; nor do I believe that it would impose an undue burden on the Nation's broadcasters; and I certainly do not believe that performance royalties would be inequitable. On the contrary, the performance royalty is a just principle which would reward those whose creative product is being used for profit by others.

I am hopeful that after a complete exploration of the merits of the performing arts royalty in the 94th Congress, this principle will be incorporated into the final version of the Copyright Revision Law.

THE SATELLITE NAVIGATION SYSTEM

Mr. MATHIAS. Mr. President, this year is the 10th year of operation of a method of navigation that uses orbiting satellites—one of the first practical benefits to mankind from space technology. This system was developed for the Navy at the Applied Physics Laboratory of the Johns Hopkins University. The university is located in Baltimore and the work on this system was done at a laboratory installation in Howard County, Md. Thus, Marylanders share a particular pride in the development of this system and its use today.

Mr. President, an article on this system was published in the July 25 issue of the Johns Hopkins Gazette, and 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:

APL'S SATELLITE NAVIGATION SYSTEM NOW IN INTERNATIONAL USE

A method of navigation using orbiting satellites—developed for the U.S. Navy by Applied Physics Laboratory scientists early in the nation's space program—has now become an internationally deployed system.

One of the first advancements brought about by space research and development to see popular use, the navigation system has been utilized by the Navy since the summer of 1964. Three years later the system was released by the government for civilian and commercial use.

By the end of this year more than 500 ships from 15 countries—including the United Kingdom, Japan, Russia and the People's Republic of China—will be finding their positions at sea in any weather, day or night, anywhere in the world with an accuracy of better than a tenth of a mile.

The system is now in use on the ships of Liberia, Brazil, France, Belgium, Norway, Canada, Nationalist China, Australia and Spain, and civilian sets are being manufactured by four nations other than the United States. Sets are in use on the Queen Elizabeth II and helped guide the SS Manhattan on her trip through the Northwest Passage.

The unique system, developed at APL under the leadership of R. B. Kershner, assistant director of APL and head of its space program, represents the only operational use of satellites for navigation in the history of space development. It has been used in the recovery of all astronauts from Apollo to Skylab and has guided Navy ships in circumnavigating the globe.

The system was initiated in 1958 after two John Hopkins physicists, William Guier and George Weiffenbach, discovered that radio signals transmitted from the first Russian Sputnik and plotted geographically enabled them to determine the satellite's position.

While monitoring the signals, the scientists noted a change in the frequency of the radio waves—better known as the Doppler shift. (The Doppler shift can be observed in the change in pitch of an ambulance siren as the ambulance passes.) By measuring the shift, the satellite's orbit could be determined. Another Johns Hopkins physicist, Frank McClure, later determined that if the satellite could be located by listening to the shift as it passes a known station on earth, the inverse problem—that of locating an unknown ground station—should be solvable.

At least four satellites, each orbiting at an altitude of 600 miles, are employed in the system. About the size of a snare drum and weighing some 600 pounds, each satellite broadcasts its own position as well as a continuous signal from which the Doppler shift measurement is made. The position of the satellite throughout its orbit is computed in advance on the ground, injected into the satellite memory and stored for rebroadcasting continuously for 12 hours. The memory is then updated.

Aboard ship the continuous broadcast is picked up by a receiving unit and fed into a computer. The computer read-out gives the ship's position in longitude and latitude and the time. A similar unit has been developed and built for use in the Navy's antisubmarine warfare aircraft P-3 Orion. A receiving unit for use in commercial aircraft may be developed in the near future.

Other equipment developed for use in the system include a paired backpack set used for determining relative positions in any kind of terrain or over water and a Georeceiver for surveying—used recently to fix the position of the South Pole and measure the drift of ice.

A recent system improvement was the launching of an experimental disturbance compensation unit (DISCOS) within the navigation satellite TRIAD in 1972. DISCOS permitted the spacecraft to counter the external forces of solar radiation pressure and atmospheric drag on the orbiting satellite by means of thrusters, experimentally making it possible to predict orbits for 12 days. The orbits of the existing satellites are predicted for 12-hour periods.

Dr. Kershner sees the DISCOS unit as the promise of satellites with such predictable orbits that charts and almanacs of their positions could be printed. This would permit the elimination of shipboard computers for the receiving units, reducing the cost of satellite navigation equipment drastically.

VIETNAM VETERANS EDUCATION

Mr. MATHIAS. Mr. President, in the past month, the veterans of our most recent war have witnessed yet another chapter in the frustration of one of their most basic needs—the passage of an adequate program of GI bill benefits to allow them to pursue their education and training at a time of soaring educational costs.

In the time since the Senate unanimously passed a comprehensive program of such benefits on June 19, our Vietnam-era veterans have been waiting, and waiting, and waiting, for Congress to complete action on this crucial legislation and send it on to the President for his signature.

I do not believe they can or should be asked to wait any longer. Nor can we ask them to settle for an unacceptably low package of benefits simply because we in Congress were unable to reach timely agreement on a program which would more closely meet their needs.

The plain fact is, Mr. President, that young veterans who have communicated with me from throughout my own State of Maryland are becoming increasingly angry and frustrated. They watch, with reactions ranging from cynicism to disgust, the manner in which the Congress has treated a program that is essential to their readjustment back into civilian life after serving our Nation in time of war. And they ask, how much longer will this game of parliamentary brinksmanship be permitted to continue? It is a good question, Mr. President. I believe we have a moral obligation to answer it—promptly and fairly.

As my colleagues well know Senate passage of our comprehensive bill in June was followed by a long and difficult negotiating process in conference with the House of Representatives which consumed much of the summer. This did not come as a complete surprise, since the House had passed a considerably more modest bill 4 months earlier, and certain members of the House conferees were adamantly opposed to a key provision which the Senate strongly supported—a program of direct tuition grants to equalize the great variations in tuition costs at public institutions throughout the land. This is a program for which I have been personally fighting for more than 3 years, and I remain convinced that it is an essential component of any system of educational benefits which purports to do justice to our most recent generation of veterans.

Nevertheless, the House conferees held firm in their opposition to a tuition grant program, and in the face of the coming of the fall academic semester, agreement was reached—in what I hoped was good faith—whereby other key provisions of the Senate-passed bill would be accepted and the monthly subsistence rates would be increased by 23 percent in order to compensate for the continually soaring cost of living and the elimination of the proposed tuition grant program.

I firmly believe that the final conference agreement represented a responsible compromise, despite my strong regret that tuition was not ultimately included. For it did provide other much-needed improvements: a program of low-cost loans up to $1,000, the 23-percent increase in subsistence rates, an extension of the entitlement period from 36 to 45 months, and many other important features. I was, therefore, heartened that the Senate, again unanimously, passed the conference report on August 21.

The following day, August 22—on the very afternoon when I was at the White House to personally urge President Ford to sign the bill into law in spite of his misgivings as to its overall cost—the bill was blocked on the House floor by an unexpected point of order. As I understand it, objection was raised to the 23-percent increase in subsistence rates for disabled veterans under the vocational rehabilitation program, on the basis that it exceeded the increases provided by both

the original House- and Senate-passed bills.

In its place, the House then quickly approved, with little debate or deliberation, a substitute bill which severely cut back the benefits and improvements agreed to in the conference report. The loan program and the 9-month extension of entitlement were both eliminated altogether; and the subsistence increase for disabled veterans was cut back from 23 to 18 percent. This action came as a cruel blow to the Vietnam veteran struggling to stay in school at this time of accelerating educational and general living costs, both because it guaranteed a further delay in final enactment and because it removed crucial provisions on which many veterans had justly relied in making their fall academic plans.

Mr. President, I believe that we would be critically shortsighted if we were to accept this revised bill from the House in its current form. I would be the first to agree that we must exercise budgetary restaint and eliminate low-priority Federal expenditures as part of an overall program to halt the now-chronic nemesis of inflation—and as a member of the Senate Appropriations Committee, I am pleased that we are already well on our way toward trimming up to $10 billion from former President Nixon's original budget.

But we cannot and must not make our Vietnam veterans sacrificial lambs. Their education and training must be among our highest priorities; furthermore, Federal expenditures to provide decent educational opportunity are clearly a sound investment which will more than repay itself by the increased productivity of the veterans who are able to take advantage of it. Most importantly, I believe we have a moral commitment which cannot be bargained away by routine political horsetrading, particularly at a time when the very integrity of governmental institutions is once again under anguished and concerned scrutiny by the citizens of our land.

For all these reasons, Mr. President, I believe it is essential that the Senate act quickly, decisively, and firmly to speed toward enactment a program of educational benefits for our Vietnam veterans which is at the very least as generous as the conference report we unanimously approved on August 21, and to implement this program retroactively to the start of the current academic year. The Federal Treasury has already been saved literally hundreds of millions of dollars as a result of the delays which have already prevented those increases from being enacted sooner.

To this end, I would propose that the Senate immediately repass the original Senate-passed bill, S. 2784, with one amendment: a change in the subsistence rate increase from 18 to 23 percent. Repassage of our original bill in this form would allow our Senate conferees to return to conference with the House and reach precisely the same agreement which was already approved in the last conference. This should be viewed as our minimum objective; if the House conferees were willing to hold to their original agreement, a minimum of time-consuming renegotiaton would be necessary, and the resulting bill would not be subject to a point of order of the House floor. It should be understood, of course, that this course of action is designed to meet only the immediate circumstances and would not in any sense inhibit any of us for continuing to press for restoration of the tuition policy at the earliest possible date.

I am confident that if this course were followed, the full House would enthusiastically support the conference report and that the President would sign it into law. If the House conferees declined to reach the same agreement, of course, thus making prompt enactment impossible, our Senate conferees should then press as firmly as possible for the entire range of Senate-passed provisions, including the much-needed tuition grant program.

Mr. President, the Vietnam veterans here already been asked to wait too long. The time to act is now.

THE REMARKABLE ACCOMPLISHMENTS OF MARGARET THOMPSON

Mr. MONDALE. Mr. President, there is a very special person living in Rochester, Minn. Her name is Margaret Thompson, and a recent article in the Mayo Clinic publication Mayovox about her prompts me to tell my colleagues something about her.

Margaret Thompson was appointed the first registrar of the Mayo Medical School in 1971. As you know, Mr. President, this is undoubtedly one of the finest medical schools in the Nation, affiliated as it is with one of the finest health care facilities in the Nation—the Mayo Clinic. Ms. Thompson serves an important function for the medical school, keeping its records, and she also coordinates the student affairs activities of the school.

But Margaret Thompson's contribution to the medical school and to the clinic extend far beyond her officially assigned duties. She is a member of the medical school's Ad Hoc Committee on Evaluation and Promotion, the EOC Committee, the Admissions Committee and the Public Affairs Committee. She has helped develop the school's policies on grading, and has made many more important contributions to the curriculum, administration, and activities of the institution.

Margaret Thompson's remarkable accomplishments extend beyond the walls of the Mayo facilities. She is an important, active, and dedicated member of the Rochester community. Her talents have been extended to the activities of the NAACP, the Rochester Foundation, and PORT.

Margaret Thompson has also, Mr. President, been an active participant in politics and the governmental process. She has made a significant contribution to the State of Minnesota through her service on the Governor's Fair Campaign Practices Committee and the Governor's Commission on the Status of Women.

She has long been a faithful and hard-working member of the Minnesota DFL and the National Democratic Party. Her career in politics probably began when she worked long and hard on Senator HUMPHREY's first Senate campaign in 1948. Since that time, she has held many positions in the Minnesota DFL, in the National Democratic Party, and in local political activities.

I am proud to count Margaret Thompson among my supporters. Her efforts on my behalf throughout the years are appreciated more than I can ever adequately express. Any of the many office-holders who have had the benefit and the honor of her support and her hard work will tell you how very much Margaret Thompson can mean to the success of a campaign.

Above all else, Mr. President, I am proud to call Margaret Thompson my friend. For she is a person with a rare gift. Over and over again people have returned from the Mayo Clinic—after having been there as a patient or with a friend or relative who was a patient—to tell me of Margaret Thompson and her rare gift. She has the ability to make a stranger feel at home, to make someone who is lonely feel they have a friend, and to make a person passing through a time of trouble feel that someone cares. Her compassion, her understanding, her friendliness toward those who have come to Mayo are remembered by many who will always be grateful to Margaret Thompson.

On behalf of all those, including myself, who have benefited from the efforts of this wonderful human being, I wish to extend my thanks to Margaret Thompson.

So that my colleagues may learn more about Margaret Thompson and her work, and particularly her thoughts on the status of women in our society, I ask unanimous consent that the article from Mayovox be printed in the RECORD.

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

MARGARET THOMPSON

An articulate activist, Margaret Thompson has written speeches for Hubert Humphrey and helped procure vegetable gardens for medical students. It's all in a day's work.

Appointed Mayo Medical School's first registrar in 1971, she is responsible for its recordkeeping system, and student affairs which is defined by "what the students and administration want it to be." She was a member of the medical school's ad hoc committee on evaluation and promotion and helped develop policies on grading. Mrs. Thompson is a member of the EOC Committee, the Medical School Admissions Committee, and the Public Affairs Committee which she serves as assistant secretary.

Thompson's career at Mayo began 30 years ago. Divorced, with two children to support, "the Clinic gave me a chance," she says. "I needed a job badly. I was willing to work very hard and I could type," she recalls. She started in Registration, making note of patients' arrival and directing them to their doctors.

Three years later, with the help of Eleanor Clappier, she sought and won a position in the Section of Publications where she edited the *Clinic Bulletin*, was assistant managing editor of the *Mayo Clinic Proceedings* and later executive assistant of her section.

In 1948, when the Minnesota DFL party "went on the march to elect Hubert Humphrey to the Senate for the first time," she made a life-long commitment to politics. "I started working because so few people were willing to say they were DFL'ers then," she laughs. "I believe strongly in the political process. Everything that has happened lately

strengthens my belief in citizens' participation."

Her political commitment has led her on the campaign trail many times. As a member of Sen. Humphrey's entourage the last week of his 1968 campaign for the presidency, she witnessed his defeat. "I cried along with everyone else. Typically, Humphrey came along and saw me crying and said, 'I know just how you feel.' He was comforting people who were mourning his defeat!"

By any measure, Margaret Thompson is an outstanding DFL'er and Minnesotan. She has served on numerous DFL committees including the Democratic National Committee as special assistant to the vice chairman, on the governor's Fair Campaign Practices Committee and the governor's Commission on the Status of Women.

Locally, Mrs. Thompson is an active member of the NAACP, the Rochester Foundation, and PORT.

She counts among her friends Geri Joseph, contributing editor of the *Minneapolis Tribune* and former vice chairman of United Democrats for Humphrey, and former Ambassador Eugenie Anderson, the DFL's first chairwoman. Knowing and working with both women has made a significant impact on her.

Has her sex been a liability in politics or at the Clinic? "Not at all. Women have never had to fight to be in the DFL. There's always been more equivalency in politics in Minnesota than in many other states," she has observed. "At the Clinic, I've been treated very fairly."

Referring to the early years of her career she says, "My sights weren't raised any higher in those days than anyone else's. But all of a sudden a breakthrough occurred nationwide. When I first read the *Feminine Mystique* (a book which ignited women's concern about their roles), I thought to myself I could have written that book if I had had the talent.

"Women don't think every day that society has been hard on them. But recently, women have begun to share their sense of hurt and isolation more bravely than before and even expressed it to men. Even the most aware and active women needed the new literature and the (women's liberation) movement to raise their expectations," Mrs. Thompson believes.

"The fear of being over-assertive keeps women from being assertive. An assertive woman shows, and that's the risk you have to take," she says. "I really worry about the woman at the Clinic whose good work is unobserved, a woman whose ideas are being used by a boss who never identifies her potential, or a woman who is doing such a great job her chief won't let her go."

How does that woman uncover her potential? "Society has come to the point where I'd probably go knock on a door. Talk to my supervisor and find out if there's anything more challenging for me to do in my section. And I'd take some ideas with me. If I got shut off there, I wouldn't hesitate to go to Personnel and say I think I have these talents and I know I have these interests. How can they be used?

"Much has happened to allow women to do this without getting or feeling put down," Thompson says. "You do find people who will lend a helping hand and who have all the right sensitivities. And you'll find others who would like to confirm their suspicion that no, women can't hold administrative jobs. But most people can be persuaded.

"Women have to work more effectively than men because they have more to prove in a man's world," she believes. "Men feel inadequate too, but they have more experience at hiding it."

REHABILITATION ACT AMENDMENTS OF 1974

Mr. BIDEN. Mr. President, I was pleased to cosponsor the Rehabilitation Act Amendments of 1974, and I commend my colleagues in the Senate for their favorable action on this legislation.

President Nixon's veto of the Rehabilitation Act of 1973, which I also cosponsored, was regrettable; more disconcerting was the inability of Congress to override the veto. I sincerely hope that it will not be necessary to put Congress to the test this year, and that President Ford will sign this important piece of legislation.

The Rehabilitation Act Amendments of 1974 should be a source of pride to Congress. The crucial programs assisted by this legislation provide funds for research, diagnosis, training, employment, and other services for handicapped individuals. Special emphasis is given to compliance with the Architectural Barriers Act of 1968 to eliminate the architectural and transportation barriers which confront handicapped persons. Further, it is the Rehabilitation Act of 1973 (Public Law 93-112) which requires employers under Federal contract to take affirmative action in hiring handicapped individuals, and prohibits discrimination against these individuals in any program assisted by Federal funds.

In short, the Rehabilitation Act of 1974, which extends these valuable programs, should be viewed as an investment which will result, and has resulted, in economic gain for the Federal Government and for the Nation. But even more important, through rehabilitation programs, handicapped individuals have received, and continue to receive, the necessary training to enable them to compete in the private enterprise system—to hold the jobs they would otherwise be denied.

However, this should not be construed as an indication that we have done all there is to do. I was particularly gratified that the Rehabilitation Act of 1973 mandated a study of sheltered workshops for handicapped individuals, and I will be interested in the findings and recommendations set forth in the study.

In this regard, there has been some question about whether some of the Nation's sheltered workshop are in compliance with the standards promulgated by the Occupational Safety and Health Administration—OSHA. There is also some question regarding OSHA's efforts to enforce these standards with respect to sheltered workshops. I should point out that OSHA regulations do apply to sheltered workshops as well as to all other businesses covered under the Fair Labor Standards Act, and these regulations should be enforced. Further, we should not exempt the States from acting to insure compliance with safety and health regulations. The quality of environment is of concern to all Americans, including handicapped individuals.

I would hope that the passage of the Rehabilitation Act Amendments of 1974 will be another step in the process of insuring that all handicapped Americans receive the assistance they require to lead productive and fulfilling lives.

CURRENT U.S. POPULATION

Mr. PACKWOOD. Mr. President, I would like to report that, according to current U.S. Census Bureau approximations, the total population of the United States as of September 1, while we were in recess, was 212,576,810. In spite of widely publicized reductions in our fertility levels, this represents an increase of 1,432,272 since September 1 of last year. It also represents an increase of 120,618 since August 1 of this year, that is, in just the last month.

Over the year, therefore, we have added enough additional people to fill two cities the size of Washington, D.C. And in just 1 short month, we have added more than the equivalent of Savannah, Ga.

UTILITY CONSUMERS SIMONIZED

Mr. METCALF. Mr. President, I was greatly disappointed by the remarks of Treasury Secretary Simon during the recess in regard to what actions he feels the administration will take to relieve the current economic hardships encountered by electric utilities. The August 27 edition of the Washington Star-News reported that Mr. Simon believes inadequate military profits are at the root of the problem and that the administration may, therefore, press State regulatory commissions to move faster in raising utility rates. He also said that the investment tax credit, which subsidizes the purchase of plants and equipment, should be raised for utilities from 4 to 7 percent, the same rate allowed for nonregulated industries under the present law.

A repetition of this argument can be expected at the meeting scheduled for today, September 11, at the Federal Power Commission, where Secretary Simon and other administration officials are scheduled to talk to State utility commissioners.

The electric utility industry's own 1973 statistics—as reported to the FPC whose Chairman furnished them to my Subcommittee on Budgeting, Management, and Expenditures—show that last year about one-fourth of the major electric utilities did not pay a dime in Federal income taxes. Instead, they accumulated tax credits which they are not using. The electric utilities' utilization rate of investment tax credits generated has steadily decreased, from 91.7 percent in 1971 to 39.6 percent in 1973. Meanwhile, the value of unused investment tax credits increased by 523 percent, from $32,076,000 in 1971 to $167,822,000 in 1973.

Federal income taxes paid by electric utilities have decreased from almost 15 percent of revenue in the mid-1950's to but 2.6 percent last year. Nevertheless their profits averaged 15 percent of revenue. A number of electric utilities which netted 20 percent or more paid no Federal income taxes.

If tax advantages were the route to reliable electric service we would have it now. So that Members may know the Federal income tax payments and net profits of electric utilities and gas pipeline companies in their States, I ask unanimous consent to print in the RECORD the table provided to me by Chair-

man Nassikas of the FPC, along with his cover letter.

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

CHAIRMAN NASSIKAS' RESPONSE TO SENATOR METCALF REGARDING OPERATING REVENUES, FEDERAL INCOME TAXES, AND NET INCOME OF ELECTRIC UTILITY AND NATURAL GAS PIPELINE COMPANIES

FEDERAL POWER COMMISSION,
Washington, D.C., June 12, 1974.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: This is in further response to your letter of May 9, 1974, requesting data relating to operating revenues, Federal income tax charges, and net income of Class A electric utilities and gas pipelines from 1973 annual reports.

As discussed in our letter of May 15, 1974, enclosed are tabulations for all Classes A and B interstate natural gas pipeline companies and privately owned electric utilities showing total utility operating revenues, Federal income taxes charged and net income before and after extraordinary items. The Federal income taxes charged and net income before and after extraordinary items are also shown as a percent of total utility operating revenues for each company and national averages for the interstate natural gas companies and for the privately owned electric utilities reare included in the tabulations.

Following is a brief description of the con- and for the privately owned electric utilities are included in the tabulations.

1. TOTAL UTILITY OPERATING REVENUES

Revenues received from all utility operations such as gas, electric, steam and bus operations, including revenues from utility plant leased to others.

2. FEDERAL INCOME TAXES

Account 409.1.—Federal income taxes (both positive and negative) included in this Account relate to all utility operating income.

Account 409.1.—Federal income taxes (both positive and negative) in this account relate to Other Income and Deductions.

Accout 409.1.—Federal income taxes (both positive and negative) in this account relate to extraordinary items.

All Federal income taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes.

3. EXTRAORDINARY ITEMS

Includes income and deductions that are nontypical, noncustomary and infrequently recurring which would significantly distort the current year's income computed before extraordinary items, if reported other than extraordinary items.

Please let us know if we can be of further assistance.

Sincerely,

JOHN N. NASSIKAS, *Chairman.*

Enclosure No. 084617. (Data from 1973 annual reports.)

Name of company	Total utility operating revenues	Federal income taxes: Account 409.1	Federal income taxes: Account 409.2	Federal income taxes: Account 409.3	Federal income taxes: Total	Federal income taxes, account 409.1, percent of total utility operating revenues	Total Federal income taxes percent of total utility operating revenues [1]	Net income: Before extraordinary items	Net income: Percent of total utility operating revenues	Net income: After extraordinary items	Net income: Percent of total utility operating revenues
CLASSES A AND B PRIVATELY OWNED ELECTRIC UTILITIES											
Alabama Power Co	$397,531,876	$23,318,484	($6,321,033)		$16,997,451	5.9	4.3	$74,885,117	18.8	$74,855,117	18.8
Alaska Electric Light & Power Co	3,038,708	176,000			176,000	5.8	5.8	315,320	10.4	315,320	10.4
Alcoa Generating Corp	23,173,133	554,762			554,762	2.4	2.4	675,684	2.9	675,684	2.9
Alpena Power Co	5,145,547	352,864	6,078		358,942	6.9	7.0	472,549	9.2	472,549	9.2
Appalachian Power Co	291,525,663	(1,685,513)	574,537		(1,110,976)			64,502,606	22.1	64,502,606	22.1
Arizona Public Service Co	224,965,643	4,262,558	(1,948,659)		2,313,899	1.9	1.0	31,267,204	13.9	31,267,204	13.9
Arkansas-Missouri Power Co	28,707,817	202,132	11,009		213,141	.7	.7	1,633,213	5.7	1,633,213	5.7
Arkansas Power & Light Co	209,327,158	7,113,959	477,850		7,591,809	3.4	3.6	41,946,328	20.0	41,946,328	20.0
Arklahoma Corp., The	163,911	4,790			4,790	3.0	3.0	25,518	15.6	25,518	15.6
Atlantic City Electric Co	132,894,051	1,238	335,500		336,738		.3	22,916,869	17.2	22,916,869	17.2
Baltimore Gas & Electric Co	473,621,994	20,806,133	546,471		21,352,604	4.4	4.5	85,204,929	18.0	85,204,929	18.0
Bangor Hydro-Electric Co	21,162,802	173,119	11,000		184,119	.8	.9	1,253,918	5.9	1,253,918	5.9
Black Hills Power & Light Co	14,969,356	1,229,150	(7,410)		1,221,740	8.2	8.2	2,145,222	14.3	2,145,222	14.3
Blackstone Valley Electric Co	28,467,152	(628,171)	(10,335)		(638,506)			1,193,401	4.2	1,193,401	4.2
Boston Edison Co	318,666,800	3,349,358	(2,813,659)		535,699	1.1	.2	30,539,303	9.6	30,539,303	9.6
Brockton Edison Co	32,981,677	(778,439)	34,008		(744,431)			1,506,944	4.6	1,506,944	4.6
California-Pacific Utilities Co	35,029,229	1,291,877	27,608		1,319,485	3.7	3.8	3,599,058	10.3	3,599,058	10.3
Cambridge Electric Light Co	24,576,376	(425,264)	(124,457)		(549,721)			385,875	1.6	385,875	1.6
Canal Electric Co	40,095,010	(206,085)	(10,459)		(216,544)			2,338,878	5.8	2,338,878	5.8
Carolina Power & Light Co	341,206,167	8,951,766	(9,247,207)		(295,441)	2.6		65,998,934	19.3	65,998,984	19.3
Central Hudson Gas & Electric Corp	91,363,257	2,716,000	(4,000)		2,712,000	3.0	3.0	13,219,799	14.5	13,219,799	14.5
Central Illinois Light Co	124,162,749	4,105,400	141,300		4,246,700	3.3	3.4	14,614,350	11.8	14,614,350	11.8
Central Illinois Public Service Co	169,477,934	3,783,500	(287,800)		3,495,700	2.2	2.1	18,933,073	11.2	18,933,073	11.2
Central Kansas Power Co., Inc	10,054,465	536,128	4,108		540,146	5.3	5.4	857,054	8.5	857,054	8.5
Central Louisiana Electric Co., Inc	66,437,362	5,109,666	141,857		5,251,523	7.7	7.9	12,322,862	18.5	12,322,862	18.5
Central Maine Power Co	107,413,947	5,880,969	14,183		5,895,152	5.5	5.5	13,269,361	12.4	13,269,361	12.4
Central Power & Light Co	161,300,738	15,306,000	222,000		15,528,000	9.5	9.6	27,509,574	17.1	27,509,574	17.1
Central Telephone & Utilities Corp	84,820,289	7,044,200	(1,910,000)		5,134,200	8.3	6.1	36,313,437	42.8	36,313,487	42.8
Central Vermont Public Services Corp	39,254,215	(221,700)	(52,000)		(273,700)			431,931	1.1	431,931	1.1
Chestertown Electric Light & Power Co	1,642,806	37,000			37,000	2.3	2.3	73,604	4.5	73,604	4.5
Cheyenne Light, Fuel & Power Co	11,209,488	133,720	35,280		169,000	1.2	1.5	481,158	4.3	481,158	4.3
Cincinnati Gas & Electric Co., the	321,892,989	19,603,662	313,777		19,917,439	6.1	6.2	50,168,658	15.6	50,168,658	15.6
Citizens' Electric Co. of Lewisburg, Pa	1,627,360	107,854			107,854	6.6	6.6	144,701	8.9	144,704	8.9
Citizens Utilities Co	26,006,608	2,120,025	281,256		2,401,281	8.2	9.2	12,403,590	47.7	12,403,590	17.7
Cleveland Electric Illuminating Co., the	328,767,655	10,292,327	989,912		11,282,239	3.1	3.4	49,414,272	15.0	49,414,272	15.0
Cliffs Electric Service Co	13,963,067							668,398	4.8	668,398	4.8
Columbus & Southern Ohio Electric Co	158,448,731	1,572,078	379,000		1,951,078	1.0	1.2	25,860,075	16.3	25,860,075	16.3
Commonwealth Edison Co	1,257,843,202	34,928,000	(8,907,000)		26,021,000	2.8	2.1	184,436,659	14.7	184,436,659	14.7
Commonwealth Edison Co. of Indiana, Inc	55,512,850	4,179,264	88,300		4,267,564	7.5	7.7	6,122,358	11.0	6,122,358	11.0
Community Public Service Co	47,790,928	2,043,806	44,317		2,088,123	4.3	4.4	4,869,258	10.2	4,869,258	10.2
Concord Electric Co	5,982,002	7,081	31,987		39,068	.1	.7	315,980	5.3	315,980	5.3
Connecticut Light & Power Co., the	286,853,082	(1,960,275)	228,163		(1,732,112)			46,700,208	16.3	46,700,208	16.3
Connecticut Valley Electric Co., Inc	3,048,732	42,700	(3,800)		38,900	1.4	1.3	110,999	3.6	110,999	3.6
Connecticut Yankee Atomic Power Co	22,150,370	(28,245)	272,940		244,695		1.1	4,129,895	18.6	4,129,895	18.6
Conowingo Power Co	8,629,370	136,844	(16,472)		120,370	1.6	1.4	702,974	8.1	702,974	8.1
Consolidated Edison Co. of New York, Inc	1,744,214,839	(744,000)			(744,000)			181,563,008	10.4	207,706,754	11.9
Consolidated Water Power Co	3,098,712	286,000	2,063		288,063	9.2	9.3	278,714	9.0	278,714	9.0
Consumers Power Co	834,953,686	2,717,766	916,896		3,634,662	.3	4.4	80,892,987	9.7	80,892,987	9.7
Dallas Power & Light Co	157,196,468	9,308,000			9,308,000	5.9	5.9	25,172,282	16.0	28,913,232	18.4
Dayton Power & Light Co., the	229,380,160	896,700	(320,100)		576,600	.4	.3	27,014,823	11.8	27,014,823	11.8
Delmarva Power & Light Co	147,755,028	60,167	12,078		72,245			30,662,267	20.8	30,662,267	20.8
Delmarva Power & Light Co. of Maryland	34,906,696	935,956	(19,614)		916,342	2.7	2.6	5,025,972	14.4	5,025,972	14.4
Delmarva Power & Light Co. of Virginia	5,869,809	362,168	4,762		366,930	6.2	6.3	927,532	15.8	927,532	15.8
Detroit Edison Co., the	753,135,037	5,113,500	1,016,000	$658,000	6,787,500	.7	.9	94,547,162	12.6	100,132,162	13.3
Duke Power Co	603,116,110	13,102,178	(12,623,752)		478,426	2.2	.1	99,561,693	16.5	99,561,693	16.5
Duquesne Light Co	241,841,706	12,592,895	(3,510,000)		9,082,895	5.2	3.8	51,844,988	21.4	51,844,988	21.4
Edison Sault Electric Co	6,564,797	368,876	(4,900)	(99,600)	264,376	5.6	4.0	555,502	8.5	463,753	7.1
El Paso Electric Co	49,482,958	4,188,293			4,188,293	8.5	8.5	8,003,794	16.2	8,003,794	16.2
Electric Energy, Inc	53,555,970	598,785			498,785	1.1	1.1	576,523	1.1	576,523	1.1
Empire District Electric Co., the	32,684,446	1,525,000			1,525,000	4.7	4.7	3,651,740	11.2	3,651,740	11.2
Exeter & Hampton Electric Co	6,625,642	139,028	(2,437)		136,591	2.1	2.1	381,359	5.8	381,359	5.8
Fall River Electric Light Co	18,698,077	(295,551)	(4,124)		(299,675)			807,106	4.3	807,106	4.3
Fitchburg Gas & Electric Light Co	14,544,678	75,166	17,949		93,115	.5	.6	927,063	6.4	927,063	6.4
Florida Power Corp	255,044,568	800,000	(110,000)		690,000	.3	.3	44,133,381	17.3	44,133,381	17.3
Florida Power & Light Co	714,012,430	28,712,737	(6,109,419)		22,603,318	4.0	3.2	108,558,472	15.2	108,558,472	15.2
Florida Public Utilities Co	12,037,969	560,554	19,638		580,192	4.7	4.8	1,035,668	8.6	1,035,668	8.6
Georgia Power Co	604,815,166	(2,884,132)	214,185		(2,669,947)			88,061,254	14.6	88,061,254	14.6
Granite State Electric Co	8,442,316	(39,652)			(39,657)			364,529	4.3	364,529	4.3
Green Mountain Power Co	24,934,399	(220)			(220)			810,148	3.2	810,148	3.2

Name of company	Total utility operating revenues	Federal income taxes: Account 409.1	Federal income taxes: Account 409.2	Federal income taxes: Account 409.3	Federal income taxes: Total	Federal income taxes, account 409.1, percent of total utility operating revenues	Total Federal income taxes percent of total utility operating revenues [1]	Net income: Before extraordinary items	Net income: Percent of total utility operating revenues	Net income: After extraordinary items	Net income: Percent of total utility operating revenues
CLASSES A AND B PRIVATELY OWNED ELECTRIC UTILITIES—Continued											
Gulf Power Co	$82,536,978	$75,974	$74,468		$150,442	.1	.2	$12,649,457	15.3	$12,649,457	15.3
Gulf States Utilities Co	296,323,348	21,477,821	502,045		21,979,886	7.2	7.4	50,177,196	16.9	50,177,196	16.9
Hartford Electric Light Co., the	150,991,808	(1,514,587)	(249,897)		(1,764,466			27,085,049	17.9	27,085,049	17.9
Hawaiian Electric Co., Inc	97,230,367	2,856,727			2,856,727	2.9	2.9	14,569,450	15.0	14,549,450	15.0
Hershey Electric Co	5,161,971	125,770			125,770	2.4	2.4	170,924	3.3	170,924	3.3
Hilo Electric Light Co., Ltd	12,510,395	125,756			125,756	1.0	1.0	1,176,828	9.4	1,176,388	9.4
Holyoke Power & Electric Co	11,932,641	(3,800)			(3,800)			33,031	.3	33,031	.3
Holyoke Water Power Co	19,040,333	203,839	9,245		213,084	.11	1.1	192,993	1.0	192,993	1.0
Home Light & Power Co	7,169,129	347,064			347,064	4.8	4.8	669,519	9.3	969,519	9.3
Houston Lighting & Power Co	409,059,807	36,444,174			36,444,174	8.9	8.9	71,865,800	17.6	71,865,800	17.6
Idaho Power Co	90,709,675	5,507,500	146,030		5,653,800	6.1	6.2	23,498,513	25.9	23,498,513	25.9
Illinois Power Co	294,442,305	14,099,000	(1,009,000)		13,000,000	4.8	4.4	47,200,988	16.0	47,200,898	16.0
Indiana-Kentucky Electric Corp	48,846,807										
Indiana & Michigan Electric Co	237,692,719	(2,277,631)	914,462		(1,363,169			56,465,804	23.8	56,465,804	23.8
Indianapolis Power & Light Co	136,265,510	8,170,000	170,000		8,340,000	6.0	6.1	22,846,269	16.8	22,846,269	16.8
Interstate Power Co	76,803,193	4,989,190	12,000		5,001,190	6.5	6.5	7,613,739	9.9	7,613,739	9.9
Iowa Electric Light & Power Co	105,438,483	(704,800)	(277,000)		(981,000)			11,783,513	11.2	11,783,513	11.2
Iowa-Illinois Gas & Electric Co	131,090,329	7,002,078	36,257		7,038,335	5.3	5.4	12,684,519	9.7	12,684,519	9.7
Iowa Power & Light Co	115,978,626	6,778,200	49,100		6,827,300	5.8	5.9	12,249,027	10.0	12,249,027	10.6
Iowa Public Services Co	98,997,026	4,349,043	52,739		4,401,782	4.4	4.4	9,060,224	9.2	9,060,224	9.2
Iowa Southern Utilities Co	39,647,510	3,197,218	(73,854)		3,123,634	8.1	7.9	5,601,104	14.1	5,601,104	14.1
Jersey Central Power & Light Co	261,625,980	1,669,753	178,306		1,848,059	.6	.7	49,688,933	19.0	49,688,933	19.0
Kansas City Power & Light Co	157,431,945	2,226,585	43,100		2,269,685	1.4	1.4	19,958,444	12.7	19,958,444	12.7
Kansas Gas & Electric Co	79,704,470	(1,390,000)	(772,000)		(2,162,000)			11,479,864	14.4	11,479,864	14.4
Kansas Power & Light Co., the	125,860,872	10,290,227	3,275		10,293,498	8.2	8.2	16,333,446	13.0	16,333,346	13.0
Kentucky Power Co	44,170,546	(163,433)			(163,433)			5,642,705	12.8	6,197,074	14.0
Kentucky Utilities Co	117,926,116	2,912,467	125,853		3,038,320	2.5	2.6	19,185,106	16.3	19,185,106	16.3
Kingsport Power Co	12,718,725	(23,274)			(23,274)			519,421	4.1	519,421	4.1
Lake Superior District Power Co	18,169,268	107,200	2,800		110,000	.6	.6	1,659,043	9.1	1,659,043	9.1
Lincoln Service Corp	1,374,862	88,808			88,808	6.5	6.5	121,522	8.8	121,522	8.8
Lockhart Power Co	3,771,388	285,000			285,000	7.6	7.6	330,604	8.8	330,604	8.8
Long Island Lighting Co	436,977,520	5,502,500	($214,000)		5,288,500	1.3	1.2	55,687,071	12.7	55,687,071	12.7
Long Sault, Inc	2,726,033	208,750			208,750	7.7	7.7	226,852	8.3	226,852	8.3
Louisiana Power & Light Co	209,395,969	11,370,968	602,971		11,973,939	5.4	5.7	36,946,097	17.6	36,946,097	17.6
Louisville Gas & Electric Co	159,927,639	11,238,000	172,384		11,410,384	7.0	7.1	20,332,739	12.7	20,332,739	12.7
Madison Gas & Electric Co	53,849,489	443,800	(4,900)		438,900	.8	.8	6,076,461	11.3	6,076,461	11.3
Maine Electric Power Co., Inc	17,460,640	37,202			37,202	.2	.2	213,440	1.2	213,440	1.2
Maine Public Service Co	10,721,999	641,326	28,534		669,860	6.0	6.3	1,434,812	13.4	1,434,812	13.4
Maine Yankee Atomic Power Co	50,444,847							7,768,833	15.4	7,768,833	15.4
Massachusetts Electric Co	279,025,162	4,104,677	(312,200)		3,792,477	1.5	1.4	15,950,405	5.7	15,950,405	5.7
Maui Electric Co., Ltd	10,016,474	228,034			228,034	2.3	2.3	1,241,977	12.4	1,241,977	12.4
Metropolitan Edison Co	182,557,438	546,678	(46,400)		500,278	.3	.3	38,211,861	20.9	38,211,861	20.9
Michigan Power Co	27,775,800	139,721	15,143		154,864	.5	.6	1,692,737	6.1	1,692,737	6.1
Millstone Point Co., the	14,376,192							1,006,260	7.0	1,006,260	7.0
Minnesota Power & Light Co	74,500,860	(2,116,100)	210,000		(1,906,100)			10,052,928	13.5	10,052,928	13.5
Mississippi Power Co	86,930,420	776,790	53,540		830,330	.9	1.0	11,405,563	13.1	11,405,563	13.1
Mississippi Power & Light Co	126,641,734	5,952,306	288,190		6,240,496	4.7	4.9	17,346,408	13.7	17,346,408	13.7
Missouri Edison Co	13,584,329	(127,000)	(5,000)		(132,000)			732,453	5.4	732,453	5.4
Missouri Power & Light Co	44,825,449	(38,000)	(3,000)		(41,000)			3,079,401	6.9	3,079,401	6.9
Missouri Public Service Co	54,963,666	1,470,119	(107,630)		1,362,489	2.7	2.5	5,280,422	9.6	5,280,422	9.6
Missouri Utilities Co	26,155,509	60,436			60,436	.2	.2	1,131,538	4.3	1,131,538	4.3
Monongahela Power Co	104,426,902	4,104,552	(87,100)		4,017,452	3.9	3.9	21,210,292	20.3	21,210,292	20.3
Montana-Dakota Utilities Co	65,810,491	1,803,000	(3,000)		1,800,000	2.7	2.7	8,449,509	12.8	8,449,509	12.8
Montana Power Co., the	108,273,117	12,155,400	709,400		12,864,800	11.2	11.9	22,819,536	21.1	22,819,536	21.1
Montaup Electric Co	57,810,975	945,457	3,778		949,235	1.6	1.6	3,767,710	6.5	3,767,710	6.5
Mt. Carmel Public Utility Co	3,233,628	159,620			159,620	4.9	4.9	188,718	5.8	188,718	5.8
Nantahala Power & Light Co	6,863,757	708,067	2,265		710,332	10.3	10.4	797,574	11.6	797,574	11.6
Nantucket Gas & Electric Co	1,688,479	92,562	18,938		111,500	5.5	6.6	170,524	10.1	170,524	10.1
Narragansett Electric Co., the	92,044,105	2,627,665	(134,800)		2,492,865	2.9	2.7	7,760,960	8.4	7,760,960	8.4
Nevada Power Co	57,357,751	(40,000)			(40,000)			9,407,530	16.4	9,407,530	16.4
New Bedford Gas & Edison Light Co	75,773,063	892,086	44,192		936,278	1.2	1.2	3,282,893	4.3	3,282,893	4.3
New England Power Co	219,165,045	1,915,657	163,400		2,079,057	.9	1.0	24,426,265	11.2	24,426,265	11.2
New Mexico Electric Service Co	7,396,388	826,962	75,399		902,361	11.2	12.2	1,440,333	19.5	1,440,333	19.5
New Orleans Public Service Inc	123,929,672	5,182,584	226,400		5,408,984	4.2	4.4	9,056,522	7.3	9,056,522	7.3
New York State Electric & Gas Corp	253,171,711	3,694,600	557,000		4,251,600	1.5	1.7	32,437,073	12.8	32,437,073	12.8
Newport Electric Corp	10,223,391	(42,030)			(42,030)			334,182	3.3	334,182	3.3
Niagara Mohawk Power Corp	665,330,331	(7,700,000)			(7,700,000)			63,103,456	9.5	63,103,456	9.5
Northern Indiana Public Service Co	391,825,741	20,412,682	(3,196,315)		17,216,367	5.2	4.4	51,868,628	13.2	58,868,628	13.2
Northern States Power Co. (Minnesota)	440,144,605	(6,583,000)	528,000		(6,055,000)			67,427,784	17.3	67,427,784	15.3
Northern States Power Co. (Wisconsin)	68,818,117	1,424,900	(24,900)		1,400,000	2.1	2.0	6,148,204	8.9	6,148,204	8.9
Northwestern Public Service Co	30,258,456	1,287,000	(318,000)		969,000	4.3	3.2	3,465,244	11.5	3,465,244	11.5
Northwestern Wisconsin Electric Co	1,577,414	76,920			76,920	4.9	4.9	110,927	7.3	110,927	7.3
Ohio Edison Co	335,176,478	17,349,588	992,304		18,341,892	5.2	5.5	66,134,976	19.7	66,134,976	19.7
Ohio Power Co	381,937,268	(6,078,203)	(47,347)		(6,125,550)			87,803,777	23.0	87,803,777	23.0
Ohio Valley Electric Corp	96,657,322	1,151,662			1,151,662	1.2	1.2	1,003,257	1.0	1,003,257	1.0
Oklahoma Gas & Electric Co	198,731,262	16,980,000	84,000		17,064,000	8.5	8.6	36,256,921	18.2	36,256,921	18.2
Old Dominion Power Co	6,569,531	2,169	(2,169)					160,093	2.4	160,093	2.4
Orange & Rockland Utilities, Inc	109,796,371	188,469			188,469	.2	.2	14,263,309	13.0	14,263,309	13.0
Otter Tail Power Co	44,519,955	2,610,000	(67,000)		2,543,000	5.9	5.7	5,996,096	13.5	5,996,096	13.5
Pacific Gas & Electric Co	1,490,155,642	58,606,607	(6,866,980)		51,739,627	3.9	3.5	243,606,660	16.3	243,606,660	16.3
Pacific Power & Light Co	224,030,037	1,997,978	266,253		2,264,331	1.0	1.0	53,542,524	23.9	53,542,524	23.9
Pennsylvania Electric Co	218,174,106	5,482,088	88,000		5,570,088	2.5	2.6	42,631,857	19.5	42,631,857	19.5
Pennsylvania Power Co	53,742,123	1,151,757	172,495		1,324,252	2.1	2.5	8,646,049	16.1	8,646,049	16.1
Pennsylvania Power & Light Co	384,866,726	16,453,993	(46,010)		16,407,983	4.3	4.3	66,912,440	17.4	66,912,440	17.4
Philadelphia Electric Co	762,882,972	22,935,644	(2,721,403)		20,214,241	3.0	2.6	122,867,003	16.1	122,867,003	16.1
Philadelphia Electric Power Co	343,712							1,630,778		1,630,778	
Portland General Electric Co	124,832,756	1,121,000	67,000		1,188,000	1.0	1.0	26,615,858	21.3	26,615,858	21.3
Potomac Edison Co., The	78,556,899	(1,318,200)	121,100		(1,197,100)			15,718,178	20.0	15,718,178	20.0
Potomac Edison Co. of Pennsylvania, the	13,732,269	613,800	(6,600)		607,200	4.5	4.4	1,513,865	11.0	1,513,865	11.0
Potomac Edison Co. of Virginia, the	16,528,668	798,900	10,600		809,500	4.8	4.9	2,034,449	12.3	2,034,449	12.3
Potomac Edison Co. of West Virginia, the	17,743,560	638,700	9,300		648,000	3.6	3.7	2,136,310	12.0	2,136,310	12.0
Potomac Electric Power Co	320,356,474	12,604,000	526,000		13,130,000	3.9	4.1	55,988,300	17.5	55,988,300	17.5
Public Service Co. of Colorado	289,501,721	4,102,590	(680,590)		3,422,000	1.4	1.2	41,951,313	14.5	41,951,313	14.5
Public Service Co. of Indiana, Inc	243,364,983	28,063,741	(1,115,775)		26,947,966	11.5	11.1	47,491,476	19.5	47,491,476	19.5
Public Service Co. of New Hampshire	108,595,640	2,282	(1,947,152)		(1,944,870)			12,829,099	11.8	12,829,099	11.8
Public Service Co. of New Mexico	58,105,583	3,339,323	(48,948)		3,290,375	5.7	5.1	12,754,994	22.0	12,754,994	22.0
Public Service Co. of Oklahoma	145,897,770	12,022,710	85,290		12,108,000	8.3	8.3	22,632,831	15.5	22,632,831	15.5
Public Service Electric & Gas Co	1,076,260,094	(3,781,724)	(1,027,835)	($2,800,000)	(7,609,559)			131,482,669	12.2	150,022,669	13.9
Puget Sound Power & Lght Co	116,901,991	2,958,000	67,747		3,025,747	2.5	2.6	15,462,589	13.2	15,462,589	13.2
Rochester Gas & Electric Corp	212,270,843	6,279,000	27,000		6,306,000	3.0	3.0	24,306,083	11.5	24,306,083	11.5
Rockland Electric Co	25,904,277	1,036,668	6,400		1,043,068	4.0	4.0	2,576,509	9.9	2,576,509	9.9
Rumford Falls Power Co	1,767,037	339,000			339,000	19.2	19.2	370,908	21.0	370,908	21.0

Footnote at end of article.

Name of company	Total utility operating revenues	Federal income taxes: Account 409.1	Federal income taxes: Account 409.2	Federal income taxes: Account 409.3	Federal income taxes: Total	Federal income taxes, account 409.1, percent of total utility operating revenues	Total Federal income taxes percent of total utility operating revenues [1]	Net income: Before extraordinary items	Net income: Percent of total utility operating revenues	Net income: After extraordinary items	Net income: Percent of total utility operating revenues
CLASSES A AND B PRIVATELY OWNED ELECTRIC UTILITIES—Continued											
Safe Harbor Water Power Corp	$3,941,372	$571,516	$5,866		$577,382	14.5	14.6	$746,860	18.9	$746,860	18.9
St. Joseph Light & Power Co	20,694,978	829,000	(58,000)		771,000	3.7	3.7	2,228,400	10.8	2,228,400	10.8
San Diego Gas & Electric Co	227,762,871	(185,771)	(1,592,111)		(1,777,882)			27,685,841	12.2	27,685,841	12.2
Savannah Electric & Power Co	36,417,828	(96,108)	(8,500)		(104,608)			3,917,969	10.8	3,917,969	10.8
Sherrard Power System	2,862,005	92,195			92,195	3.2	3.2	176,720	6.2	176,720	6.2
Sierra Pacific Power Co	58,185,650	1,183,240	(345,504)		837,736	2.0	1.4	9,005,446	15.5	9,005,446	15.5
South Beloit Water, Gas & Electric Co	3,747,019	108,407	400		108,807	2.9	2.9	127,073	3.4	127,073	3.4
South Carolina Electric & Gas Co	204,240,552	1,645,500	(1,275,600)		369,900	.8	.2	26,715,143	13.1	26,715,143	13.1
Southern California Edison Co	1,079,715,765	39,533,375	(2,840,100)		36,693,275	3.7	3.4	47,730,729	13.7	147,730,729	13.7
Southern Electric Generating Co	47,704,736	3,356,626	46,888		3,403,514	7.0	7.1	3,837,374	8.0	3,837,374	8.0
Southern Indiana Gas & Electric Co	63,651,672	3,308,620	(171,530)		3,137,090	5.2	4.9	11,015,917	17.3	11,015,917	17.3
Southwestern Electric Power Co	130,076,429	12,756,000	75,400		12,832,000	9.8	9.9	23,207,236	17.8	23,207,236	17.8
Southwestern Electric Service Co	9,859,369	407,774			407,774	4.1	4.1	1,033,039	10.5	1,033,039	10.5
Southwestern Public Service Co	118,646,360	11,937,000	(25,000)		11,912,000	10.1	10.0	23,173,436	19.5	23,173,436	19.5
Superior Water, Light & Power Co	10,316,610	254,400	11,300		265,700	2.5	2.6	483,082	4.7	883,082	4.7
Susquehanna Electric Co., the	9,052,259										
Susquehanna Power Co., the	6,317,696	1,262,867	55,479		1,318,346	20.0	21.0	2,882,542	45.6	2,882,542	45.6
Tampa Electric Co	151,030,785	4,152,135			4,152,135	2.7	2.7	23,050,784	15.3	23,050,784	15.3
Tapoco, Inc	5,020,229	535,525			535,525	10.7	10.7	628,660	12.5	628,660	12.5
Texas Electric Service Co	211,435,093	20,581,574			20,581,574	9.7	9.7	42,641,541	20.3	42,641,541	20.2
Texas Power & Light Co	255,077,365	27,736,863			27,736,863	10.9	10.9	56,832,458	22.3	56,832,458	22.3
Toledo Edison Co., the	129,147,270	5,396,579	(172,000)		5,224,579	4.2	4.0	23,568,423	18.2	23,568,423	18.2
Tucson Gas & Electric Co	98,082,330	685,000	(2,135,000)		(1,450,000)	.7		15,030,106	15.3	15,030,106	15.3
UGI Corp	89,340,474	4,107,112	388,983		4,496,095	4.6	5.0	7,256,283	8.1	7,256,283	8.1
Union Electric Co	384,493,059	6,216,000	(394,000)		5,822,000	1.6	1.5	67,166,900	17.5	67,166,900	17.5
Union Light, Heat & Power Co., the	43,020,933	756,000	44,867		800,867	1.8	1.9	1,603,905	3.7	1,603,905	3.7
United Illuminating Co., the	116,758,980	759,000	136,800		895,000	.7	.8	13,109,230	11.2	13,109,230	11.2
Upper Peninsula Generating Co	12,153,924										
Upper Peninsula Power Co	18,821,923	986,468	(19,693)		966,775	5.2	5.1	2,008,460	11.3	2,134,565	11.3
Utah Power & Light Co	127,454,216	(283,920)	188,500		(95,420)			27,889,253	12.9	27,889,243	21.9
Vermont Electric Power Co., Inc	52,485,479							298,000	.6	298,000	.6
Vermont Yankee Nuclear Power Corp	48,080,127							7,345,500	15.3	7,345,500	15.3
Virginia Electric & Power Co	550,963,151	(1,010,366)	275,134		(735,232)			124,072,145	22.5	124,072,145	22.5
Washington Water Power Co., the	92,998,565	4,424,159	(37,623)		4,386,536	4.8	4.7	13,103,697	14.1	13,103,697	14.1
West Penn Power Co	190,937,053	8,466,000			8,466,000	4.4	4.4	35,263,912	18.5	35,263,912	18.5
West Texas Utilities Co	56,313,612	8,645,200	240,100		8,885,300	15.4	15.8	11,576,263	20.6	11,576,263	20.6
Western Colorado Power Co., the	5,355,796	155,423	74,500		229,923	2.9	4.3	798,175	14.9	798,175	14.9
Western Massachusetts Electric Co	90,755,647	(1,692,871)	(204,307)		(1,834,178)			12,075,093	13.3	12,075,093	13.3
Wheeling Electric Co	22,150,063	(162,600)	(6,422)		(169,022)			876,856	4.0	876,856	4.0
Wisconsin Electric Power Co	293,952,743	26,266,300	118,000		26,447,400	8.9	9.0	50,166,954	17.1	50,166,954	17.1
Wisconsin Michigan Power Co	58,889,929	3,805,600	77,200		3,882,800	6.5	6.6	7,991,969	13.6	7,991,969	13.6
Wisconsin Power & Light Co	135,718,219	(794,382)	(23,911)		(818,293)			17,033,239	12.6	17,033,239	12.6
Wisconsin Public Service Corp	146,465,285	(356,000)	57,400		(298,600)			18,240,516	12.5	18,240,516	12.5
Wisconsin River Power Co	2,405,582	452,785	52,014		504,799	18.8	21.0	561,600	23.3	561,600	23.3
Yadkin, Inc	7,355,414	549,240			549,240	7.5	7.5	657,390	8.9	657,390	8.9
Yankee Atomic Electric Co	10,279,260	1,035,400	(2,000)		1,033,400	10.1	10.1	846,550	8.2	846,500	8.2
Total (national average)	33,166,456,126	881,649,694	(67,315,629)	($2,241,600)	812,092,465	2.7	2.6	4,931,195,875	14.9	4,992,794,296	15.0
NATURAL GAS PIPELINES											
Alabama-Tennessee Natural Gas Co	17,516,611	1,008,000	5,200		1,013,200	5.8	5.8	1,259,962	7.2	1,259,962	7.2
Algonquin Gas Transmission Co	108,429,567	4,500,000			4,500,000	4.2	4.2	5,967,284	5.5	5,967,284	5.5
Arkansas Louisiana Gas Co	184,043,175	7,758,200	1,291,300		9,049,500	4.2	4.9	35,530,639	19.3	35,530,639	19.3
Arkansas-Missouri Power Co	28,707,817	202,132	11,009		213,141	.7	.7	1,633,213	5.7	1,633,213	5.7
Arkansas Oklahoma Gas Corp	8,899,222	347,198	105,402		452,600	3.9	5.1	662,765	7.4	662,765	7.4
Black Marlin Pipeline Co	940,543	28,589			28,589	3.0	3.0	130,049	13.8	130,049	13.8
Blue Dolphin Pipe Line Co	862,993	171,374	15,533		186,907	19.9	21.7	65,540	7.6	65,540	7.6
Carnegie Natural Gas Co	16,718,342	600,124	40,342		640,466	3.6	3.8	1,141,856	6.8	1,141,756	6.8
Cascade Natural Gas Corp	53,545,597	606,228	6,896		613,124	1.1	1.1	2,973,521	5.6	2,973,521	5.6
Chandeleur Pipe Line Co	1,373,075							(672,400)		(653,893)	
Cimarron Transmission Co	2,293,092	24,809	804		25,613	1.1	1.1	41,875	1.8	41,875	1.8
Cities Service Gas Co	165,859,653	(988,232)	2,476,516		1,488,284		.9	18,857,283	11.4	18,857,283	11.4
Colorado Interstate Corp	137,425,790	3,454,000	(928,000)		2,526,000	2.5	1.8	20,659,797	15.0	20,659,797	15.0
Columbia Gas Transmission Corp	809,779,459	24,019,681	86,969		24,106,650	3.0	3.0	56,264,293	6.9	56,264,293	6.9
Columbia Gulf Transmission Co	114,004,590	12,972,143	(2,228,130)		10,744,013	11.4	9.4	26,627,236	23.4	26,627,236	23.4
Consolidated Gas Supply Corp	441,689,940	5,060,358	485,000		5,545,358	1.1	1.3	29,291,802	6.6	29,291,802	6.6
East Tennessee Natural Gas Co	47,568,156	1,557,940	(1,240)		1,556,700	3.3	3.3	2,983,021	6.3	2,983,021	6.3
Eastern Shore Natural Gas Co	5,731,466	502,684	10,346		513,030	8.8	9.0	613,569	10.7	613,56	10.7
El Paso Natural Gas Co	843,620,413	10,321,880	4,742,416		15,064,296	1.2	1.8	65,622,991	7.8	69,243,305	8.2
Equitable Gas Co	93,315,265	560,600	(63,000)		497,600	.6	.5	11,001,781	11.8	11,001,781	11.8
Florida Gas Transmission Co	104,174,637	8,961,000			8,961,000	8.6	8.6	13,985,430	13.4	13,985,430	13.4
Gas Transport, Inc	1,873,450	9,500			9,500	.5	.5	97,213	5.2	97,213	5.2
Granite State Gas Transmission, Inc	3,304,619	21,700			21,700	.7	.7	72,922	2.2	72,922	2.2
Great Lakes Gas Transmission Co	103,646,405	3,248,000	128,000		3,376,000	3.1	3.3	12,047,415	11.6	12,047,415	11.6
Great Plains Natural Gas Co	3,730,155	19,000			19,000	.5	.5	125,197	3.4	125,197	3.4
Hampshire Gas Co	1,434,731	(4,440)	2,058		(2,382)			266,872	18.6	266,872	18.6
Inland Gas Co., Inc., the	7,791,808	287,825	(751)		287,074	3.7	3.7	497,301	6.4	497,301	6.4
Inter-City Minnesota Pipelines Ltd	5,275,694							58,418	1.1	58,418	1.1
Interstate Power Co	76,803,193	4,989,180	12,000		5,001,190	6.5	6.5	7,613,739	9.9	7,613,739	9.9
Iowa-Illinois Gas & Electric Co	131,090,329	7,002,078	36,257		7,038,335	5.3	5.4	12,684,519	9.7	12,684,519	9.7
Iowa Public Service Co	98,977,026	4,349,043	52,739		4,401,782	4.4	4.4	9,060,224	9.2	9,060,224	9.2
Iroquois Gas Corp	146,561,676	(693,905)	1(183,742)		(877,647)			7,267,116	5.0	7,267,116	5.0
Jupiter Corp., the	4,525,000							772,000	17.1	772,000	17.1
Kansas-Nebraska Natural Gas Co., Inc	71,872,357	5,699,379	251,995		5,951,374	7.9	8.3	10,158,378	14.1	10,158,378	14.1
Kentucky West Virginia Gas Co	13,246,491	(296,700)			(296,700)			3,865,151	29.2	3,865,151	29.2
Lawrenceburg Gas Transmission Corp	2,311,169	1,286	(12)		1,274	.1	.1	6,809	.3	6,809	.3
Lone Star Gas Co	247,514,548	6,836,756	32,368		6,869,124	2.8	2.8	41,886,243	16.9	41,886,243	16.9
Louisiana-Nevada Transit Co	1,864,465							(576,660)		(576,660)	
McCulloch Interstate Gas Corp	4,922,058	(195,290)			(195,290)			(211,564)		(211,564)	
Michigan Gas Storage Co	47,748,582	1,717,454			1,717,454	3.6	3.6	1,818,567	3.8	1,818,567	3.8
Michigan Wisconsin Pipe Line Co	468,413,909	22,779,000	1,074,300		23,853,300	4.9	5.1	43,974,689	9.4	43,974,689	9.4
Mid Louisiana Gas Co	10,896,599	(255,203)			(255,203)			902,719	8.3	902,719	8.3
Midwestern Gas Transmission Co	139,300,662	4,239,030	303,270		4,542,300	3.0	3.3	5,391,246	3.9	5,391,246	3.9
Mississippi River Transmission Corp	113,449,885	5,892,000			5,892,000	5.2	5.2	10,180,130	9.0	10,180,130	9.0
Montana-Dakota Utilities Co	65,810,491	1,803,000	(3,000)		1,800,000	2.7	2.7	8,449,509	12.8	8,449,509	12.8
Mountain Fuel Supply Co	72,578,245	(827,589)	(829,853)		(1,657,442)			10,246,980	14.1	10,246,980	14.1
Mountain Gas Co	556,174							(64,047)		(64,047)	
Natural Gas Pipeline Co. of America	512,413,613	49,499,000	504,000		50,003,000	9.7	9.8	57,388,564	11.2	57,388,564	11.2

Name of company	Total utility operating revenues	Federal income taxes: Account 409.1	Federal income taxes: Account 409.2	Federal income taxes: Account 409.3	Federal income taxes: Total	Federal income taxes, account 409.1, percent of total utility operating revenues	Total Federal income taxes percent of total utility operating revenues [1]	Net income: Before extraordinary items	Net income: Percent of total utility operating revenues	Net income: After extraordinary items	Net income: Percent of total utility operating revenues
NATURAL GAS PIPELINES—Continued											
North Penn Gas Co	$19, 508, 335	$552, 240	$8, 095		$560, 335	2.8	2.9	$1, 059, 731	5.4	$1, 059, 731	5.4
Northern Natural Gas Co	478, 672, 708	13, 189, 300	5, 287, 100		18, 476, 400	2.8	3.9	58, 128, 962	12.1	58, 128, 962	12.1
Northern Utilities, Inc	9, 486, 695	427, 933	17, 032		444, 965	4.5	4.7	866, 110	9.1	866, 110	9.1
Ohio River Pipeline Corp	5, 295, 396	13, 430			13, 430	.3	.3	14, 814	.3	14, 814	.3
Oklahoma Natural Gas Gathering Corp	3, 483, 450	84, 300			84, 300	2.4	2.4	95, 662	2.7	95, 662	2.7
Orange and Rockland Utilities, Inc	109, 796, 371	188, 469			188, 469	.2	.2	14, 263, 309	13.0	14, 263, 309	13.0
Pacific Gas Transmission Co	165, 824, 161	1, 018, 082	119, 000		1, 137, 082	.6	.7	6, 301, 512	3.8	6, 301, 512	3.8
Panhandle Eastern Pipe Line Co	351, 588, 681	13, 654, 602	119, 421		13, 774, 023	3.9	3.9	62, 700, 986	17.8	62, 700, 986	7.18
Pennsylvania Gas Co	36, 027, 200	1, 423, 152	15, 301		1, 483, 453	4.0	4.0	3, 297, 114	9.2	3, 297, 114	9.2
Pennsylvania & Southern Gas Co	5, 886, 712	262, 858	33, 056		295, 914	4.5	5.0	447, 317	7.6	447, 317	7.6
Sabine Pipe Line Co	1, 844, 451							326, 561	17.7	326, 561	17.7
Sea Robin Pipelsne Co	81, 484, 672							11, 398, 298	14.0	11, 398, 298	14.0
Shenandoah Gas Co	4, 039, 500	(96, 991)	973		(596, 018)			(209, 763)		(209, 763)	
South Georgea Natural Gas Co	15, 188, 245	708, 552			708, 552	4.7	4.7	1, 421, 056	9.4	1, 421, 056	9.4
South Texas Natural Gas Gathering Co	16, 866, 423	240, 050			240, 050	1.4	1.4	915, 760	5.4	(2, 788, 305)	
Southern Natural Gas Co	323, 214, 218	22, 045, 000	2, 728, 000		24, 773, 000	6.8	7.7	46, 483, 393	14.4	46, 483, 393	14.4
Southwest Gas Corp	59, 864, 003	398, 125	106, 078		504, 203	.7	.8	3, 265, 287	5.5	3, 265, 287	5.5
Tenneco Inc	603, 459, 424	28, 895, 900	(6, 545, 472)		22, 350, 428	4.8	3.7	239, 105, 728	39.6	230, 211, 354	38.1
Tennesee Natural Gas Lines, Inc	15, 796, 563	(76, 800)	22, 300		(54, 500)			1, 594, 056	10.1	1, 594, 056	10.1
Texas Eastern Transmission Corp	484, 487, 927	18, 450, 024	(6, 015, 871)		12, 434, 153	3.8	2.6	88, 550, 836	18.3	88, 550, 836	18.3
Texas Gas Pipe Line Corp	857, 937	(70, 577)			(70, 577)			174, 442	20.3	174, 442	20.3
Texas Gas Transmission Corp	312, 752, 503	6, 404, 100	(68, 000)	$1, 491, 254	7, 827, 354	2.0	2.5	36, 733, 860	11.7	39, 721, 356	12.7
Tidal Transmission Co	1, 794, 629							86, 014	4.8	86, 014	4.8
Transcontinental Gas Pipe Line Corp	505, 534, 930	8, 723, 930	2, 469, 126		11, 193, 056	1.7	2.2	54, 044, 496	10.7	54, 044, 496	10.7
Transwestern Pipeline Co	149, 412, 993	6, 100, 000	(2, 369, 000)		3, 731, 000	4.1	2.5	15, 096, 320	10.1	15, 093, 320	10.1
Trunkline Gas Co	212, 950, 823	12, 571, 100	5, 900		12, 577, 000	5.9	5.9	19, 385, 093	9.1	19, 386, 093	9.1
Union Light, Heat & Power Co., the	$43, 020, 933	$756, 202	$44, 867		$801, 069	1.8	1.9	$1, 603, 905	3.7	$1, 603, 905	3.7
United Gas Pipe Line Co	393, 574, 589	10, 080, 000	1, 389, 000		11, 469, 000	2.6	2.9	23, 542, 156	6.0	23, 542, 156	6.0
United Natural Gas Co	69, 548, 756	1, 339, 511	168, 503		1, 508, 014	1.9	2.2	5, 598, 477	8.0	5, 598, 477	8.0
Valley Gas Transmission, Inc	3, 884, 634	(685, 000)			(685, 000)			86, 867	2.2	86, 862	2.2
Washington Gas Light Co	164, 533, 407	2, 502, 220	867, 326		3, 369, 546	1.5	2.0	11, 253, 991	6.8	11, 253, 991	6.8
West Texas Gathering Co	24, 847, 849	70, 291			70, 291	.3	.3	94, 097	.4	94, 097	.4
Total (national average)	10, 218, 869, 885	346, 958, 825	5, 839, 727	1, 491, 254	354, 289, 806	3.4	3.5	1, 246, 345, 499	12.2	1, 240, 373, 477	12.1

[1] Revenues related to other income and extraordinary items are not included in total utility operating revenues.

Mr. METCALF. Mr. Simon's proposals on how to alleviate the problems faced by utilities are not new. The privately owned utility industry has for many years argued before Federal and State regulatory commissions, as well as the Congress, that the only way to insure a reliable supply of electricity is to maintain a high level of utility profits through a combination of periodic rate increases and tax breaks which inure to the benefit of utility investors, yet today some utilities are having difficulty attracting new capital and certain areas of the Nation are threatened with potential brownouts. The continual pursuit of higher profits for individual utilities, long advocated by the utility industry and now supported by Mr. Simon, has not only failed to provide the Nation with an efficient and dependable system for generating electricity, it has also proved to be an enormously expensive burden for the American consumer. The financial problems which utilities have encountered due to the existing high rate of inflation may be severe, but they are certainly no greater than the difficulties faced by the average consumer who has already suffered rate increases of 100 percent and more over the past few years due to nearly annual requests by the utilities for higher rates and fuel cost adjustments which rise monthly.

Persistent large increases in the cost of basic utility services and other necessities such as food, housing, and gasoline have placed the brunt of the current inflation directly upon those who can least afford it. Allowing further unnecessary increases in the cost of such necessities will only fuel inflation by leading to demands for higher wages. The time is, therefore, ripe for Mr. Simon and the administration to examine the defects and inequities of the present system of planning and financing utility operations, and to give serious consideration to alternative methods for solving the problem of providing reliable electric service throughout the Nation. It should not be forgotten that the problems of the utility industry are also the problems of the public since the public ultimately bears the burden of increased costs and deteriorating service, and so it is important that public interests be represented adequately at each step of the policy-making process in this vital area.

The detrimental effect of raising basic utility rates on the economy and the fight against inflation is well known after the experience of the past few years, but I believe it is necessary to note the present effect on consumers of the investment tax credit which Mr. Simon proposes to raise from 4 to 7 percent. When Congress first considered the investment tax credit in 1962 as an incentive for companies to increase capital spending, President Kennedy's Secretary of the Treasury, C. Douglas Dillon, recommended that utilities be excluded from taking the credit since they have a legal duty to make all prudently necessary investment, are guaranteed a fair return on such investment, and thus have no need for any incentive to invest. Nevertheless, Congress included a 3-percent tax credit for utilities when the general 7-percent investment tax credit was passed. In 1964, the law was amended to provide that Federal regulatory agencies could not require utilities under their jurisdiction to pass on to the customers the immediate savings permitted by the 3-percent credit without the unlikely consent of the utility itself.

Since the utility industry is capital intensive, the companies covered by the 1964 amendment were able to accrue large sums of money collected from the customers through their rates in the unamortized investment tax credit reserve. The Federal regulatory agencies were required by the tax law to force the customers to pay a rate of return on these accrued funds which they had previously contributed for the payment of a phantom tax expense. State regulatory commissions, which regulate the rates for 93 percent of the power industry, were not bound by the 1964 amendment, however, and nearly every commission considering the issue decided to reduce the base upon which a return is allowed by the amount of the unamortized investment tax credits for the obvious reason that it is inequitable to require customers to pay a return on funds which they have contributed to the utility.

The 1962 law was repealed in 1969 and the present law establishing a 4-percent investment tax credit for utilities was passed in 1971. The present law was written so that no regulatory commission, either State or Federal, can pass the immediate benefit of the tax savings on to the customers. So now customers in every jurisdiction are unjustly required to pay a return on their own money if the utility is to be allowed to qualify for the investment tax credit.

The use of Federal tax law to circumvent the sound judgment of the regulatory commissions empowered by law to set just and reasonable utility rates appears to violate the spirit of both Federal and State regulatory law while unnecessarily enriching investors. If Mr. Simon's proposal to raise the present 4-percent credit to 7 percent is followed, the detriment suffered by utility customers will increase by 75 percent. For example, based on Standard and Poor's projec-

tions of utility capital investment during 1974, my staff calculates that customers will be overcharged approximately $250 million this year alone under the present law. If the 7-percent investment tax credit proposed by Mr. Simon had been in effect this year, utility customers would have been overcharged almost $440 million.

There are alternatives to the seemingly endless cycle of rate increases by individual utilities. One of the most feasible alternatives would be the establishment of a national power grid under a bill I introduced last year and which was cosponsored by Senators MANSFIELD, MCGOVERN, ABOUREZK, HUMPHREY, MOSS, and HATHAWAY.

We need a reliable electric power system. We need to curb the unnecessary use of non-renewable resources and to protect the environment. We need to provide required generating capacity and move the electricity where it is needed. A national power grid would help to accomplish these goals in a way that no other concept can.

A national power grid system could slow down plant proliferation by as much as 25 percent. It would mean lower fuel consumption as well. There would be less demand for peak generating facilities. Bulk power could be moved from one section of the country to another to take care of load requirements peaking at different times of day in the various time zones of the country, and at different seasons of the year in the various regions of the country.

The national power grid would strengthen the Nation's varied electric system by benefiting all segments of the industry. A publicly financed bulk power supply system would help solve the power supply problems of the small consumer-owned utilities and the financing and siting problems of the large investor-owned utilities.

I regard introduction of a bill such as this as an initial pleading. We need to have all segments of the power industry and environmental and consumer groups examine it closely, criticize or applaud, and help the Congress develop through the hearing procedure an act that will provide an interstate highway system for electricity, a transmission system that will move power where it is needed and diminish the demand for construction of additional generation facilities.

Reducing the demand by utilities for investment capital will help to reduce interest rates and free capital for other areas of the economy such as housing. Although the plight of a few utilities has caused alarm concerning the status of the entire industry, statistics compiled by the Edison Electric Institute show that the capacity situation for all electric utilities in the Nation, excluding Alaska and Hawaii, has steadily improved over the past 5 years.

For instance, the margin of reserve capacity available on the peak day rose from 16.6 percent in 1969 to 20.8 percent in 1973; and the average load factor which measures the average use of existing plant facilities declined from 64.1 percent in 1969 to 62 percent in 1973. Thus, overall usable capacity has been rising while individual companies have had problems. A national power grid could make the benefits of the national situation available where it is needed. Obviously, much of the plant construction which has been delayed or canceled due to the inability of utilities to raise additional capital under existing rates would be unnecessary with the establishment of a national power grid.

Another alternative which would stretch the use of existing electric generating capacity while also apportioning the cost burden more equitably would be the development of rate structures which discourage ever increasing peak use by pricing such use at its proper economic cost. Encouraging the increased use of electricity through declining block rate structures must come to an end. The development of rate structures based on peak load pricing was recommended by several distinguished witnesses testifying before the Senate Committee on Interior and Insular Affairs earlier this month in regard to the current economic problems faced by the utility industry.*

My amendment No. 1561 to the consumer protection bill—allowing the intervention of the Federal consumer agency in State regulatory proceedings when requested by a State's Governor, consumer agency, or regulatory commission—would help to spread the cost of developing new rate structures and insure that the merits of adopting those rate structures would be properly represented to interested State commissions. This approach is necessary since the regulatory authority for setting consumer utility rates is held by the individual States and the Federal Government has no present means to encourage the use of rate structures based on peak load pricing.

The alternatives I have presented to the proposals of Mr. Simon are not only feasible, but relatively inexpensive when compared to the present system of regular large rate increases. Furthermore, they will reduce inflationary pressures by lowering significantly the demand for new capital by utilities which should, in turn, make utility securities more attractive to investors. Both our economy and our environment may be aided through more coordinated and efficient use of the existing electric power facilities the Nation has at its disposal. The average consumer can no longer bear the burden of the present system of ever higher profits and unfair tax breaks for individual utilities.

It is my hope that the administration will seriously consider my proposals as well as any others which might beat the inflationary push of present methods before adopting economic policies for the electric power industry which will only serve to further entrench the waste and inequities now existing in that industry.

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* Alfred E. Kahn, chairman, New York PSC; Murray L. Weidenbaum, professor, Washington University, St. Louis, Mo.; Irwin M. Stelzer, president, National Economic Research Associates.

CARL HAMPTON—ONE OF THE LAST OF A SPECIAL BREED

Mr. McGEE. Mr. President, in last Sunday's edition of the Denver Post's Empire magazine, there appeared an article about Carl Hampton, a sheep rancher in the Big Horn Basin of Wyoming.

Carl Hampton is nearly the last of a special breed in our State. A man, who started with virtually nothing but his own ingenuity, and appreciation for the land he knew so well in our State, and an intense dedication to building something tangible to enhance values we cherish so much in Wyoming.

He is 69; has had two pacemakers for his heart, but yet he cortinues going strong. He is being pressured by developers who want to cut up his 75,000-acre spread, but he resists the temptation to "cash in on the deal" so that he might continue to enjoy the independence and the fruits of the land he has grown to love so much.

Carl Hampton is a unique individual. His story gives anyone reading it a pause for reflection. It gives one a greater appreciation for individuals of Carl Hampton's stature and character. But most of all, a certain sadness comes with the realization that Carl Hampton is one of the last of a special breed of men who built our State from scratch and gave future generations much to be proud.

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

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

[From the Empire magazine, Sept. 8, 1974]

BIG MAN IN THE BIG HORN BASIN

(By Olga Curtis)

Real Estate developers keep offering to buy parts of Carl Hampton's 75,000-acre spread in Wyoming's Big Horn Basin to cut up into "ranchettes" for city dudes.

Hampton refuses to sell, even though he would be a millionaire if he did.

"I don't give a damn what happens after I'm gone," he growls, "but I won't sell as long as I live."

That declaration might gladden some real estate men, because Hampton is 69 and on his second heart pacemaker. But he is also a sheepman—one of the last representatives of a tough frontier breed—who stands 6 feet 5¾ inches, weighs 225 pounds, and still rides a horse. It may be a long time before bulldozers destroy the lush green valleys and spectacular red buttes controlled by the Hampton Sheep Company.

Hampton loves this land, even the arid, rocky, perpendicular areas. That is one reason he has spent most of his life amassing acreage. Another, he says with a grin, is that he got tired of trailing his flocks miles out of the way because some cattlemen wouldn't let "damn grass-eating caterpillars" cross their land.

Hampton was born in Randolph, Iowa, in 1905, the oldest son in a family of 12 children. The clan migrated to the Big Horn Basin in 1911 after his father inherited a half interest in a saloon in Worland and a 160-acre homestead nearby.

Hampton's father, Cyrus (who later became a Wyoming state senator), soon sold the saloon and turned to farming. Young Carl, who topped 6 feet even as a teen-ager, dropped out of the eighth grade to help.

He tried both sheepherding and cowpunching, and it was a cold, rainy cattle

drive that turned him into a confirmed sheepman.

"There I was wet and miserable, trailing cows through the badlands, when I passed an old sheepherder sitting in his wagon, warm and snug by his stove. Right then I said the hell with cows," he recalls.

As a 15-year-old herder, his salary was $50 a month. He used $48 of his first wages to buy 12 old ewes, which he kept on his father's farm. He gave their wool to his dad for rent, but kept their lambs. By the age of 20, he shipped about 400 sheep to Omaha, sold them for $3,600 and invested all of it in 1,800 young ewes.

When the Depression hit, Hampton was less broke than most. He had acquired his own homestead, a large flock and a very good friend named Charles Wells.

Wells was one of the first settlers and best known pioneers in the Big Horn Basin; he homesteaded on Box Elder Creek in 1883.

A lifelong bachelor, Wells was a successful sheep rancher in his 70s when he and young Hampton met; "I guess I was like a son to him," Hampton says.

In 1933 Wells allowed Hampton to buy a third interest in the herds of the Wells Sheep Co. for $3,000. Sheep were worth only $3 a head then, and Hampton had to sell his own flock to become Wells' partner.

Wells and Hampton were congenial partners in spite of an age difference of half a century. Hampton, young and strong, did the herding, sometimes weathering 50-below-zero winters in a sheep wagon. But, he says: "It went good, even though we had to sell lamb at 4 cents a pound. We made money."

In 1941 Wells showed his appreciation by selling Hampton everything he had: 2,400 sheep, 2,000 acres of deeded land and 2,500 acres of leased land. The price was $42,000 and the terms astonishingly low: Hampton was given 40 years to pay, at 2 per cent interest.

"Charley loved his place," Hampton explains. "He wanted to be sure the outfit he had built up would be kept together, and he trusted me."

Wells knew his trust was justified before he died in 1944, aged 89. Almost at once, Hampton began to expand the holdings.

Over and over, he borrowed on his land to buy more land. At one point, he owed half a million dollars in mortgages, but he kept buying until he achieved his present holdings. Hampton owns 12,000 deeded acres, plus the lease rights to 10,000 state acres and 53,000 acres of federal land.

Why so much land for one man?

"I wanted to be independent," Hampton says. "I wanted my sheep on my land, I never had to ask permission to trail across anybody else's property."

Also, he was founding a dynasty, although he prefers to phrase it this way:

"I've sure got a lot of relatives, so many it's confusing."

Hampton, who has been married twice, has 4 children, 14 grandchildren and 2 great-grandchildren, plus 4 living sisters, 16 nieces and nephews and 21 grand-nieces and grand-nephews.

Few of the kinfolk mention Hampton's first marriage, although it is an open secret in the Basin that Hampton has a deep hole in his left shoulder, where the first Mrs. Hampton shot him.

But Hampton tells the story with a sort of pride. He says:

"It beats understanding, but I've had two women crazy jealous about me. And I never was much to look at. When I was young I was skinny and had buck teeth like a horse."

His first wife, Wanda Hardwick, was a carnival performer who could shoot a cigarette out of a man's mouth with a .22 rifle, and split cards in half with one bullet.

They were married in 1929, and divorced in 1944, the year she shot him.

"She had cancer and was crazy with pain, I guess," Hampton says. "We got into an argument, she hit me with an iron kettle, I hit her, and she used the shotgun on me."

Hampton went to the hospital and Mrs. Hampton to jail, but not for long. He put up her bail and withdrew charges. She died a few years later.

In 1946 Hampton married Louise Ralston, a medical technician from Worland, who jokes that she "sampled his blood and like it so well I've been bleeding him ever since."

"She's extravagant," Hampton says of his gray-haired, blue-eyed wife. "She costs me a lot of money . . . but she's worth it."

Mrs. Hampton has certainly upgraded her husband's style of living, from sheep wagon to two luxurious homes. Winters, the Hamptons live in a six-bedroom house on their 320-acre farm northeast of Worland. Summers, they are in a spacious and modern A-frame on the edge of Nowood Creek, about 32 miles south of Ten Sleep. (Both houses have ultra-high ceilings and doorways to accommodate Hampton's huge frame; in hat and boots he towers 7 feet.)

On the other side of Nowood Creek is the big white house where Hampton's only son, Sam, 39, lives with his wife and four children.

The buildings are in a green meadow shadowed by Mahogany Butte, a split cliff formation which marks the headquarters of the Hampton Sheep Co. operation. The Corporation is a family affair: Hampton is president, Sam is vice president and Louise secretary-treasurer.

Hampton claims he has practically retired," but his wife sighs: "He's still going full blast," in spite of two heart attacks and two pacemakers.

He had his first attack in 1950, while working on the range. Hampton pulled himself into a pickup truck and drove to Worland before collapsing.

He suffered the second attack in 1970, while trying to dig a neighbor's car out of a snowbank. He was hospitalized in Casper and given a pacemaker—surgically-implanted device, about the size of a cigarette pack, which controls his heartbeat by electrical impulse.

Two years later, on Election Day 1972, the pacemaker became erratic. Hampton went to his polling place in Worland, voted his usual straight Republican ticket, and then drove to the hospital in Casper, where doctors put a new pacemaker under the skin of his chest.

Hampton usually gets up before dawn, drives his pickup to Box Elder Creek and shares breakfast biscuits with his herder, Arturo Medina of Denver. That provides Hampton with an excuse to check on his flocks, cuss out coyotes, examine the grass and note any strangers on his land. (Hampton allows hunters and fishermen on his property, providing they are polite enough to ask his permission first.) Hampton also does the docking, with the aid of squads of teen-aged relatives, and supervises the lambing and the shearing. At least once a week, he drives more than 300 miles to Casper and back to attend meetings of the Wyoming Production Credit Association. The Wyoming PCA, which provides credit for ranchers throughout the state, has assets of $70 million, and Hampton is one of its seven directors.

But the way he tells it, he is practically a-sitting and a-rocking.

"I'm running only 3,700 sheep right now," he says.

He sold more than 10,000 sheep after his 1970 heart attack. His wife says his retirement plans came to a halt when he got down to his best ewes, and was offered half a dollar less per head than he thought they were worth. Hampton indignantly refused to sell, bought more sheep, and was back in business. "Ten years from now there may not be a sheepman left in the Basin," he says.

"Not a one of the ranchers' sons wants to be a sheepman, not even my son. Sam would rather run cows.

"Part of it is because no young man today could do what I did. I started in the homestead days, when there was no income tax and you could run a few head on free land, and get full-time help for $40 or $50 a month.

"Now, even if you can stand the high overhead and the taxes, and find a herder to stay a season, you have to mess with regulations from people who never made a waterhole or chopped their way through ice—the bureaucrats and the environmentalists who want to tell a man how to use his own land."

If Hampton ever does retire, or sell off some of his land for development, it will be because his wife thinks he should.

He says with a grin, fingering a scar on his left cheek:

"I've been able to fight snow and drought and debts, and any man who ever called me a goddam sheepman. But women? Well, I got this scar because some loudmouth cussed out sheepmen at a dance. I beat the hell out of him, but his wife got me with a highball glass."

DEALING WITH INFLATION

Mr. PACKWOOD. Mr. President, in the current issue of Fortune magazine, there is an article that outlines an incredibly simple, potentially quite effective means for dealing with the inflation that threatens our economic and social structure.

Dr. Allan H. Meltzer discusses his proposal in an interview with Fortune's editors. I ask unanimous consent that the full text of the article be printed at the conclusion of my remarks.

Of utmost importance is Dr. Meltzer's closing comment. He stresses the need for continuity in whatever program we develop. He points out, accurately I believe, that one of the major difficulties we have had in dealing with our economic problems to date is the inconsistency of our policy. He scores this on-again, off-again approach to economic policy in no uncertain terms:

> If I were running this policy, I would announce in advance what I intended to do. I would go a bit faster if things work out slightly better than I had hoped, and a little bit slower if things work out worse. But I would hold the direction .
>
> Constancy of direction is the really essential thing. The great danger is that one goal will be paramount for six months and the other goal for the following six months, so that we wobble between those two objectives [inflation control and full employment]—as we have in the past—and never solve the inflation problem.

I highly recommend that each of us take just a few moments to read Dr. Meltzer's remarks. They will be rewarding moments indeed.

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

A PLAN FOR SUBDUING INFLATION

(The difficulties of settling on a national policy for coping with inflation are compounded by a prolonged Battle of the Books among economists. Those who think of themselves as fiscalists (or Keynesians or New Economists) often underestimate the importance of changes in the rate of money-supply growth. And those who think of themselves as monetarists often overestimate the possibilities of using changes in the rate of

money-supply growth as an instrument for controlling inflation. Actually, monetary tightness pushes interest rates and unemployment up before it has any discernible effect on inflation.

(In this dialogue, economist Allan H. Meltzer presents a specific plan for using a combination of monetary and fiscal restraint to subdue inflation. Meltzer is Maurice Falk Professor of Economics and Social Science at Carnegie-Mellon University in Pittsburgh. While unmistakably a monetarist, he recognizes that the federal budget (fiscal policy) heavily influences the decisions of the Fed (monetary policy).

(The dialogue is a shortened version of a conversation between Professor Meltzer and two members of the FORTUNE editorial staff. Meltzer's words are printed in regular type, and those of the FORTUNE staffers in italic.)

Let's start out with a question that some might find a bit shocking—a devil's advocate question. Why try to end inflation? Ending inflation entails some costs—a promise to end inflation without costs is not credible. Why incur those costs? Why not try to learn to live with inflation?

Well, it's certainly true that we can't stay where we are. Either we have to adjust to living with inflation or we have to get rid of inflation. The question is, which costs less. Is it less costly to move from where we are to a world in which there will be permanent inflation, or is it less costly to move back to a world in which there is no inflation?

I believe it is less costly to move back to the world of no inflation, if we choose a low-cost route. It is worth something—it is worth a lot—to avoid having to adjust to a world in which prices keep changing all the time and fixed values no longer have any meaning. Full adjustment to inflation means changing all bond contracts, all interest contracts, all labor contracts. Every interest rate, price, and wage in the society has to keep changing. That would be very hard for the public to get accustomed to. In countries that have partially made adjustments to inflation, people still find difficulty in thinking about prices and wages that always rise, and even in making simple shopping comparisons.

But adjustment to inflation, through some such method as indexation, would reduce the inequities that are now associated with inflation? Isn't that so?

Yes, that is so. It's important to distinguish between anticipated and unanticipated inflation. Unanticipated inflation has much greater costs, much greater social consequences. All economists agree that unanticipated inflation is costly. The costs of unanticipated inflation come when, as now, people try to protect themselves from an inflation they did not anticipate. Anticipated inflation—if everybody anticipates it correctly—has much smaller costs, much smaller social consequences. But people slide over the heart of the problem when they say that fully anticipated inflation involves only small costs. When we talk about fully anticipated inflation we are biting off a really big piece of bread.

To begin with, we know we can't make the adjustments completely. There's no way in which we can escalate every contract and adjust every asset and liability perfectly. Moreover, the costs of adjusting to inflation are very large. Permanent inflation means giving up a notion that we have lived with for several centuries: the notion that accounting values mean something. Learning to live with inflation means learning to live in a world in which the prices of all goods and services and all assets rise together, year after year.

Everyone would have to learn to think in a new way about capital investment and pension plans, for example. With 7 percent inflation, we would have prices doubling every ten years or so. Think what that would mean. Thirty years from now, prices would be something like eight times as high as now. And with 10 percent inflation, prices double in about seven years. Adjustment to that kind of change requires new ways of thinking about the present and the future. I believe it would take decades before people could fully adjust.

And what will we have when we get there? It's important to focus on that question. After decades of adjustment, assuming full adjustment, we would get to a system that at best is no better than a system of price stability. I believe it's much easier to get back to price stability.

A related point about learning to live with inflation. Even if we could achieve full adjustment so that there were no economic inequities at all resulting from inflation, there would still be psychological costs. Living with constant change in the economic arrangements of life would contribute to a sense of instability in other matters—contribute to the general sense of disorder that is one of the pervasive social problems of our times.

So it seems undeniable that price stability would be preferable to fully anticipated inflation if we could achieve price stability at moderate cost. But we run into the old trade-off problem. And effort to get back to price stability seems to involve unemployment costs that many people consider too high.

There are costs both ways. I would be misleading you and everyone else if I said there were no costs. But the costs of getting back to price stability depend very much upon what we do to get there. People who talk about the very large costs of returning to price stability generally talk about returning quickly. If we tried to end inflation quickly, we would have a major recession that would throw lots of people out of work and even so we would fail to get back to price stability, because we would refuse to pay the cost in unemployment and lost production.

Within the range of knowledge we now have, it's not possible to get to price stability quickly and at low cost. But if we take a longer view, it may be possible to return to price stability at a tolerable cost.

And you have a plan for doing that—for returning to price stability and doing so at a tolerable cost. What are the basic ingredients of your plan?

My proposal has three interrelated elements. First, we should reduce the growth rate of the money supply—gradually, over a span of years. Notice, I do not say reduce the money supply, but rather reduce the growth rate of the money supply. Second, we should move from deficit to surplus in the federal budget. The surplus should be used to retire debt. Third, we should keep the system of floating exchange rates. A main reason for this third element is to make sure that the effects of the other two elements on inflation are fully felt here at home, instead of being partly offset by the policies of other countries.

Those are the three parts of the program. How do I know that this is going to work? The honest answer is we can never be certain about the future. We do know that no inflation has been ended without reduction in the growth rate of money, and I don't believe we will keep the growth rate of money down if we continue to run deficits.

We cannot be certain about the timing of the response, so we want to have some flexibility. If we want to bring the inflation rate down with as little cost as possible, we have to keep both unemployment and inflation in mind throughout, not swing from overriding concern about one to overriding concern about the other.

Let's talk a little about that third element in your plans. It's somewhat different in kind from the other two. Basically, its purpose appears to be to provide a sort of insulation, so that you can proceed with your domestic inflation-stopping policies without disrupting external economic relations in an interdependent world.

Right, and other countries can do the same. Anti-inflation policies in Germany or Switzerland would not have succeeded this year if those countries had maintained a fixed exchange rate with the dollar, as they used to do.

How could your plan possibly be applied in the present economic circumstances in the U.S.? We are in a period of practically no real growth, with unemployment that many people consider much too high. Some economists argue that we need faster growth in the money supply to stimulate the economy. So how do you go about cutting back on the growth rate of the money supply?

In a word, gradually.

It's important to note that gradualism is not an incidental aspect of my proposal. It is central. During the postwar period, and particularly during the last ten years, we have accumulated a lot of evidence showing that change in the growth rate of money is the single most important weapon the government can use to control inflation. In general, efforts to control inflation failed because the authorities slammed down too hard on the money-supply growth rate and sent unemployment and interest rates moving up. Then, after overreacting against inflation, they proceeded to overreact against high interest rates and unemployment.

The reason people are pessimistic about the possibilities of halting inflation is that they think back to the experiences of the past ten years or so, and they recognize that efforts to halt inflation ended not with a lower but with a higher rate of inflation. That is not inevitable. It happened because we failed to keep both problems in mind.

When you talk about halting inflation gradually, what kind of time period are you thinking of?

We should be very happy indeed if we can get back to price stability in three years. I would want to take a three- to five-year horizon. Why three to five years? One reason is that we have some information about how long it has taken in the past. We've never experienced peacetime inflation as widespread, as large, and as pervasive as the current inflation. Still, the past may provide some useful guidance. It took roughly three years to get rid of the Eisenhower inflation. It took about two to three years to get rid of the early postwar inflation. So we have some general guides that make three to five years seem to be a reasonable time frame.

You speak of a gradual reduction in the rate of money-supply growth. Reduction toward what? How far do you propose to go?

For price stability, the optimum rate of money-supply growth would be a rate approximately equal to the basic growth rate of the economy, and that's in the neighborhood of 3 to 4 percent. That would change, of course, depending for one thing on how fast the labor force grows—but around 3 to 4 percent is consistent with past experience. Some flexibility is desirable, and in practice the Fed should keep the money-supply growth rate between 2 and 6 percent. Then we would avoid the excesses of the Thirties on the deflationary side and the excesses of the Sixties on the inflationary side. Prices would fluctuate within a narrow range.

The rate of money-supply growth is now around 6½ percent, and you want to reduce that to, say, 4 percent. Over what span of time?

I want to allow two to three years to bring down the growth rate of money. It will take a year or two beyond that for the full effects on prices to be realized.

While we're pinning down these figures, let's pin down what you mean by price stability. You've indicated that you certainly

do not mean stability in anything like an absolute sense.

Right. As a practical matter, 1½ percent a year in the consumer price index might be considered price stability. In the early Sixties we had an increase approaching 1½ percent a year in the C.P.I. with roughly constant wholesale prices, so that's probably a sensible goal. During that period, wages rose, but so did productivity, and unit labor costs remained roughly constant. We were in a period of relatively stable prices with falling unemployment. The money stock grew at about 3 or 4 percent.

Measured against the kind of inflation we've experienced in the last several years, getting back to that kind of stability even over a span of three to five years seems a bold and ambitious goal. Do you feel pretty sure that your proposal could get us there?

There's no reason to doubt that holding the growth rate of the money supply to the growth rate of the economy—3 to 4 percent—would hold the rise in the consumer price index to less than 2 percent on average. But that is not my entire program for stopping inflation. My proposal is a package, not just a single element. Along with slowing the growth of money, I want to move from a deficit to a surplus in the federal budget. Without that, reducing the rate of money-supply growth would tend to bring increased unemployment and higher interest rates before we made much progress in slowing inflation.

Why would it help matters so much to go from deficit to surplus in the federal budget?

In reducing government spending, we shift resources from the government sector to the private economy—which means, generally, from lower-productivity uses to higher-productivity uses. We shift the use of resources in a desirable direction—that is, toward expanding output.

Using the budget surplus to retire debt, moreover, lowers interest rates. And that helps to expand economic activity and employment in housing and other industries where small changes in interest rates have large effects. And, by keeping interest rates from rising, we keep the federal government and particularly the Federal Reserve from undoing the anti-inflation program by increasing the growth rate of money in order to hold down interest rates.

Isn't it reasonable to say that some of the misadventures of governments in trying to subdue inflation have resulted from relying too much on fiscal or monetary restraint, rather than using both in the same direction? That is, failing to exert sufficient monetary restraint and therefore needing an excess of fiscal restraint, or, more commonly in recent years, being quite incontinent in fiscal matters and relying on monetary policy to do the job, with the result that the Fed has to lean too hard?

In the past ten years or so the government has financed social-expenditure programs by running budget deficits. The financing raised interest rates. To hold down interest rates, the Federal Reserve increased the growth rate of money. Inflation increased. Every now and then the Federal Reserve shifted to concern about inflation, but only for a time. They overresponded in one direction, then in the other.

You speak of holding down interest rates by using the budget surplus to retire debt. What does it mean to retire debt, in this particular context? What is the mechanism?

Basically, what it means is that as Treasury issues run off, they're not fully replaced. Government securities are continually maturing, and the Treasury has to roll over something like 100 billion dollars every year to stay in the same place. If there is a ten-billion budget surplus, they issue, say, 90 billion in securities instead of 100 billion, and some holders just get paid off with cashable government checks.

Let's see—the government takes in ten billion more than it spends, and it uses that extra ten billion to pay off bondholders. In other words, there is a transfer of ten billion from taxpayers to owners of bonds. What are the economic effects of this transfer?

Interest rates are lower. Output will be lower, too. As a result, the actual surplus will be smaller than the planned surplus. But that's a detail.

Why will output be lower?

It will be lower because government expenditures have some positive effect on output in the short run. My estimate is that with about 5 percent change in government expenditure we get 1 to 2 percent change in real output. There is a grain of truth to the Keynesian story which says that if the government spends more and runs a deficit, output increases for a time. I don't want to deny that grain of truth. If we cut federal spending, that's going to have some contractive effect. I would like to add, because I think it's important, that if we have a budget surplus and we run into trouble, we do not go back to a highly stimulative policy of expanding the money supply—back to inflation, in other words. We cut taxes and maintain the growth rate of money.

How big a budget surplus are you thinking of in your proposal? And over what period of time do you propose to swing from deficit to surplus?

I would like to replace the present deficit of about five to eight billion with a surplus of between eight and ten billion. In other words, I propose a reduction of about 15 billion in the federal budget. And I would like to see that happen as soon as possible. I do not advocate gradualism here.

What you're proposing would be very difficult in political terms. That doesn't mean it's wrong, of course, but the political difficulty is a consideration you can't just set aside.

It's true that every item in the budget has defenders. But it's hard to see why it isn't possible to cut federal spending by 5 percent. We have a 300-billion-dollar budget now. Not long ago Lyndon Johnson was talking about hoping to hold the line at 100 billion. Even with inflation, that's quite an increase. The defenders have to explain why an extra 15 billion a year in federal spending—300 billion instead of, say, 285 billion—is more important than reducing inflation. I don't think the public believes that, and I certainly don't believe it.

What are some particular areas of the federal budget where you think it's possible to make sizable cuts?

Well, let's go over the parts of the budget that have grown most rapidly. One of them, of course, has been aid to state and local governments. Total state expenditures have risen very dramatically over the entire postwar period, but the federal share of them has risen even more dramatically. In 1946–47 about 8 percent of state and local government expenditures was being paid by the federal government. We're now up to 22 percent. So federal aid to state and local governments is a candidate for cutting. Some programs are desirable, but it seems to me that we have to ask ourselves, do we need them all now, or would it be better to try to phase some of them out and transfer the resources to more productive uses?

There's the HUD budget—we're spending billions of dollars every year to build subsidized housing. It isn't at all clear that the programs meet the elementary test of a cost-benefit analysis, let alone the more stringent test of using resources most efficiently. So this is a very good place for cutting the budget and returning to the market system.

This is far from a complete list. The staffs of many regulatory commissions have expanded in recent years. I would certainly include the space program as a candidate for cutting, too. There are many places to cut. All of them have their proponents, of course. But let's ask the right question, namely, is maintaining expenditures at the present level more valuable to the citizenry than trying to reduce the rate of inflation by, say, five percentage points in the next three to five years? It seems to me that, for the public as a whole, there is no comparison. So I don't see that there's really a major issue here.

What do you reply to those who say—and some economists certainly would say—that if you tried to cut federal spending by 15 billion over the next year or so, especially while holding down or reducing the rate of money-supply growth, the result would be a drastic increase in unemployment?

They believe, and I do not, that the budget is the key element guiding the economy. I believe the budget is one element affecting the economy and the money supply. My own guess, as I indicated earlier, is that the effect on output would be no greater than 1 to 2 percent. That means we may have a mild recession. We can keep the recession mild by maintaining the growth rate of the money supply close to its current range, and only gradually lowering the rate. That way, we help to absorb resources released by the cut in government spending. Experience tends to support the view that large changes in the budget have small effects on real income.

But even a small contraction in output can bring some increase in unemployment. And in the society we live in, even a small increase in the unemployment rate is considered to be very important. There does seem to have been some weakening recently in devotion to the concept of full employment, but its hold on public opinion and on policy is still very strong.

That's true, but let's consider what an increase in the unemployment rate means. Suppose the rate increases from 5 percent to 6 percent. That means an average worker spends twelve to fifteen weeks finding a job instead of nine to twelve weeks. That's a big change, that's a big loss of real income. But is that too high a price to pay to reduce the rate of inflation? I don't think so. Another question is whether a period of increased unemployment imposes a higher cost than the cost of trying to insure ourselves against inflation by escalating all contracts. Again, it seems to me that the answer is no.

Still, with 6 percent unemployment there would be a lot of pressure on government to move back to inflationary policies. And some economists would maintain that with your proposal unemployment might go above 6 percent.

Try 7 percent. What would a 7 percent unemployment rate mean? It would mean fourteen to sixteen weeks between jobs. And that's what happened in 1961. One main reason the unemployment rate rises is that it takes workers longer to find jobs. Of course, the difference between ten weeks and fifteen weeks means a lot to the man who is unemployed. I don't want to deny the cost. But I also don't want to set it up as an absolute, to say that everything has to adjust to this cost. There are costs of adjusting to permanent inflation to set on the other side of the ledger.

It's important to keep in mind, though, that we are not dealing with a simple, linear relationship between the costs of unemployment and the average length of time between an average of ten weeks and an average of fifteen translates into much more than five weeks for some of the unemployed. Also, the effects of being out of work accumulate over time. People run out of savings. They become discouraged. Some give up. There may be lasting psychological damage to unemployed people and to their families.

Well, you also have to consider the gains

that may be offsetting the losses. But I'm willing to concede the truth of what you say. It is a strong argument for gradualism, for being careful, for being willing to slow down the rate at which you attempt to end the inflation, for keeping a focus on two goals rather than just one. I do want to keep both goals in mind. I want to bring the inflation rate *and* the unemployment rate down. But I believe that you can't do both at the same time, so I want to put together a package. Let's try a package, keeping in mind that there are costs and benefits on both sides.

My proposal takes into account that very small changes in the money supply can have potentially large effects. Therefore, we want to make sure that the changes in the growth rate of the money supply are relatively small. But they must be consistent in direction. If I were running this policy, I would announce in advance what I intend to do. I would go a little bit faster if things work out slightly better than I had hoped, and a little bit slower if things work out worse. But I would hold the direction.

Constancy of direction is the really essential thing. The great danger is that one goal will be paramount for six months and the other goal for the following six months, so that we wobble between those two objectives—as we have in the past—and never solve the inflation problem.

REHABILITATION ACT AMENDMENTS OF 1974

Mr. WILLIAMS. Mr. President, I am pleased to join with my colleagues in bringing to the Senate floor the Rehabilitation Act Amendments of 1974 (S. 3108). Briefly, these amendments provide for the transfer of the Rehabilitation Services Administration from the Social and Rehabilitation Services Administration to the Office of the Secretary; extension of authorizations under the Rehabilitation Act for 2 years, except that the authorization of the basic State grant program is extended for 1 year; and includes certain clarifying and technical changes. S. 3108 also includes the Randolph-Sheppard Act Amendments of 1974, and incorporates my legislation to call a White House Conference on Handicapped Individuals.

This legislation continues the increasing concern on the part of the Congress to assure that the Rehabilitation Act and services delivered thereunder are strengthened and extended to all individuals with handicaps who can benefit from such services. The Rehabilitation Act of 1973 as enacted on September 26, 1973, culminated close to 2 years of work on the part of the Congress and represented a major revision of this legislation. Major provisions of this legislation included a priority in services to individuals with the most severe handicaps, major procedural protections to assure services to all individuals who could benefit from them, strengthening of the important programs for research and training, and major new provisions to prohibit discrimination against handicapped individuals, the creation of an Architectural and Transportation Barriers Compliance Board, and the creation of an Office for the Handicapped.

S. 3108 provides for extension of all authorizations for the Rehabilitation Act of 1973 for 2 years, with one exception. These authorizations have been increased minimally to keep up with inflation and needed growth in the program. The one exception is the basic State grant program for vocational rehabilitation services which has been extended for only 1 year, reflecting the agreement of the committee that the formula for this program must be reviewed separate from the act and following the submission of the formula study authorized in 1973. Although authority for this act does not expire until June 30, 1975, the committee has taken action to extend authorizations at this time in order to provide the States continuity and to assist planning.

The legislation further transfers the Rehabilitation Services Administration to the Office of the Secretary. Following a careful review of the history of this program as housed in the Social and Rehabilitation Services Administration, the committee has concluded that the association of this program with welfare programs is unnecessary, and that the intent of Congress in the 1973 act was to place increasing emphasis on the importance of rehabilitation services as basic human services needed by individuals with handicaps.

It is our belief that this program will strongly benefit from this move, and have therefore transferred RSA to the Office of the Secretary. Certain conforming changes have also been made as a result of this transfer. The committee has provided that the functions of the Office for the Handicapped—redesignated the Office for Handicapped Individuals—not be delegated to any persons not assigned to and operating in the immediate office of the Secretary or the Under Secretary in order to assure that this Office retain its agencywide scope.

Title III of S. 3108 incorporates legislation I authored to call a White House Conference on Handicapped Individuals, and is virtually identical to measures for this purpose which passed the Senate twice previously, with a notable revision. This revision is a strengthening of the role of the National Planning and Advisory Council to provide joint responsibilities, in all activities leading up to and following the conference, with the Secretary of Health, Education, and Welfare, and to assure maximum participation by individuals with handicaps in all such activities.

The title also calls for the convening of at least one conference within each State previous to the White House Conference. These changes have been made to assure that the National Conference is as representative as possible, and to recognize the increasingly important role that must be played by individuals with disabilities in forging policies which affect their lives. The title authorizes such sums as may be necessary to carry out State conferences and the national conference, and authorizes at least $25,0000 but no more than $75,000 in assistance to the States to run State conferences.

Furthermore, Mr. President, I take note of a change made in the Rehabilitation Act of 1973 which had had an important effect on special projects under the Rehabilitation Act for individuals with developmental disabilities. In reviewing the special project authority in 1973—section 304—the committee reviewed the appropriateness of funding special projects for individuals with developmental disabilities who are not otherwise eligible under the Rehabilitation Act. The committee concluded that a special project authority should be created under the Developmental Disabilities Services and Facilities Construction Act. Such legislation containing that authority is pending before the full committee and is expected to be reported to the Senate floor in the near future.

At the same time, the committee intends to provide as smooth a transition as possible for current and continuation projects funded under the Rehabilitation Act for individuals with developmental disabilities in light of the fact that the major portion of appropriated funds are spent on such projects. There has been difficulty in the continued operation of this authority as a result of Public Law 93-112, and because of this difficulty clarification of committee intent is necessary.

With respect to section 304, current and continuation projects which serve individuals with developmental disabilities funded under the Vocational Rehabilitation Act or the Rehabilitation Act of 1973 should be continued until such new authority under the developmental disabilities legislation is authorized; and individuals with development disabilities who are or were receiving services under such projects should continue to be eligible for such services, and special projects delivering indirect services to such individuals or which have impact on their lives should continue to be funded.

Furthermore, even after the enactment of new special project authority under developmental disabilities legislation, funding for projects serving individuals with developmental disabilities should continue consistent with the intent of Congress that no individual is to be refused service under the Rehabilitation Act unless it is demonstrated beyond any reasonable doubt that such individual is not then capable of achieving a vocational goal.

This should not be interpreted then to mean that after the enactment of special project authority under the developmental disabilities legislation that all special projects which serve the developmentally disabled have to be funded under the developmental disabilities legislation, or that developmentally disabled individuals are no longer to be eligible under the basic State grant program under the Rehabilitation Act. Individuals with developmental disabilities shall still continue to be eligible as all other handicapped individuals are eligible under the Rehabilitation Act, either under special projects or the basic State grant program.

S. 3108 also contains as title II, the Randolph-Sheppard Act Amendments of 1974 which passed the Senate in June and contain many important amendments to that law.

Finally, Mr. President, the bill contains a number of clarifying changes, among which include:

First. A change in the definition of handicapped individual to clarify the intent of the Congress in enacting section 503 and section 504 of Public Law 93-112;

Second. Changes made in the Architectural and Transportation Barriers Compliance Board authority to provide for an enforcement mechanism, adequate staff, and an advisory panel, a majority of whom shall be handicapped individuals;

Third. Provisions relating to recordkeeping on ineligible applicants under the basic program to provide for adequate accountability which is imperative; and

Fourth. The requirement of affirmative action on the part of all agencies and facilities in receipt of assistance under the Rehabilitation Act to employ and advance in employment handicapped individuals.

ENERGY CONSERVATION BY THE FEDERAL GOVERNMENT

Mr. ROTH. Mr. President, on December 10, 1973, the Senate agreed to an amendment expressing the sense of the Congress that the Federal Government should immediately take steps to reduce the amount of fuel it consumes by one-third. Prior to the introduction of this amendment, I had joined with Senators BROOKE, BUCKLEY, CASE, STAFFORD, and TAFT in a letter to the President urging a Federal Government energy conservation program along the lines advocated in the amendment.

When it passed the amendment, the Senate fully realized that the measures advocated to bring about a one-third reduction in Government fuel consumption called for initiative and sacrifices by all executive agencies. On the other hand, there existed a strong conviction that the Government could not ask the American people to make sacrifices unless the Government demonstrated positive leadership in the conservation of energy.

In May I called attention to the importance of continued leadership by the Federal Government in energy conservation to impress upon the Nation that the need for conservation was as great as ever despite the apparent availability of plentiful supplies of fuels. At that time I noted that the Federal Government had reduced its projected consumption of energy by 20.8 percent in the first quarter of fiscal year 1974—July to September 1973—and had increased this performance to 26 percent in the second quarter of the fiscal year for a 6 months' average of 23.4 percent.

While this performance was a tribute to the Federal agencies and their employees who had exceeded the President's goal of 7 percent by more than 300 percent, it was still short of the one-third goal called for by the Senate on December 10, 1973. I said then that even though this was a fine record, more could and should be done.

It is heartening to note that for the third quarter of fiscal year 1974, the Federal energy reduction program produced savings of 30 percent of anticipated energy use, thereby confirming my belief that additional savings could be made. In more tangible terms, the savings for the period January through March 1974 amounted to an equivalent of 30 million barrels of oil, or $240 million in reduced Federal energy costs. The Department of Defense, which is by far the largest consumer of energy in the Government, was again in the forefront with savings of 31 percent.

Conservation continues to be a key to our ability to satisfy our energy requirements, both in the short and long term. The leadership being provided in this area by Mr. John Sawhill through the Federal Energy Administration's Conservation and Environment Office is evident not only in the performance of the Federal Government, but also in the growing adoption of energy conservation programs by the States—three-fourths of them have implemented such programs—and by business and industry.

Because our ability to increase energy supplies to meet projected demands is not unlimited, we must continue to promote the development of an energy conservation ethic in all segments of our society. We must continue to impress upon the American people the need to limit driving speeds to 55 miles per hour, go easy on air-conditioning and heating, turn off lights that are wasting energy, and use public transportation and car pools whenever possible.

By example, the Federal Government must continue to lead in the conservation of energy. With the proper emphasis of renewed dedication to energy conservation by all Federal managers and employees, the Senate goal of a full one-third reduction in fuel consumption will become a reality. I look forward to the next report of the Federal Energy Administration on the results of the Federal energy reduction program in the fourth quarter of fiscal year 1974.

WORLD FERTILIZER SHORTAGES

Mr. McGEE. Mr. President, recently the New York Times published an article written for the Op-Ed page by James P. Grant, President of the Overseas Development Council.

The article addresses itself to the severe problem of world fertilizer shortages and the disastrous consequences it portends for the less-developed nations of the globe. Such a development has placed the lives of millions of people in the less developed nations in jeopardy. Massive starvation has been predicted by many experts.

I take note of Jim Grant's article not just because I consider him a friend; I take note of what Jim Grant is saying because of the wisdom and expertise he brings to the national dialog on the problems of developing nations in the world and how the fate of rich nations such as the United States are inextricably tied to the fate of the poor. Few can match his qualifications or expertise.

Jim noted that the United States is not insulated from the ramifications of the fertilizer shortage, just as this Nation is not insulated from any political or economic development anywhere in the world. While inadequate supplies of fertilizer can seriously limit food production in developing nations, these countries, in turn, are forced to rely upon food imports from the rich nations in order to make up for large shortfalls in their own production. As Jim so aptly pointed out, this circumstance further inflates already high world grain prices in the deadly competition for the world's food production. While the lives of millions of people hang in the balance, the American housewife pays for this accelerating demand for food everytime she walks into the supermarket.

As an original sponsor of S. 329—the world food resolution—introduced by my distinguished friend and colleague, Senator HUMPHREY, I am deeply concerned over this problem which is rapidly assuming disastrous proportions.

What is particularly agonizing about this situation is the fact that, according to Jim's article, "Americans are applying some 3 million tons of nutrients to lawns, gardens, cemeteries and golf courses—more than is used by all the farmers in India, and half again as much as the current shortage in developing countries."

In S. 329, we call upon the President to ask Americans to reduce such ornamental uses of fertilizer in order to free it for crops in nations where food is shortest. We are not asking Americans to make any sacrifices which would jeopardize our own national well-being, but only to enhance it. We are not asking that fertilizer needed for our own crop production be diverted to developing nations. What we are asking is that we reevaluate our habits of consumption. Whether it be a natural resource such as oil, or iron, or coal, we need to reexamine our habits of consuming resources just because they are there and we, as Americans, have the capability to outconsume any nation in the world.

Fertilizer is a resource vital to food production in the world. Since there is a direct correlation between availability of fertilizer and our food production capabilities as a planet, and hence, the price all of us pay for our food, it would seem only reasonable that the main priority for the use of fertilizer should be in the production of food.

The article is very thought-provoking. It addresses itself to the issue of our obligation as a nation to those less fortunate—an humanitarian concern—but it also focuses on the penalty we can pay if we continue to ignore what goes on beyond our national borders. I would urge my colleagues to study Jim Grant's article and ponder what he has to say.

I ask unanimous consent the article be printed in the RECORD.

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

WHILE WE FERTILIZE GOLF COURSES

(By James P. Gant)

WASHINGTON.—Over the 25 years since President Truman committed the United States to providing technical assistance overseas, developing countries have been urged to modernize their agriculture by use of more chemical fertilizers and the better seeds that need them.

But events of the last year, as a world

fertilizer scarcity has emerged, have given that advice the appearance of a cruel trick. Many developing countries, dependent on imports for a sizable share of their fertilizer needs, have seen supplies cut off by the industrial countries at a time of acute food scarcity, endangering the food supply of millions already at the survival line.

With food prices high everywhere, raising farmers' demands in the United States and other advanced countries for already tight fertilizer supplies, major exporting regions have reduced fertilizer exports by various means.

For example, the Japanese Government, faced with an energy crunch—energy is a principal raw material for fertilizer production—deliberately reduced production and sent missions to break contracts throughout Asia.

Through an agreement between the fertilizer industry and the Cost of Living Council to increase supplies in this country, the United States discouraged new export contracts during most of the 1974 crop year, which ended June 30, and used the threat of further price controls to keep supplies at home.

Shipments of fertilizer under the United States aid program also virtually dried up. The ensuing fertilizer shortage in many developing countries, which is now being felt, was the principal reason for the seven-million-ton shortfall in India's wheat harvest this spring.

The United Nations Food and Agriculture Organization recently estimated the fertilizer shortfall in the developing countries for the crop year beginning this summer to be two million tons. This will probably mean a loss in grain production of 20 million tons, enough to sustain 100 million Asians or Africans for a year.

Diminishing returns from increased applications of fertilizer are complicating the problem and spotlighting the irrationality of the current pattern of fertilizer distribution. Advanced farmers in the industrial countries, who already apply nutrients liberally, get only limited production gains from each additional pound of fertilizer used—often only five pounds or less of extra grain.

By contrast, most farmers in poor countries are using much less fertilizer and an extra pound of nutrient can easily yield 10 to 12 pounds more of grain.

The current global distribution pattern, then, is keeping the most fertilizer where it will produce the least amount of extra food. World food production this year will be millions of tons lower than it could have been if available fertilizer had been distributed more rationally and equitably among the poor countries.

For every dollar's worth of nutrient the poor countries are denied this year, they will likely have to import $5 worth of food next year. This is a losing proposition that these countries—many of which are already at the economic breaking-point—can ill-afford.

Nor does the pattern serve the interests of the United States and other grain exporters. We are caught in an absurd cycle in which a country is refused fertilizer, thus cutting its food production and raising its import needs (and quite likely famine-relief needs) by more food than the amount we produced with the withheld fertilizer in the first place, thereby further inflating already high world grain prices. This will hurt rich and poor alike.

Or is it possible we will deny the poor countries, where per-capita grain consumption is only one-fifth of ours, the food as well? Last year, when the United States earned $2 billion more on its food exports to developing countries through higher prices than it did in the previous year, we reduced our food aid to 40 per cent of the 1972 fiscal year level, and about one-half of this reduced amount went to Indochina.

Meanwhile, as the world is caught in a critical shortage of fertilizer for food production, and as we restrict our exports of fertilizer and food, Americans are applying some three million tons of nutrients to lawns, gardens, cemeteries and golf courses—more than used by all the farmers in India, and half again as much as the current shortage in developing countries.

A sense of priority and some active leadership is badly needed from the executive branch of our Government. It should follow the call by numerous Senators and Representatives early this year for a Presidential appeal to the American people to reduce nonessential uses of fertilizer, just as we were asked to turn down our thermostats and slow down our cars.

Such action could free enough fertilizer over the coming year to alleviate the more severe shortages, which, in any case, will beset us for most of this decade. The Government should also restore fertilizer aid shipments to sizable levels and encourage private business to sell more to the poor countries. The time is short and the stakes are high.

REGULATION OF OBLIGATIONS ISSUED BY FINANCIAL INSTITUTION HOLDING COMPANIES

Mr. TAFT. Mr. President, as a cosponsor of legislation similar to title I of S. 3838, I am pleased that title I was passed yesterday by the Senate.

Title I would provide the necessary authority for the Federal Reserve Board to regulate bank holding company securities that otherwise could pull funds inordinately out of home lending institutions, through circumvention of Federal interest rate ceilings. With housing in a depression largely because of record mortgage interest rates and net withdrawals from the pricipal mortgage lending institutions, savings and loan associations, at a rate of $1.2 billion last month, this legislation is extremely timely.

The Pioneer Citicorp issue and other floating rate issues which have followed are like savings reposits in the sense that they have low denominations and can be redeemed on frequent dates, at least after an initial waiting period which has been encouraged by the Federal Reserve Board. However, because these notes are technically securities rather than deposits, they are not subject to the same interest rate ceilings as savings deposits. Savings and loan associations, which have traditionally furnished about half of all residential mortgage funds, legally cannot compete in terms of interest rate with this type of issue.

Thus, the potential for floating rate notes to draw considerable money out of thrift institutions as savers divert funds to the new issues is certainly there. In view of the present mortgage market situation, this would be an extremely serious occurrence. The Federal Reserve Board should have the power to take necessary action.

I realize that the floating rate notes have not been received as well as anticipated. To some extent, the delay in the first permissible redemption of the notes which was encouraged by the Federal Reserve Board has undoubtedly been a partial cause of this development. In view of the uncertainty concerning the future impact of floating rate notes, some of which may be structured more attractively than the first few issues in the view of small investors, the provision of discretionary rather than mandatory regulatory authority for the Federal Reserve Board could be a sensible compromise if administered sensitively. However, the provisions' effectiveness depends crucially upon the Federal Reserve Board's willingness to use its new power to the extent necessary to prevent undue detriment to the mortgage market. I urge the Federal Reserve Board to administer these provisions accordingly.

It should be clear, however, that title I is a stopgap measure. Both the Citicorp note problem and Congress consideration last year of "wild card" certificates illustrate clearly the importance of early consideration of the legislation to revamp our entire financial institution's system, including interest rate regulation. The new methods of financing which we are limiting would help small investors, by paying them more for their short-term and medium-term money. Floating rate notes also constitute an innovative method of raising adequate capital, an essential task which will be extremely difficult in the foreseeable future. Therefore, Congress must consider fully and promptly the question of financial institutions reforms, in search of a better way to insure fair treatment of consumers, responsiveness to capital needs, an equitable basis for competition among financial institutions and adequate support of the crucial housing sector.

Furthermore, it is essential that Congress take positive action to increase the supply of mortgage funds and thus ease the pressure on interest rates, rather than simply defensive actions such as title I of this bill. In that connection, Congress should give full consideration to S. 321, my bill to exempt the first $500 of savings deposit interest from income taxation. This legislation would help thrift institutions attract and retain funds for mortgage lending, particularly by enabling them to compete more effectively against other possible investments on which the return is not artificially limited by Federal interest rate ceilings. In addition, the bill would encourage people to help fight inflation by saving rather than spending money. It would also remedy the present tax inequity which affords preferential treatment to dividend and capital gains income, but not to savings income.

In view of the serious nature of the problems which the legislation I have mentioned would address, I hope that the Congress will turn its attention to this legislation as soon as possible.

JUKEBOX INDUSTRY PROVISIONS OF S. 1361

Mr. McCLELLAN. Mr. President, on September 9 the Senate, by a voice vote, adopted an amendment to S. 1361, the copyright revision bill, to freeze the jukebox copyright royalty rate, and exempt the jukebox industry from the provisions of the bill providing for periodic review of royalty rates by impartial arbitrators.

The proponents of the amendment alleged economic hardship in the jukebox industry. In speaking against this amendment, I said it gave "no protection to the consumer, for a jukebox operator can increase the fees charged to the public. But, for all practical purposes, the payment that he makes to the composers of the songs played on his machine are permanently frozen."

My office received today the September 14, 1974, issue of Billboard, which contains an article reporting that a major jukebox manufacturer is recommending that jukebox operators charge the public 25 cents per play on certain machines.

Since the copyright legislation will come before the Senate again next year, I ask unanimous consent that the article from Billboard be printed in the RECORD.

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

TWENTY-FIVE CENTS PLAY ON 'Q' JUKES?

NEW YORK.—Seeburg Corp. unveiled its 4-channel jukebox system Thursday (5) to area operators and made a strong pitch for them to raise their price to 25 cents per play on stereo machines.

Jack Gordon, merchandising manager of Seeburg, keynoted a dinner held at the International Hotel in Queens to display the quad machine.

In urging that operators adopt the 25 cent policy, Gordon said that cost factors in equipment and in records were at all time highs and that operators would be hurt unless they raise their per play price on its existing units. The Seeburg quadrasonic units are equipped for 25 cent play.

Gordon also said that the quad/stereo units installed last year in some 600–700 locations were proving successful, and were now accounting for a large percentage of the location's income.

Gordon said that Seeburg distributorship would now be handled by Albert Simon for the New York area. It had previously been handled by Atlantic-Seeburg. Some 250 tradesmen attended.

REGULATORY OVERKILL, REVISITED

Mr. BUCKLEY. Mr. President, an editorial from the Wall Street Journal of September 9 was inadvertently omitted from the remarks of Senator EAGLETON which followed the introduction of our amendment No. 85 on Monday. I ask that the editorial "Regulatory Overkill, Revisited" be printed in the RECORD.

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

REGULATORY OVERKILL, REVISITED

A letter from Senator Eagleton, printed elsewhere on the page opposite, prompted us to a little more investigation of the seabelt interlock. It turns out that the matter is a bit more complicated than we had assumed, though in the end the complications buttress rather than detract from the point we were trying to make.

We couldn't believe that any driver is driving around with a seatbelt buzzer sounding in his ears, and thus couldn't see how any improvement in seatbelt usage could result from the additional requirement that the belt be fastened before the cars would start. We still think that's a logical view, but it turns out that the interlock system also incorporated changes that made it more difficult to defeat than the previous year's buzzer system.

The interlock is "sequenced," meaning that in the car is a little black box allowing it to start only after a certain sequence of events: the door opening, the seat being occupied, the belt being fastened. In other words, the system cannot be defeated by the simple expedient of keeping the belt permanently fastened and sitting on top of it. It must be unfastened and fastened each time the car starts.

Now of course, this proves nothing about the effectiveness of the interlock per se; it would be just as easy to sequence a buzzer. In any event, though, a friend in the industry reports that with the unsequenced buzzer only 15% to 20% of drivers use lap and shoulder belts. Early on, cars with sequenced interlocks showed 60% to 70% usage. Now that has dropped to about 30%.

Obviously drivers are learning how to defeat the new system as well, presumably considering it an insult and annoyance. We venture to predict that seat belt usage will level out not far from voluntary levels. Our friend in the auto industry wants a law with fines for drivers not wearing belts, which he says works in Australia. At least his approach has the virtue of treating drivers as adults.

Senator Eagleton, who merely wants to make buzzers and interlocks optional equipment, is quite right about the expense of this little exercise. The interlock system costs about $50 a car, so in a ten-million car year the public is spending half a billion dollars on devices some 70% of which will be disconnected anyway.

But our original point was about regulatory overkill, and is worth revisiting. This kind of overreaching regulation is not merely expensive, but dangerous to the cause it tries to serve. Policies that insult and annoy the public had at least better deliver the claimed benefits, or they will give even the cause of safety a bad name.

IRAN'S PROPOSAL FOR A NUCLEAR FREE ZONE IN THE MIDDLE EAST REGION

Mr. HARTKE. Mr. President, I would like to bring to the attention of my colleagues the proposal by the Government of Iran for the establishment by the United Nations of a nuclear free zone in the Middle East.

The proposal of His Imperial Majesty Mohammad Reza Pahlavi Aryamehr, Shahanshah of Iran, delivered to His Excellency Mr. Kurt Waldheim, the Secretary General of the United Nations, requests the United Nations General Assembly at its 29th session to commend the proposal to the attention of the states in that region, and to "make a recommendation to these states to take as soon as possible all necessary steps to achieve this objective and report back to the General Assembly."

The states to be within the zone were not set forth in the Shah's proposal, but all the countries in the Middle East must participate if the proposal is to be successful. It seems axiomatic that opposing governments of the region must participate for the proposal to be successful. A gerrymandered zone with opposing governments divided, some in and others out, would not serve the interest of peace within the area.

Thus far, military engagements in the Middle East have been confined to conventional warfare. However, various governments within the Middle East region have associations with nuclear powers, and are themselves gaining greater access to nuclear capability. Unless there is a nuclear free zone agreement for the Middle East, there is a danger that opposing forces may ultimately be armed with nuclear weapons.

In the interest of world peace, the balance of power in the Middle East must be maintained, and preserving that balance must remain a vital element of our foreign policy. The early encouragement of the Shah's proposal before the United Nations should be a priority task of the U.S. mission to the U.N.

I ask unanimous consent to have printed in the RECORD following my remarks a letter to my office from the Iranian Embassy and the proposal of the Iranian Government to the United Nations.

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

IRANIAN EMBASSY,
Washington, D.C., August 6, 1974.

Hon. VANCE HARTKE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR HARTKE: As you probably know, His Imperial Majesty, the Shahanshah Aryamehr of Iran, recently reiterated his proposal that a nuclear free zone be established in the Middle East.

My sovereign's views were reflected in an explanatory memorandum delivered to His Excellency Kurt Waldheim, the Secretary-General of the United Nations, by the Iranian Government on July 10, 1974. I though you would find it of interest.

With cordial regards.

Very sincerely yours,

ARDESHIR ZAHEDI.

EXPLANATORY MEMORANDUM

(Delivered to H. E. Mr. Kurt Waldheim, the Secretary General of the United Nations, on July 10, 1974.)

1. Strengthening of international peace and security has always been the focal point of Iran's Foreign Policy. In pursuit of this policy, Iran has taken every opportunity to contribute to tie building of solid structures for peace both at regional and global levels. It was within this policy framework that as early as 1968, His Imperial Majesty the Shahanshah of Iran introduced the idea of the establishment of a nuclear free zone in the region of the Middle Eeast.

2. Developments since then have imparted a particular sense of urgency to this proposal. While prospects for implementation of an all-encompassing scheme in the region of the Middle East now appears to be more promising, greater access by states to nuclear technology has rendered the danger of nuclear weapon proliferation and a concomitant collapse of non-proliferation structure, a more acute problem.

3. The above considerations have prompted His Imperial Majesty to recently renew his proposal on the establishment of a nuclear free zone in the region of the Middle East.

4. The government of Iran has concluded that the General Assembly of the United Nations is the most appropriate organ in which a proposal of this nature could be brought up and has therefore requested the inclusion of an item in the agenda of the 29th Session of the General Assembly on the establishment of a nuclear free zone.

5. Decision on the precise limit of the denuclearized zone should, in the view of the Iranian government, be left to the General Assembly. Such delimitation by the Assembly is appropriate not only because of the ambiguity inherent in the geographical des-

ignation of the region but also because the security interests of the entire region must be taken into consideration. The government of Iran therefore believes that the zone should encompass as wide an area as possible.

6. It is the earnest hope of the Iranian government that the United Nations General Assembly at its 29th Session would commend this proposal to the attention of the states of the region and make a recommendation to these states to take as soon as possible all necessary steps to achieve this objective and report back to the General Assembly. It is the considered opinion of the Iranian government that the implementation of this proposal would constitute a major feat in the pursuit of security and lasting peace.

NOTE.—Iran has signed and ratified:

The Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water.

The Treaty on Non-Proliferation of Nuclear Weapons.

The Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in Subsoil thereof.

A PLAN FOR SUBDUING INFLATION

Mr. FANNIN. Mr. President, if we are to successfully win the economic battle and bring inflation under control it is essential that Congress support Federal Reserve Board Chairman Burns in his pursuit of a noninflationary growth target for money and credit.

The September issue of Fortune magazine contains an article by Prof. Allan Meltzer setting forth a policy for the gradual reduction of inflation and the role Congress must plan if the policy is successful.

Professor Meltzer recommends that we should gradually reduce the growth rate of money supply, we should move from deficit to surplus in the Federal budget, and we should keep the system of floating exchange rates.

I ask unanimous consent that the full text of the article be printed in the RECORD.

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

A PLAN FOR SUBDUING INFLATION

The difficulties of settling on a national policy for coping with inflation are compounded by a prolonged Battle of the Books among economists. Those who think of themselves as fiscalists (or Keynesians or New Economists) often underestimate the importance of changes in the rate of money-supply growth. And those who think of themselves as monetarists often overestimate the possibilities of using changes in the rate of money-supply growth as an instrument for controlling inflation. Actually, monetary tightness pushes interest rates and unemployment up before it has any discernible effect on inflation.

In this dialogue, economist Allan H. Meltzer presents a specific plan for using a combination of monetary and fiscal restraint to subdue inflation. Meltzer is Maurice Falk Professor of Economics and Social Science at Carnegie-Mellon University in Pittsburgh. While unmistakably a monetarist, he recognizes that the federal budget (fiscal policy) heavily influences the decisions of the Fed (monetary policy).

The dialogue is a shortened version of a conversation between Professor Meltzer and two members of the FORTUNE editorial staff.

Q—Let's start out with a question that some might find a bit shocking—a devil's advocate question. Why try to end inflation? Ending inflation entails some costs—a promise to end inflation without costs is not credible. Why incur those costs? Why not try to learn to live with inflation?

A—Well, it's certainly true that we can't stay where we are. Either we have to adjust to living with inflation or we have to get rid of inflation. The question is, which costs less. Is it less costly to move from where we are to a world in which there will be permanent inflation, or is it less costly to move back to a world where there is no inflation?

I believe it is less costly to move back to the world of no inflation, if we choose a low-cost route. It is worth something—it is worth a lot—to avoid having to adjust to a world in which prices keep changing all the time and fixed values no longer have any meaning. Full adjustment to inflation means changing all bond contracts, all interest contracts, all labor contracts. Every interest rate, price, and wage in the society has to keep changing. That would be very hard for the public to get accustomed to. In countries that have partially made adjustments to inflation, people still find difficulty in thinking about prices and wages that always rise, and even in making simple shopping comparisons.

Q—But adjustments to inflation, through some such method as indexation, would reduce the inequities that are now associated with inflation? Isn't that so?

A—Yes, that is so. It's important to distinguish between anticipated and unanticipated inflation. Unanticipated inflation has much greater costs, much greater social consequences. All economists agree that unanticipated inflation is costly. The costs of unanticipated inflation come when, as now, people try to protect themselves from an inflation they did not anticipate. Anticipated inflation—if everybody anticipates it correctly—has much smaller costs, much smaller social consequences. But people slide over the heart of the problem when they say that fully anticipated inflation involves only small costs. When we talk about fully anticipated inflation we are biting off a really big piece of bread.

To begin with, we know we can't make the adjustments completely. There's no way in which we can escalate every contract and adjust every asset and liability perfectly. Moreover, the costs of adjusting to inflation are very large. Permanent inflation means giving up a notion that we have lived with for several centuries: the notion that accounting values mean something. Learning to live with inflation means learning to live in a world in which the prices of all goods and services and all assets rise together, year after year.

Everyone would have to learn to think in a new way about capital investment and pension plans, for example. With 7 percent inflation, we would have prices doubling every ten years or so. Think what that would mean. Thirty years from now, prices would be something like eight times as high as now. And with 10 percent inflation, prices double in about seven years. Adjustment to that kind of change requires new ways of thinking about the present and the future. I believe it would take decades before people could fully adjust.

And what will we have when we get there? It's important to focus on that question. After decades of adjustment, assuming full adjustment, we would get to a system that at best is no better than a system of price stability. I believe it's much easier to get back to price stability.

Q—A related point about learning to live with inflation. Even if we could achieve full adjustment so that there were no economic inequities at all resulting from inflation, there would still be psychological costs. Living with constant change in the economic arrangements of life would contribute to a sense of instability in other matters—contribute to the general sense of disorder that is one of the pervasive social problems of our times.

So it seems undeniable that price stability would be preferable to fully anticipated inflation if we could achieve price stability at moderate cost. But we run into the old trade-off problem. Any effort to get back to price stability seems to involve unemployment costs that many people consider too high.

A—There are costs both ways. I would be misleading you and everyone else if I said there were no costs. But the costs of getting back to price stability depend very much upon what we do to get there. People who talk about the very large costs of returning to price stability generally talk about returning quickly. If we tried to end inflation quickly, we would have a major recession that would throw lots of people out of work, and even so we would fail to get back to price stability, because we would refuse to pay the cost in unemployment and lost production.

Within the range of knowledge we now have, it's not possible to get to price stability quickly and at low cost. But if we take a longer view, it may be possible to return to price stability at a tolerable cost.

Q—And you have a plan for doing that—for returning to price stability and doing so at a tolerable cost. What are the basic ingredients of your plan?

A—My proposal has three interrelated elements. First, we should reduce the growth rate of the money supply—gradually, over a span of years. Notice, I do not say reduce the money supply, but rather reduce the growth rate of the money supply. Second, we should move from deficit to surplus in the federal budget. The surplus should be used to retire debt. Third, we should keep the system of floating exchange rates. A main reason for this third element is to make sure that the effects of the other two elements on inflation are fully felt here at home, instead of being partly offset by the policies of other countries.

Those are the three parts of the program. How do I know that this is going to work? The honest answer is we can never be certain about the future. We do know that no inflation has been ended without reduction in the growth rate of money, and I don't believe we will keep the growth rate of money down if we continue to run deficits.

We cannot be certain about the timing of the response, so we want to have some flexibility. If we want to bring the inflation rate down with as little cost as possible, we have to keep both unemployment and inflation in mind throughout, not swing from overriding concern about one to overriding concern about the other.

Q—Let's talk a little about that third element in your plan. It's somewhat different in kind from the other two. Basically, its purpose appears to be to provide a sort of insulation, so that you can proceed with your domestic inflation-stopping policies without disrupting external economic relations in an interdependent world.

A—Right, and other countries can do the same. Anti-inflation policies in Germany or Switzerland would not have succeeded this year if those countries had maintained a fixed exchange rate with the dollar, as they used to do.

Q—How could your plan possibly be applied in the present economic circumstances in the U.S.? We are in a period of practically no real growth, with unemployment that many people consider much too high. Some economists argue that we need faster growth in the money supply to stimulate the economy. So how do you go about cutting back on the growth rate of the money supply?

A—In a word, gradually.

It's important to note that gradualism is not an incidental aspect of my proposal. It is central. During the postwar period, and particularly during the last ten years, we have accumulated a lot of evidence showing that change in the growth rate of money is the single most important weapon the government can use to control inflation. In general, efforts to control inflation failed because the authorities slammed down too hard on the money-supply growth rate and sent unemployment and interest rates moving up. Then, after overreacting against inflation, they proceeded to overreact against high interest rates and unemployment.

The reason people are pessimistic about the possibilities of halting inflation is that they think back to the experiences of the past ten years or so, and they recognize that efforts to halt inflation ended not with a lower but with a higher rate of inflation. That is not inevitable. It happened because we failed to keep both problems in mind.

Q. When you talk about halting inflation gradually, what kind of time period are you thinking of?

A. We should be very happy indeed if we can get back to price stability in three years. I would want to take a three- to five-year horizon. Why three to five years? One reason is that we have some information about how long it has taken in the past. We've never experienced peacetime inflation as widespread, as large, and as pervasive as the current inflation. Still, the past may provide some useful guidance. It took roughly three years to get rid of the Eisenhower inflation. It took about two to three years to get rid of the early postwar inflation. So we have some general guides that make three to five years seem to be a reasonable time frame.

Q. You speak of a gradual reduction in the rate of money-supply growth. Reduction toward what? How far do you propose to go?

A. For price stability, the optimum rate of money-supply growth would be a rate approximately equal to the basic growth rate of the economy, and that's in the neighborhood of 3 to 4 percent. That would change, of course, depending for one thing on how fast the labor force grows—but around 3 to 4 percent is consistent with past experience. Some flexibility is desirable, and in practice the Fed should keep the money-supply growth rate between 2 and 6 percent. Then we would avoid the excesses of the Thirties on the deflationary side and the excesses of the Sixties on the inflationary side. Prices would fluctuate within a narrow range.

Q. The rate of money-supply growth is now around 6½ percent, and you want to reduce that to, say, 4 percent. Over what span of time?

A—I want to allow two to three years to bring down the growth rate of money. It will take a year or two beyond that for the full effects on prices to be realized.

Q—While we're pinning down these figures, let's pin down what you mean by price stability. You've indicated that you certainly do not mean stability in anything like an absolute sense.

A—Right. As a practical matter, 1½ percent a year in the consumer price index might be considered price stability. In the early Sixties we had an increase approaching 1½ percent a year in the C.P.I. with roughly constant wholesale prices, so that's probably a sensible goal. During that period, wages rose, but so did productivity, and unit labor costs remained roughly constant. We were in a period of relatively stable prices with falling unemployment. The money stock grew at about 3 or 4 percent.

Q—Measured against the kind of inflation we've experienced in the last several years, getting back to that kind of stability even over a span of three to five years seems a bold and ambitious goal. Do you feel pretty sure that your proposal could get us there?

A—There's no reason to doubt that holding the growth rate of the money supply to the growth rate of the economy—3 to 4 percent—would hold the rise in the consumer price index to less than 2 percent on average. But that is not my entire program for stopping inflation. My proposal is a package, not just a single element. Along with slowing the growth of money, I want to move from a deficit to a surplus in the federal budget. Without that, reducing the rate of money-supply growth would tend to bring increased unemployment and higher interest rates before we made much progress in slowing inflation.

Q—Why would it help matters so much to go from deficit to surplus in the federal budget?

A—In reducing government spending, we shift resources from the government sector to the private economy—which means, generally, from lower-productivity uses to higher-productivity uses. We shift the use of resources in a desirable direction—that is, toward expanding output.

Using the budget surplus to retire debt, moreover, lowers interest rates. And that helps to expand economic activity and employment in housing and other industries where small changes in interest rates from rising, we keep the federal government and particularly the Federal Reserve from undoing the anti-inflation program by increasing the growth rate of money in order to hold down interest rates.

Q—Isn't it unreasonable to say that some of the misadventures of governments in trying to subdue inflation have resulted from relying too much on fiscal or monetary restraint, rather than using both in the same direction? That is, failing to exert sufficient monetary restraint and therefore needing an excess of fiscal restraint, or, more commonly in recent years, being quite incontinent in fiscal matters and relying on monetary policy to do the job, with the result that the Fed has to lean too hard?

A—In the past ten years or so the government has financed social-expenditure programs by running budget deficits. The financing raised interest rates. To hold down interest rates, the Federal Reserve increased the growth rate of money. Inflation increased. Every now and then the Federal Reserve shifted to concern about inflation, but only for a time. They overresponded in one direction, then in the other.

Q—You speak of holding down interest rates by using the budget surplus to retire debt. What does it mean to retire debt, in this particular context? What is the mechanism?

A—Basically, what it means is that as Treasury issues run off, they're not fully replaced. Government securities are continually maturing, and the Treasury has to roll over something like 100 billion dollars every year to stay in the same place. If there is a ten-billion budget surplus, they issue, say, 90 billion in securities instead of 100 billion, and some holders just get paid off with cashable government checks.

Q—Let's see—the government takes in ten billion more than it spends, and it uses that extra ten billion to pay off bondholders. In other words, there is a transfer of ten billion from taxpayers to owners of bonds. What are the economic effects of this transfer?

A—Interest rates are lower. Output will be lower, too. As a result, the actual surplus will be smaller than the planned surplus. But that's a detail.

Q—Why will output be lower?

A—It will be lower because government expenditures have some positive effect on output in the short run. My estimate is that with about 5 percent change in government expenditure we get 1 to 2 percent change in real output. There is a grain of truth to the Keynesian story which says that if the government spends more and runs a deficit, output increases for a time. I don't want to deny that grain of truth. If we cut federal spending, that's going to have some contractive effect. I would like to add, because I think it's important, that if we have a budget surplus and we run into trouble, we do not go back to a highly stimulative policy of expanding the money supply—back to inflation, in other words. We cut taxes and maintain the growth rate of money.

Q—How big a budget surplus are you thinking of in your proposal? And over what period of time do you propose to swing from deficit to surplus?

A—I would like to replace the present deficit of about five to eight billion with a surplus of between eight and ten billion. In other words, I propose a reduction of about 15 billion in the federal budget. And I would like to see that happen as soon as possible. I do not advocate gradualism here.

Q—What you're proposing would be very difficult in political terms. That doesn't mean it's wrong, of course, but the political difficulty is a consideration you can't just set aside.

A—It's true that every item in the budget has defenders. But it's hard to see why it isn't possible to cut federal spending by 5 percent. We have a 300-billion-dollar budget now. Not long ago Lyndon Johnson was talking about hoping to hold the line at 100 billion. Even with inflation, that's quite an increase. The defenders have to explain why an extra 15 billion a year in federal spending—300 billion instead of, say, 285 billion—is more important than reducing inflation. I don't think the public believes that, and I certainly don't believe it.

Q. What are some particular areas of the federal budget where you think it's possible to make sizable cuts?

A—Well, let's go over the parts of the budget that have grown most rapidly. One of them, of course, has been aid to state and local governments. Total state expenditures have risen very dramatically over the entire postwar period, but the federal share of them has risen even more dramatically. In 1946–47 about 8 percent of state and local government expenditures was being paid by the federal government. We're now up to 22 percent. So federal aid to state and local governments is a candidate for cutting. Some programs are desirable, but it seems to me that we have to ask ourselves, do we need them all now, or would it be better to try to phase some of them out and transfer the resources to more productive uses?

There's the HUD budget—we're spending billions of dollars every year to build subsidized housing. It isn't at all clear that the programs meet the elementary test of a cost-benefit analysis, let alone the more stringent test of using resources most efficiently. So this is a very good place for cutting the budget and returning to the market system.

This is far from a complete list. The staffs of many regulatory commissions have expanded in recent years. I would certainly include the space program as a candidate for cutting, too. There are many places to cut. All of them have their proponents, of course. But let's ask the right question, namely, is maintaining expenditures at the present level more valuable to the citizenry than trying to reduce the rate of inflation by, say, five percentage points in the next three to five years? It seems to me that, for the public as a whole, there is no comparison. So I don't see that there's really a major issue here.

Q. What do you reply to those who say—and some economists certainly would say—that if you tried to cut federal spending by 15 billion over the next year or so, especially while holding down or reducing the rate of money-supply growth, the result would be a drastic increase in unemployment?

A—They believe, and I do not, that the

budget is the key element guiding the economy. I believe the budget is one element affecting the economy and the money supply. My own guess, as I indicated earlier, is that the effect on output would be no greater than 1 to 2 percent. That means we may have a mild recession. We can keep the recession mild by maintaining the growth rate of the money supply close to its current range, and only gradually lowering the rate. That way, we help to absorb resources released by the cut in government spending. Experience tends to support the view that large changes in the budget have small effects on real income.

Q—But even a small contraction in output can bring some increase in unemployment. And in the society we live in, even a small increase in the unemployment rate is considered to be very important. There does seem to have been some weakening recently in devotion to the concept of full employment, but its hold on public opinion and on policy is still very strong.

A—That's true, but let's consider what an increase in the unemployment rate means. Suppose the rate increases from 5 percent to 6 percent. That means an average worker spends twelve to fifteen weeks finding a job instead of nine to twelve weeks. That's a big change, that's a big loss of real income. But is that too high a price to pay to reduce the rate of inflation? I don't think so. Another question is whether a period of increased unemployment imposes a higher cost than the cost of trying to insure ourselves against inflation by escalating all contracts. Again, it seems to me that the answer is no.

Q—Still, with 6 percent unemployment there would be a lot of pressure on government to move back to inflationary policies. And some economists would maintain that with your proposal unemployment might go above 6 percent.

A—Try 7 percent. What would a 7 percent unemployment rate mean? It would mean fourteen to sixteen weeks between jobs. And that's what happened in 1961. One main reason the unemployment rate rises is that it takes workers longer to find jobs. Of course, the difference between ten weeks and fifteen weeks means a lot to the man who is unemployed. I don't want to deny the cost. But I also don't want to set it up as an absolute, to say that everything has to adjust to this cost. There are costs of adjusting to permanent inflation to set on the other side of the ledger.

Q—It's important to keep in mind, though, that we are not dealing with a simple linear relationship between the costs of unemployment and the average length of time between jobs. For one thing, the difference between an average of ten weeks and an average of fifteen translates into much more than five weeks for some of the unemployed. Also, the effects of being out of work accumulate over time. People run out of savings. They become discouraged. Some give up. There may be lasting psychological damage to unemployed people and to their families.

A—Well, you also have to consider the gains that may be offsetting the losses. But I'm willing to concede the truth of what you say. It is a strong argument for gradualism, for being careful, for being willing to slow down the rate at which you attempt to end the inflation, for keeping a focus on two goals rather than just one. I do want to keep both goals in mind. I want to bring the inflation rate *and* the unemployment rate down. But I believe that you can't do both at the same time, so I want to put together a package. Let's try a package, keeping in mind that there are costs and benefits on both sides.

My proposal takes into account that very small changes in the money supply can have potentially large effects. Therefore, we want to make sure that the changes in the growth rate of the money supply are relatively small. But they must be consistent in direction. If I were running this policy, I would announce in advance what I intend to do. I would go a little bit faster if things work out slightly better than I had hoped, and a little bit slower if things work out worse. But I would hold the direction.

Constancy of direction is the really essential thing. The great danger is that one goal will be paramount for six months and the other goal for the following six months, so that we wobble between those two objectives—as we have in the past—and never solve the inflation problem.

THE CRISIS IN RAIL SAFETY

Mr. HARTKE. Mr. President, as chairman of the Subcommittee on Surface Transportation of the Senate Commerce Committee, I have become increasingly concerned with the rapidly deteriorating record of safety in the transportation of freight, especially hazardous materials, by rail. This worsening record is all the more dangerous, since shipment by rail has long been the safest method of transportation. It is in danger of losing that distinction in the face of a number of spectacular accidents; in fact, it is nothing short of a miracle that there has not been any disaster or loss of human life so far that is anywhere near the potential that exists every day.

One of the most perplexing aspects of the current crisis in rail safety is the fact that the most danger exists where the railroads have deteriorated the most—the Midwest and Northeast. Speaking for the State of Indiana, the danger is real, and it exists right now. The recent closure of some 450 miles of trackage in my State by the Federal Railroad Administration is indicative of the state of the condition of the roadbeds there. Closure of a line means that it cannot meet the minimum standards for safe operation at 10 miles per hour.

Mr. President, it is my firm belief that significant changes in public policy are needed in order to assure this Nation an adequate rail system for the safe and efficient transportation of freight and passengers. I have seen an increasing public awareness of the vital necessity of improvement in our rail system, and I believe that this change in public opinion will eventually result in the sort of institutional changes that are needed. One of the keys to this heightened public awareness is the positive and productive role that the media can play. In this connection, I would like to commend the series of articles that recently appeared in the Chicago Sun-Times on rail safety. This series, written by Bruce Ingersoll of the Sun-Times, has done an excellent job of helping make the public aware of the drastic need for improvement in our Nation's railroad system. It is absolutely vital that the electorate make their views on this subject known at the polls, and I wish to commend Mr. Ingersoll and the Sun-Times for the role they have played in bringing about these needed changes.

Mr. President, I ask unanimous consent that the Sun-Times editorial of August 4, 1974, on the need for improvement in our rail system be printed in the RECORD.

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

[From the Sun-Times, Aug. 4, 1974]

SAFEGUARDING THE RAILROADS

Blatant defects in the U.S. railroad system have been documented in a series of articles by Sun-Times reporter Bruce Ingersoll. It is a system that makes thousands of Americans unwilling and unknowing hostages to luck. And the luck has been bad. Furthermore, informed railroaders are forecasting that it is bound to get worse unless the Federal Railroad Administration, the Congress and the railroads take effective steps promptly.

Anthony Haswell, chairman of the National Assn. of Railroad Passengers, asserts, "We have the worst maintained railroads of any major industrial nation in the world." Adds Christopher Knapton, an FRA spokesman, "No question about it. The railroad industry is going to hell." The record amply supports that assessment. Last year, 152 trains derailed in Illinois alone, up from 107 in 1971; in the first half of 1974, 135 derailed. If trains keep derailing at that rate, the number will hit 270 by the end of the year. Yet this rickety system is part of a national rail network that carries not only passengers but also conveys some 175,000 tank cars equipped to carry explosive or poisonous chemicals. The potential for disaster was violently demonstrated in Decatur on July 19 when a tank-car explosion killed 7 persons and injured 142 others.

The bankrupt and demoralized Penn Central is particularly unsafe. It averages 20 derailments a day, and 6,901 miles of its track are too treacherous even for speeds under 10 miles an hour. The FRA took welcome, if belated, action Wednesday in barring the Penn Central from operating any trains over 67 miles of its Chicago-to-Louisville line because of unsafe track. But this kind of action cannot be the full or final answer to safely and effectively maintaining railroads, a vital national asset.

The nation depends on its railroads to move 40 per cent of its freight. FRA Administrator John W. Ingram pointed out in a Monday speech that if even the Penn Central were shut down, "the auto industry would start to shut down a week later. If that were to happen the steel industry would not be far behind."

Part of the responsibility for maintaining this lifeline falls on the shoulders of the railroads which, though financially strapped, must realize that safety measures are an indispenable part of the cost of doing business. The role of Congress was suggested in Ingram's address. He urged that ailing railroads be subsidized with federal loan guarantees which would help them invest more money in track safety. In addition, the nation ought to see whether it really needs all of its 328,000 miles of track or whether it might be wiser to rip out some of it and devote its resources to maintaining track that is the most vital. As shown in an article elsewhere in Sunday's Sun-Times, the Santa Fe and a few other railroads have proved that railroads can be safe and profitable if they have the money and the will.

Mr. MAGNUSON. Mr. President, as chairman of the Senate Commerce Committee, I would like to add to the remarks that have just been made by Senator HARTKE. I also am increasingly concerned over the deplorable state of rail safety in the United States. Senator HARTKE was, of course, correct when he pointed out that the worst trackage in the Nation exists in the Midwest and Northeast, but I would like to add that this by no means should be taken as an implication that rail transportation in other areas of the country is safe. The

recent disastrous explosion of a railroad tank car at Wenatchee, in my own State of Washington, provides a good example of the need for improvement in rail safety on a nationwide basis.

The Surface Transportation Subcommittee of the Senate Commerce Committee, of which Senator HARTKE is chairman, has recently held hearings on rail safety, and I am well aware of the work that has been done by the distinguished Senator from Indiana. As one indication that his labors have not been in vain, I can report that the Senate Commerce Committee will be reporting legislation to deal with this subject to the floor of the Senate in the near future. I have also noticed that his efforts on behalf of improvement in rail safety have not gone unnoticed in his own State of Indiana. Mr. President, I ask unanimous consent that the August 6, 1974, editorial from the Palladium-Item of Richmond, Ind., concerning rail safety be printed in the RECORD at the conclusion of my remarks.

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

ON THE RIGHT TRACK

We have been critical of Sen. Vance Hartke, D-Ind., on occasions in the past but we feel that in demanding improved rail safety, the Hoosier senator is on the right track (no pun intended).

And it's quite obvious he is getting action.

Within hours after the Federal Railroad Administration (FRA) ordered most of the Penn Central lines between Chicago and Louisville shut down because of dangerous sections, repairs were reported under way at least in some areas.

Most freight service now has been restored although at the bare minimum of track safety.

More than 20 small cities temporarily were left without rail service until adequate tracks were repaired. Rerouting of some passenger trains was ordered, bringing at least one through Richmond.

The disturbing increase in railroad accidents, in our own state as well as in others, has brought this serious problem into focus:

How safe is train travel?

Henry F. Rush, deputy administrator of the Federal Railroad Administration (FRA), has said that 37 per cent of rail accidents are track-related; 24 per cent are employe-related; 20 per cent are equipment-related; 3 per cent are grade-crossing accidents, and 16 per cent are caused by miscellaneous factors.

The chief culprit, according to these statistics, is the poor condition of railroad tracks which in many areas sometimes restricts trains to speeds as low as 10 miles per hour.

E. L. McCulloch, vice president of the Brotherhood of Locomotive Engineers, told a railroad-safety hearing at Indianapolis a few days ago that there are only 43 inspectors to check 27,000 locomotives and 2 million pieces of rolling stock. One can't help but wonder how thoroughly the tracks themselves are checked, and how often.

Governor Bowen is reported to have endorsed a $40,000 a year program to permit the state to join in a state-federal rail safety inspection effort. This appears a step in the right direction. But if inspections are made, defects or dangerous spots found, and still nothing permanent done, the effort will have been worthless.

Senator Hartke says if the FRA can't get the job done he will recommend another federal agency. We're not sure what that would mean for added rail safety, but something has to give.

Railroad passenger service is increasing but if it is to continue, it must be with the assurance that everything possible to make it safe is being done. As it stands now, there has been a 24.7 per cent increase over last year in rail accidents. Trains which are on time are much in the minority. Much of the delay is because they have to virtually crawl over certain portions of track. That's a situation which must not be permitted to continue.

HEALTH SERVICES PROGRAMS

Mr. TAFT. Mr. President, I support this legislation to revise and extend several important health services programs, including:

First. Community health centers—commonly known as neighborhood health centers—to provide family-oriented health care to medically underserved populations;

Second. Community mental health centers—to provide a full range of preventive and therapeutic mental health services to patients in their neighborhoods, thus increasing the accessibility, quantity, and range of mental health services available at the community level;

Third. Migrant health centers—designed to meet the problems of those citizens who have no continuity of care due to mobility; and

Fourth. Health revenue sharing to provide bloc grants to States for health and mental health services under public health departments and for vaccination programs and other disease control programs.

In addition, this legislation establishes the following new programs:

First. Home health services—to provide startup grants to home health agencies and grants for training personnel to provide home health services;

Second. Presidential Commission on Mental Health and Illness of the Elderly—to review the mental health needs of our older citizens and to recommend a national policy for their care and treatment;

Third. A National Center for the Control and Prevention of Rape—to conduct research into the legal, social, and medical aspects of rape, and in so doing, examine, among other things, the treatment of the victims of rape by law enforcement agencies, hospitals, prosecutors, and the courts;

Fourth. National Commission for the Control of Epilepsy and its consequences, which I cosponsored;

Although epilepsy is an ancient disease, it still remains one of the most misunderstood afflictions in the country today. Unfortunately, laws governing the activities of persons with epilepsy are too often based on an absolute conception of the disease, and one of the most challenging problems facing the national commission is to arrest these misconceptions;

Fifth. Hemophilia diagnostic and treatment centers and blood fractionation centers—which I cosponsored—to develop a comprehensive approach to the diagnosis and treatment of hemophilia, provide assistance for the development or expansion of facilities which will separate components from whole blood so that more efficient use can be made of this precious resource. In addition, the legislation provides for adequate financial support for individuals who must now pay for the high costs of hemophilia treatment; and

Sixth. National Huntington's Disease Control Act—which I cosponsored—to establish a comprehensive program to combat Huntington's disease. This legislation provides for much needed assistance to programs for the diagnosis, prevention, and treatment of, and research in Huntington's Disease.

UNDERMINING FAITH IN THE SYSTEM

Mr. MCGOVERN. Mr. President, I deeply regret that President Ford has made what would appear to be his first serious mistake. The pardon of former President Nixon before the Special Prosecutor has even made his report and before the verdict of the court is known seems both painfully premature and unwise. When the Founding Fathers gave the President pardoning power they could not envision that it would be used by a President to pardon his immediate predecessor who had just placed him in the line of succession. With some of Mr. Nixon's subordinates in prison, others indicted, and still others faced with legal action, it seems incredible that their employer has been exonerated. If there is any one lesson we should have learned from the Watergate tragedy, it is that no man, regardless of his power, stands above our judicial process. Mr. Ford's action would seem to have turned the scales of justice upside down.

Mr. President, one of our most respected and thoughtful journalists is Mr. Anthony Lewis, of the New York Times. He has written a piece which appeared in the September 10 issue of the Minneapolis Tribune, entitled "Undermining Faith in the System." I ask unanimous consent that this important commentary be printed in the RECORD.

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

UNDERMINING FAITH IN THE SYSTEM

(By Anthony Lewis)

"(In cases of impeachment) the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law."—The Constitution of the United States, Article I, Section 3.

BOSTON.—On Aug. 9, after taking the oath of office of president, Gerald Ford said: "The Constitution works." One month later, in a sudden and ill-considered gesture, he has frustrated the process of law and the Constitution. The damage to his own hopes will be grave, perhaps irreparable.

He pardoned Richard Nixon for any and all crimes he committed while president—and did so without knowing in any detail the special prosecutor's evidence on the extent of those crimes, official and personal. He issued the pardon without requiring even the minimal plea of *nolo contendere* that was widely considered inadequate in the case of Spiro Agnew. He gave the pardon to a man who has spoken not a word of confession

or contrition for acts that injured many human beings and wounded his country.

Mr. Ford acted in the name of mercy, speaking of his obligation to the laws of God. His motives were surely of the best, to show charity to a fallen friend and spare his country continued trauma. But his good intentions only make the occasion sadder, for the result must be the opposite of what he hoped for America: more rancor, more division, more cynicism about government and law.

The Nixon story was "an American tragedy," the president said. He gave emphasis to the suggestion that punishment for Nixon, or the threat of it hanging over him, might "threaten his health."

But punishment—a jail term, that sort of thing—has never been the issue. Judges and prosecutors have ample discretion to help those who are ill or who have suffered enough, and presidents can pardon them when the cause of justice has been served. Those I know who were most concerned about principle in the Nixon case in fact believed that, however the criminal process worked, the former president should not end up in prison.

The issue was the law. It was well put by the Times of London, a newspaper that showed much concern for fairness to Nixon throughout Watergate. The very purpose for the long struggle for the truth in Watergate, the Times said, was "to reassert the supremacy of law over executive power. Not the least of the principles to be reasserted is that no man is too great or too special to be exempt from the rule of law or the processes of justice."

Now the whole country will presumably see the spectacle of a former president's principal aides being tried for obstruction of justice, with his self-incriminating words as critical evidence, while he is untouched. That will be the image of equal justice for this generation of Americans.

The president relied, in his explanation for the pardon, on the advice that it would be difficult to find an unbiased jury to try Nixon for many months. It is true that the impeachment process has spread the evidence against him widely, and that care would have to be taken to assure a jury that would stick to the trial evidence. But that would hardly be an insuperable task.

The Supreme Court has said that jurors trying a notable case need not be "ignorant of the facts and issues involved." Indeed, the court said, to exclude jurors as prejudiced merely because they had "any preconceived notion as to guilt or innocence of an accused would be to establish an impossible standard. It is sufficient if the juror can lay aside his impression or opinion and render a verdict on the evidence."

In using his pardoning power on the basis of possible jury bias, Mr. Ford has effectively nullified the clause of the Constitution explicitly authorizing criminal prosecution as well as impeachment of any federal official. Of course there was no television in 1787 to publicize the impeachment process. But if John Adams, say, had been impeached and then prosecuted, the details would have been well known to most Americans—and certainly to the men of property who served on trial juries.

The effect of Mr. Ford's gesture on the system of criminal justice is the most appalling prospect. All along in Watergate, many ordinary Americans have said that the rich and powerful would escape justice in the end. Those who believed in the system told them they were wrong. On Aug. 9 it appeared that they were. Now they will know otherwise.

The United States has a terrible crime problem. Just the other day the attorney general, William Saxbe, called attention to its dimensions once again. In considerable part, the problem is one of a system of criminal justice in whose efficacy and integrity the citizen does not believe. The case of Richard Nixon was for most Americans by far the most important test in their lifetimes of that system's integrity. Who can argue against cynicism now?

"Someone must write 'the end' to the Nixon tragedy," Mr. Ford said, and "only I can do that." For the sake of "domestic tranquility," he said, he must "firmly shut and seal this book."

An ending is what America deeply desires, but it had to be a real ending—one reached by going through the whole process. We have to finish something for once, without compromises, without deals. We needed the tranquility that comes only by working a problem through. We needed to proceed, in the words of the Constitution, "according to law."

A SALUTE TO MISS L. PEARL MITCHELL, A GREAT CIVIL RIGHTS ACTIVIST

Mr. METZENBAUM. Mr. President, in recent years a popular subject has been the area of civil rights. Within the last several days a lady whom I knew for a period of many years, and who led the battle for civil rights when it was almost a radical term, left this Earth. Miss L. Pearl Mitchell, who passed away at the age of 91, was a soft-spoken, courageous, and gentle lady who devoted much of her life to improving the condition of minorities and the poor. When many did not know what the letters NAACP stood for, she was battling for the organization, as well as its objectives.

I had the privilege of working closely with Miss Mitchell when together, from 1943 to 1958, we fought for the enactment of a Fair Employment Practices Commission law in the Ohio General Assembly. It may be hard to believe that it took 15 years to secure enactment of that legislation, but it is true. And when she came to Columbus, Ohio, in those years and I sought a place in which we might meet for dinner, even in that Northern city, it was difficult to find a restaurant that was willing to seat blacks and whites together.

This Nation has lost a great community servant, a beautiful human being, and a lovely lady. Her absence will be felt by all of us.

HEALTH SERVICES FOR THE ELDERLY

Mr. CHURCH. Mr. President, the Senate yesterday passed S. 3280 which would extend and revise certain health services programs. As chairman of the Special Committee on Aging, I would like to call particular attention to several provisions which affect the elderly.

One of these is an amendment which incorporates my Home Health Services Act, S. 2695. This bill was part of a two-prong legislative package sponsored by Senator MUSKIE and by me as a result of testimony and reports received by the committee on the need for home health services legislation.

The consensus at the committee hearing was that care in the home is a much needed but underutilized form of health care. This is particularly true for the elderly. Many of these older people could remain in their own homes rather than be institutionalized if provided with therapeutic and supportive home health services.

Part of the reason for the underutilization of home care services is the limited availability of home health services, a problem which this bill would help remedy.

Today most existing home health agencies are found in large urban areas. Many rural areas have no home health agencies or agencies that can provide only very limited services. There is almost no way for new agencies to be established, or for existing agencies to expand their services. One agency wrote the committee that it was asked to expand into two neighboring counties without any home care services. It was reluctant to do so because the estimated costs would probably exceed the expected income.

A paper—prepared for the committee by consultant Brahna Trager—on the current status of home health services summarized conditions as follows:

> The situation remains one in which new home health services cannot be developed in communities or areas where they are not now available because no funding mechanism exists for their development. Agencies which have already been organized are unable to expand the area of services which would make them effective as "alternative" community care systems without funding assistance.

Statistics show that about half the agencies certified under the medicare program offer nursing plus one other service, usually physical therapy. These agencies may not be able to provide the range of services which will encourage physicians to utilize home care.

S. 3280 provides funds to establish or expand public and nonprofit agencies in areas where there are insufficient home health services. Special consideration would be given those areas where a high proportion of the population to be served are elderly, medically indigent, or both. This does not mean that the agencies would be limited to serving the elderly alone. But because of their particular need for home health care, it is expected that a large proportion of these services would be utilized by the elderly. The majority of patients served by most home health agencies are in the over 65 age category.

There are also measures pending or recently enacted which can be expected to increase the demand for home health services by all age groups. Home health services are included in the benefits which must be offered by HMO's under the Health Maintenance Organization and Resource Development Act, enacted into law last December. They are also included in the major national health insurance proposals being considered by the Congress.

S. 3280 would also provide grants for training professional and paraprofessional personnel to assure that the specialized abilities needed for working with home care patients are available and kept current. The need is for training programs of varying content and length. These include management training to assure quality control and cost effectiveness; training for professional personnel in the application of their skills to the

homebound; and the training of less skilled persons to perform the duties required of a homemaker/home health aide.

The funds needed to start a program of expansion grants and training are estimated for the first year at $15 million for expansion and $5 million for training. This is not a bricks and mortar approach—in fact, the bill prohibits the use of grants for construction—but a way to provide the organizational capability and the human resources necessary for effective care in homes and communities throughout the Nation. And the funding is only about one-tenth as much as has been spent annually for hospital expansion over the last several years.

As the committee report on S. 3280 states, "Home health care has been increasingly recognized as providing, in many instances, a less expensive and/or more effective alternative to continuing hospital and nursing home care." I am very pleased that this legislation will provide the means to stimulate the growth and development of home health services through a special assistance program.

In addition to the home health services provision, S. 3280 also provides for the establishment of a Commission on the Mental Health and Illness of the Elderly. This Commission was recommended in 1971 in a report issued by the Committee on "Mental Health Care of the Elderly: Shortcomings in Public Policy." The report stated that:

> Public policy in the mental health care of the aged is confused, riddled with contradictions and shortsighted limitations, and in need of intensive scrutiny geared to immediate and long-term action.

The Commission would have 5 years to develop much needed national policy, assess existing mental health programs, and make recommendations concerning the treatment and care of elderly persons with mental illness. This would provide us with a much needed perspective and action program for an illness which too often goes untreated and creates untold suffering for the elderly and their families.

Mr. President, this legislation is a forward step toward the provision of more adequate health care services for the elderly.

LETTER FROM A LIVESTOCK PRODUCER

Mr. McGOVERN. Mr. President, of all the hundreds of letters which I have received from livestock producers from my State and throughout the Nation over the past year, one of the best was written on August 31 by George H. Wilken of Faith, S. Dak.

It is a letter to President Ford, a copy of which was sent to me, to the Secretary of Agriculture, and to other Members of Congress from South Dakota.

Because it is such an eloquent statement of the causes of the present financial position of livestock producers, and because it proposes to our new President a clean break with the mistakes of the past, I ask unanimous consent that it be printed in the RECORD in order that all may read it.

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

AUGUST 31, 1974.

Mr. GERALD FORD,
President of the United States,
Washington, D.C.

DEAR PRESIDENT FORD: Today the livestockman is facing serious short-term problems which have built up during the Nixon-Butz Administration. These problems are most serious for us, the owner-operator, who is operating on borrowed capital and dependent on the operation for his livelihood.

We are in this position: The Nixon-Butz farm policy has been to sell our feed grains and import unlimited quantities of meat (This totally disregards the intent of the import quota system as set up in 1964 when we have an ample domestic supply). I am enclosing a clipping from the Rapid City Daily Journal which quotes the prediction from the Agriculture Department of the glut of grassfed cattle coming to market.

This glut of cattle to market is caused from the drought conditions shortening the ranges and the ranchers are trimming their cattle to the available feed supply. Also the feedlot operators are not buying replacements as they operated at such a loss last year and because of the high cost of feed. This will lead to severe shortages in the future. In the meantime feeder cattle and cows (which compete directly with imports for slaughter) are selling for aproximately one-half of what they did last year and a little over one-half of the average cost of production.

The Nixon-Butz administration advocated that the livestockman expand his unit to be able to produce more economically. Last year they advocated full production to feed a hungry world. Following these recommendations was very costly to the livestockman and I feel our Government has a responsibility to the people who follow their recommendations; not just to use us and set up conditions to take from us that for which we have worked long and hard.

This free trade for the United States as being practiced by the Nixon-Butz Administration in farm commodities with all other countries protecting their farmers appears to me as doing this: Any time, any country in the world has an over-production of any commodity the effect of this is: placing the American producer of this commodity in the same or a worse condition (due to production costs in the U.S.) as the farmer in the country with the oversupply. The American farmer cannot survive this unfair competition as the beef industry will show.

The last half of 1973 and the first half of 1974 wrecked much of our cattle feeding industry. Most of our producers of feeder cattle will be wrecked in 1974, and as soon as the foreign countries return to normal crops the feed grain producer will have no market as there will be very few livestock to consume the grain. The producers who will be eliminated in most cases will be the owner-operator who depends on the operation to provide his living.

We in American agriculture deserve a better chance than this. We hope that you will thoroughly look into this and for the interest of every American, you will immediately embargo the imports of meats into the United States. This will give cattle producers a chance to reduce their herds to the size which our present feed supply will allow. Also, if necessary, to store some of the meat by canning and freezing for the future shortage of meat.

These actions will allow the cattlemen a price that will not financially ruin them during this period so they can produce the meat for the future.

Sincerely,

GEORGE H. WILKEN.

DEVELOPING A NATIONAL HOME HEALTH POLICY

Mr. MUSKIE. Mr. President, yesterday the Senate passed S. 3280, the Health Services Act of 1974, which included authorization of home health services startup funds. Support for this provision was based on the work of the Senate Special Committee on Aging's Subcommittee on Health of the Elderly, which I chair.

I am pleased to announce that on the same day HEW's Health Insurance Benefits Advisory Council adopted a report from its Committee on Home Care which also drew upon the work of the Subcommittee.

The committee found:

> Properly utilized, in-home health services can provide a preferred means of restoring and maintaining the health of individuals and families, as well as reduce or prevent hospitalization or long-term institutional care.

Yet the committee concluded:

> Despite the demonstrated value of home health services, priority continues to be given by third party payers and current legislation to the present institutionally-oriented system of health care. Reversing this priority would make it possible for home health care to emerge as a major national health resource and to take its rightful place in any comprehensive health insurance program that may be enacted.

Mr. President, passage of the Health Services Act is a significant step forward in making home health care a major national health resource. However, improvements in medicare are still needed. The committee's recommendations are:

First, Change the requirement for "skilled nursing care" to nursing care or nursing services. As the committee noted:

> The "skilled" nursing requirement has been one of the main barriers to the provision of needed home care to the elderly since it has limited benefits to those who are acutely ill and need rehabilitation, while denying needed benefits to patients whose condition has stabilized or who require a somewhat lower level of care than that defined as "skilled".

Second, Need for any one of the covered services in the law should qualify the beneficiary for medicare home health benefits rather than the need for skilled nursing care or physical or speech therapy.

These two recommendations of the committee are included in S. 2690, my home health medicare amendments. I heartily concur with these recommendations as well as the administrative recommendations and urge the Secretary of Health, Education, and Welfare to give them serious consideration. Adoption of these proposals would certainly help to strengthen home health coverage for aged and disabled Americans.

Mr. President, I ask unanimous consent that the report of the committee be printed in the RECORD.

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

REPORT FROM COMMITTEE ON HOME HEALTH CARE TO HEALTH INSURANCE BENEFITS ADVISORY COUNCIL

SEPTEMBER 10, 1974.

The recommendations in this report are made in the belief that home health care is

BACKGROUND

a basic component of any comprehensive health program. Properly utilized, in-home health services can provide a preferred means of restoring and maintaining the health of individuals and families, as well as reduce or prevent hospitalization or long-term institutional care. Furthermore, studies indicate that the majority of older persons prefer to remain in their own homes. The familiar intimacy of the home setting meets a unique and vital health need: convalescence is faster, more complete.

The home health care benefits currently available under the Medicare and Medicaid programs as well as from other third party payers are far from meeting the full range of patients' health care needs. Home health care currently accounts for less than 1% of Medicare expenditures and an estimated .4% of Federal/State expenditures under Medicaid. Increased utilization may follow the recent elimination of beneficiary coinsurance payment for home health care under the medical insurance portion of Medicare; however, further changes are needed before home health care can reach its full potential as an important contributor to the Nation's health care delivery system.

The present low utilization of home health care benefits can be attributed to a variety of factors. These include the Medicare statutory requirement for "skilled nursing care"; the absence of coverage under the Medicare law for homemaker services; the lack of recognition on the part of physicians, other providers and patients of the available benefits or of the services of local agencies; the reluctance of some physicians to prescribe home care; and the absence of home health care services in rural or remote areas. From the consumer standpoint, home health services of quality are not a valid resource in terms of availability and accessibility. About half of all the counties in the Nation had no home health agencies as of July 1973.

The Report of the Special Senate Committee on Aging, "Home Health Services in the United States" (April, 1972), identifies convincingly the problems which home health agencies are encountering in their endeavor to provide vitally needed services to home bound patients under Medicare or Medicaid programs. The Special Committee on Aging feels that the legislative instrument materially limits the delivery of home health care. In addition, participants in the hearings before the Special Senate Committee on Aging identified restrictive administrative policies, complex reimbursement procedures, narrow interpretation of the law, and limited coverage as serious roadblocks to the development of additional home health services.

This is reinforced by the GAO Report of July 9, 1974 Home Health Care Benefits Under Medicare and Medicaid, which emphasizes the same problems and makes specific recommendations to improve utilization and assure more effective and uniform interpretation of existing benefits.

While home care can normally be provided at a fraction of the cost of inpatient care, there are no definitive national cost figures. The GAO report cites the fact that several studies have pointed out that home health care can be considerably less expensive than care in a hospital or skilled nursing facility. The Committee believes that it will prove to be more cost effective to utilize home health care services instead of institutions for the long term care patient. It urges the Secretary to continue the special studies authorized by Section 222 of P.L. 92-603 in order to broaden the existing base of knowledge about home health care.

There is ample documentary evidence that home health services represent a logical, humane, and economical means of maintaining a quality of life and of forestalling or shortening institutional care. The restrictive laws now in effect do not recognize the value of preventive, supportive, and counseling services in health maintenance. The chronic diseases to which the aging are prone demand sustained attention to prevent health care crises requiring institutionalization.

Home health care is also preferred for those who require only part-time or intermittent health services. A home health aide can frequently make it possible for an ailing person who lives alone, or with a spouse too frail to provide care, to remain at home.

Despite the demonstrated value of home health services, priority continues to be given by third party payers and current legislation to the present institutionally oriented system of health care. Reversing this priority would make it possible for home health care to emerge as a major national health resource and to take its rightful place in any comprehensive health insurance program that may be enacted.

There is broad consensus and increasing activity regarding the need to expand the breadth, scope, and reimbursement of home health services, subject to appropriate utilization safeguards. Such expansion could be accomplished by revising or eliminating restrictive administrative and statutory requirements; embarking on a program to develop an affirmative attitude toward home health services by third-party payers, physicians and others in the health care community, and consumers; and providing strong Federal support for the development of comprehensive home health services throughout the Nation.

RECOMMENDATIONS RELATING TO MEDICARE

Although the Committee believes that a number of administrative and legislative changes would be desirable in the Medicare home health benefit, it has agreed that the recommendations below should be given highest priority. The administrative recommendations are considered by the Committee as having potential for immediate implementation. The legislative recommendations have longer range implications and should be considered essential to any development of new health legislation or modification of existing benefits defined by statute.

A. Administrative actions

1. The term "home health aide", should identify an individual who could render a broad range of services addressed to health and health-related needs. Under current interpretive practice, the services of a home health aide are narrowly defined as primarily personal care services, greatly limiting services such as cleaning or shopping which are needed to protect the health and safety of the patient. Without these supportive services, aged persons who live alone may be forced to remain in a hospital longer than necessary or forced from their own homes into an institution earlier than necessary. Since these supportive services are so often essential to the care and continued independence of the ailing elderly it is recommended that the guidelines clearly define these supportive services as an integral part of the overall services.

2. The adequate utilization of home health services requires knowledge and understanding by both the consumer and the health professional. It is recommended that the Department embark on a strong public information program to fully acquaint families, patients, physicians, hospitals, home health agencies and other health organizations with home health services currently available in the community.

B. Legislative actions

1. The words "skilled nursing care" in the physician certification requirements of the statute, and the words "skilled nursing services" in the conditions of participation for home health agencies, should be replaced by the words "nursing care", or "nursing services", omitting the word "skilled". The "skilled" nursing requirement has been one of the main barriers to the provision of needed home care to the elderly since it has limited benefits to those who are acutely ill and need rehabilitation, while denying needed benefits to patients whose condition has stabilized or who require a somewhat lower level of care than that defined as "skilled".

2. The physician certification requirement in the statute for home health services should be changed to provide that the need for *any one* of the covered services would qualify the person for home health benefits, provided the services are based on medical need and rendered as part of a written care plan approved by a physician. (At present, in order for a beneficiary to be eligible for any home health benefits, a physician must certify that the beneficiary needs either skilled nursing care or physical or speech therapy.)

RECOMMENDATIONS RELATING TO MEDICAID

With regard to the Medicaid program, the Home Health Committee endorses the GAO recommendations to improve the administration of the Medicaid home health care benefits program by:

1. Impressing upon the States that home health care is generally a less expensive alternative to institutional care and is therefore intended to be used when home health care would meet the patient's needs and reduce costs.

2. Clarifying for the States the specific home health services which are eligible for Federal financial participation and define these services.

3. Encouraging the States to establish payment rates for home health care at a level that will stimulate greater utilization of home health care.

4. Encouraging and assisting home health agencies in their efforts to increase the awareness and support of the health field regarding Medicaid home health care benefits as an alternative to institutional care.

CONCLUSION

The Home Health Care Committee urges that the Council approve the recommendations herein because of their contribution to sound patient care in the home and their potential for reducing unnecessary institutionalization.

FOREIGN AID TO DICTATORSHIPS

Mr. CRANSTON. Mr. President, I have had a number of requests for the testimony on foreign aid to authoritarian regimes which I presented to the Senate Foreign Relations Committee on July 24. I ask unanimous consent that my testimony, which includes a list of aid figures to some 57 countries governed by repressive dictatorships, be printed in the RECORD.

I should note that my testimony was presented before the military junta in Greece was replaced by the Caramanlis government.

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

STATEMENT ON FOREIGN AID: TESTIMONY BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE BY SENATOR ALAN CRANSTON

JULY 24, 1974.

Mr. Chairman, the Nixon Administration has requested $7.5 billion in foreign military and economic aid for fiscal 1975. That includes $1.1 billion in regional and multilateral aid and $6.4 billion in direct, bilateral aid to 94 countries.

I strongly favor multilateral aid for humanitarian purposes. Multilateral develop-

ment institutions are in a far better position to require conditions for aid than the United States. When we do so, our motives are automatically suspect and we are open to charges of interfering in the domestic affairs of the recipient nations. These agencies can insist upon political and social initiatives in the interest of sound loan management practices. And since their goals are concentrated on genuine development rather than on short-range U.S. political interests, they have more incentive to choose programs that will benefit the poorest majority instead of the government in power.

The same is true, it seems to me, for aid programs administered by voluntary agencies. Those who run the programs are not tempted to pull strings for political, diplomatic or military purposes. I am not sufficiently familiar with all the 92 voluntary agencies involved in foreign aid programs to evaluate the work of each. But I believe that many of these agencies are superbly qualified to see that aid ends up being used for genuinely humanitarian purposes.

But nearly 80 percent of the direct aid money—$5.1 billion—is slated for 57 authoritarian governments to underwrite repression and militarism abroad while we suffer from budget deficits and inflation here at home.

Besides unwittingly subverting the aspirations of the very people we're supposed to be trying to help, we are mindlessly undermining our own economy. The first step in fighting inflation and unbalanced budgets at home is for us to stop financing dictatorships abroad.

The fiscal '75 budget deficit is variously estimated by Administration officials at from $2 to $4 billion, depending on the extent to which inflation continues to boost tax revenues over expectations.

Congress could in a single stroke balance the federal budget and wipe out a projected deficit by wiping out all or most of that $5.1 billion expenditure.

There is a huge backlog of unspent military aid funds in the pipeline—$11.4 billion as of June 30—and it's due to rise to nearly $12 billion by the end of this fiscal year.

I have asked the General Accounting Office for a full accounting of this backlog.

I have also asked the General Accounting Office to undertake a comprehensive evaluation of the expenditure of the $81 billion that the U.S. has given these 57 authoritarian and dictatorial governments over the last 30 years. I realize this is a sweeping task.

Our foreign aid program has become so diffuse, so spread out over so many different functional areas, that we don't know enough about its various parts to evaluate it properly. There are at least 16 major categories in AID's budget request, each of which lists a number of recipient governments. They evaluate the foreign aid program, then, would mean multiplying the number of programs by the number of recipient governments, and then appraising the result of each individual project.

Clearly the Senate Foreign Relations Committee has neither the time nor the staff to conduct this case-by-case probe. All we have is AID's word—and AID is, after all, an interested party.

That is why I have asked the GAO to begin sifting through the masses of evidence.

There is also the question of AID's pipeline.

I join the Appropriations Committee in deploring the Administration's practice of alternately inflating and deflating pipeline funds to manipulate Congress for additional appropriations. But the billions in the pipeline do give Congress an opportunity to cut out new authorizations, leaving room for the Administration to continue aid this year where it deems necessary.

Finally, Mr. Chairman, foreign aid is one of the relatively few controllable items in the budget.

Only $84.4 billion—just 28 percent—of the Administration's $305 billion budget is controllable, according to Budget Director Roy Ash's own estimate. Foreign aid is part of that 28 percent.

Let's face it: If Congress is serious about making major cuts to balance the budget, foreign aid, especially to authoritarian governments, is an obvious place to start.

The 57 authoritarian governments on the foreign aid list exert various degrees of repression in restricting the liberties of their people.

They range from one man or one-party rule to out-and-out police states and 18 governments which the State Department itself classifies as "military dictatorships".

I have asked Secretary of State Henry Kissinger to justify in detail the Administration's request.

I have asked for a country-by-country analysis from A to Z—Afghanistan to Zaire.

The Administration is asking $2.6 billion in military aid to 34 of those countries. But it is hard to see how such an expenditure serves U.S. national interest as the State Department claims.

Take Greece, for example. Some $71 million in military aid was scheduled to go to Greece before the Administration suspended aid following the Cyprus coup. That's in addition to $2.3 billion in military aid—and $2 billion in economic aid—we have given the Greek government over the past 30 years.

What we, and the Greek people, seem to have gotten for our money was a cruel military dictatorship where once there was a flourishing democracy and a near-war between two of our allies.

Such governments, in my opinion, are an unreliable, unsteady foundation on which to base the security of our NATO alliance.

What happened in Greece was not unique. Of the $81 billion we have given those 57 countries around the world since 1945, $34 billion has been in the form of military aid.

This aid was intended to help them defend themselves against aggression. But many of these governments have used American money and American supplied weapons to terrorize and subjugate their own people.

This is a perversion of American wealth and goodwill. Billions of dollars in tax money from workers and businesses in the U.S.—a free society—are helping finance the suppression of democracy in various parts of the so-called non-Communist or Free World.

I have asked the GAO also to evaluate that $81 billion in foreign aid.

That's equivalent to nearly 20 percent of our entire $474 billion national debt and it's about time we found out what we've gotten for our money.

The Administration is also asking another $2.5 billion in economic aid to 53 of these authoritarian governments. But much of our so-called economic aid is appropriated for military or diplomatic reasons rather than for humanitarian purposes. For example, only one percent—$30 million is for a disaster relief contingency fund while $50 million in Agency for International Development funds is going just for administration.

Much of the $47 billion in economic aid we have sent these countries since 1945 has ended up in the banks of the bureaucrats and the affluent instead of in the hands of the poverty stricken.

In 1972 for instance, 99 percent of the economic aid program in Chile went for operating expenses. Operating expenses that year ate up 32 percent of the economic aid funds in Liberia, 33 percent in Nepal, 43 percent in Brazil, 63 percent in Zaire and 69 percent in Morocco.

I strongly urge that this Committee recommend substantial reductions in the Administration's proposed military and economic aid to the 57 authoritarian governments on the aid list. I believe such action would be fiscally feasible, defensively sound and economically advisable.

Mr. Chairman, in evaluating the nature of those 57 governments, I used data from the Library of Congress, Freedom House, the Center for Defense Information and the State Department. I request that an exhibit setting forth past and proposed aid to those governments be printed with my testimony in the hearing record.

Following are the 57 governments and the amount of economic (E) and military (M) aid in fiscal 1975 they would receive under the Nixon proposals, with total aid received from 1945–1974 shown in parenthesis:

Afghanistan, $17 mil.-E ($497 mil.-E); $200,000-M ($4.8 mil.-M).

Algeria, $1.4 mil.-E. ($413 mil.-E).

Bolivia, $29.5 mil.-E ($642 mil.-E); $6.5 mil.-M ($40.2 mil.-M).

Brazil, $8.5 mil.-E. ($4.3 bil.-E); $60.8 mil.-M ($431 mil.-M).

Burma, $5 mil.-E ($110.3 mil.-E); ($80.5 mil.-M).

Burundi, $400,000-E ($10 mil.-E).

Cambodia, $187 mil.-E ($576 mil.-E); $363.8 mil.-M ($751 mil.-M).

Central Africa Republic, $300,000-E ($8.3 mil.-E).

Chad, $400,000-E ($11.2 mil-E).

Chile, $63.7 mil.-E ($1.49 bil.-E); $21.3 mil.-M ($185.4 mil.-M).

Congo (Brazzaville), $400,000-E ($5.1 mil.-E).

Cyprus, $600,000-E ($32.5 mil.-E).

Dahomey, $500,000 E ($15 mil.-E).

Egypt, $253 mil.-E ($943.6 mil.-E).

Ethiopia, $29 mil.-E ($322 mil.-E); $18.9 mil.-M ($208.8 mil.-M).

Gabon, $500,000-E ($9.5 mil.-E).

Ghana, $15.6 mil.-E ($327.7 mil.-E); $70,000-M ($300,000-M).

Greece, $71 mil.-M ($2.3 bil.-M); ($1.99 bil.-E).

Guatemala, $19 mil.-E ($343 mil.-E); $2.4 mil.-M ($31 mil.-M).

Guinea, $300,000-E ($107.8 mil.-E); $900,000-M).

Haiti, $10.9 mil.-E ($135 mil.-E; $200,000-M ($4 mil.-M).

Honduras, $23.5 mil.-E ($161 mil.-E); $4.7 mil.-M ($11 mil.-M).

Indonesia, $192.5 mil.-E ($2.8 bil.-E); $28.9 mil.-M ($179.4 mil.-M).

Iran, $1.6 mil.-E ($1.7 bil.-E); ($1.4 bil.-M).

Ivory Coast, $1.2 mil.-E ($114 mil.-E); ($100,000-M).

Jordan, $88.5 mil.-E (080.5 mil.-E); $149.2 mil.-M ($277 mil.-M).

Korea, $182.1 mil.-E ($5.96 bil.-E); $234.3 mil.-M ($6.2 bil.-M).

Lesotho, $1.7 mil.-E ($15.5 mil.-E).

Liberia, $9 mil.-E ($236.7 mil.-E); $600,000-M ($11.7 mil.-M).

Malawi, $400,000-E ($10.4 mil.-E).

Mali, $1.2 mil.-E ($38.4 mil.-E); $50,000-M ($3.4 mil.-M).

Mauritania, $300,000-E ($7.9 mil.-E).

Morocco, $34.3 mil.-E (891.3 mil.-E); $14.9 mil.-M ($113.3 mil.-M).

Nepal, $7 mil.-E ($163.2 mil.-E); $40,000-M ($1.9 mil.-M).

Nicaragua, $29.1 mil.-E ($229.6 mil.-E); $4.5 mil.-M ($17.4 mil.-M).

Niger, $2 mil.-E ($26 mil.-E); ($100,000-M).

Nigeria, $6.1 mil.-E ($440 mil.-E); ($1.8 mil.-M).

Oman, $200,000-E.

Pakistan, $122.8 mil.-E ($4.4 bil.-E); $300,000-M ($696 mil.-M).

Panama, $21.7 mil.-E ($398 mil.-E); $600,000-M ($6.8 mil.-M).

Paraguay, $5.4 mil.-E ($175 mil.-E); $2.4 mil.-M ($17.8 mil.-M).

Peru, $17.3 mil.-E ($801.3 mil.-E); $21.3 mil.-M ($143.8 mil.-M).

Philippines, $78.3 mil.-E ($2 bil.-E); $25.4 mil.-M ($728.6 mil.-M).

Portugal, ($239.8 mil.-E); $900,000-M ($345.7 mil.-M).

Rwanda, $2.9 mil.-E ($84 mil.-E).

Saudi Arabia, ($70.4 mil.-E); $200,000-M ($295 mil.-M).

Senegal, $1.8 mil.-E (43.8 mil.-E); $30,000-M ($2.8 mil.-M).

South Vietnam, $911.6 mil.-E ($6.7 bil.-E); $1.5 bil.-M ($15.6 bil.-M).

Spain, $3 mil.-E ($2.3 bil.-E); $1.6 mil.-M ($844.3 mil.-M).

Sudan, $15.9 mil.-E ($140.6 mil.-E); $50,000-M ($2.2 mil.-M).

Taiwan, ($2.76 bil.-E); $80.4 mil.-M ($3.4 bil.-M).

Tanzania, $12.1 mil.-E ($88.7 mil.-E).

Togo, $2.1 mil.-E ($21.4 mil.-E).

Tunisia, $17.5 mil.-E ($773 mil.-E); $3.9 mil.-M (048 mil.-M).

Upper Volta, $2.2 mil.-E ($25.2 mil.-E); ($100,000-M).

Uruguay, $800,000-E ($157.3 mil.-E); $4.7 mil.-M ($60.6 mil.-M).

Zaire. $11.5 mil.-E ($50 mil.-E); $3.8 mil.-M ($50 mil.-M).

PRESIDENTIAL WAIVER OF REQUIREMENT TO CUT OFF AID TO TURKEY WOULD BE IMPROPER

Mr. EAGLETON. Mr. President, I have been hearing disturbing reports that the Secretary of State will recommend to the President that he waive the provisions of the Foreign Assistance Act which require him to stop any further military assistance to Turkey. It has been reported that President Ford will attempt to "sell" the waiver to the congressional leadership before arriving at a final decision.

I would like to make some observations with regard to the waiver authority vested in the President under section 614(a) of the Foreign Assistance Act. I would hope that my colleagues would consider these points before making any commitment to support such a waiver.

First, there can be no doubt that military assistance provided under the Foreign Assistance Act of 1961 and military sales authorized by the Foreign Military Sales Act are intended for the sole and exclusive purpose of permitting recipient nations to defend themselves against aggression. This interpretation is supported by a strongly worded legal opinion provided to me by the Library of Congress. The use of U.S. arms for aggressive purposes is strictly prohibited and would be in substantial violation of the provisions and purposes of the Foreign Assistance Act and any agreement entered into pursuant to that act.

While in some cases the application of statutes may be somewhat subjective due to inadequate precedents or legislative definitions, such is not the case in the application of the Foreign Assistance Act in the Cyprus situation. The specific case of a Turkish intervention in Cyprus was cited by the President of the United States as a substantial violation of our agreement with that country. This citation was, of course, made in the 1964 letter from President Johnson to the Prime Minister of Turkey when he warned that our arms could not be used for an intervention in Cyprus.

Mr. President, it is true that Congress has given the President the special authority under section 614(a) to furnish assistance to any nation "when the President determines that such authorization is important to the security of the United States." But that is not the only decision the President must make. He must also determine that the furnishing of such assistance must be "in furtherance of any of the purposes of such Acts."

Mr. President, what are the purposes of the acts which authorize military assistance? According to the Library of Congress—

> U.S. military aid is intended for the sole and exclusive purpose of permitting recipients to defend themselves against aggression . . .

The Library concluded its memorandum with the following statement:

> Use of articles and services for other than defensive purposes, i.e. for aggressive purposes, is barred by law.

It is also important to note that the statement of policy contained under title II of the Foreign Assistance Act states:

> It remains the policy of the United States to continue to exert maximum efforts to . . . control weapons of mass destruction . . . under adequate safeguards to protect complying countries against violation and evasion.

Mr. President, the President of the United States can waive the provisions of the Foreign Assistance Act which require him to cut off aid to a violating nation, but that waiver must also further the purposes for which the United States provides military assistance. It is clear that the military intervention by Turkey in Cyprus cannot legitimately fall in that category.

There were two articles in the New York Times this morning which I would recommend to my colleagues. One discussed the concern of the Pentagon and the State Department that if the United States were required by law to remove nuclear warheads from Greece, then Greece may be provoked to withdraw totally from the NATO alliance. The other story discussed the travels of Greek Foreign Minister George Mavros and his expected meeting with Secretary Kissinger later this month. That article indicated that Greek-American relations might be improving.

Mr. President, if the State Department's fear that a removal of nuclear warheads from Greece might provoke a total Greek withdrawal from NATO is accurate, what effect might a determination by the President that continued military aid to Turkey is "important to the security of the United States" have on our relations with Greece? I would hesitate to take a position on whether Turkey or Greece is more important to our security, but it seems obvious that risking the total withdrawal of Greece from NATO cannot be in our national interest.

If we are to continue improving our relations with Greece, we must demonstrate to that nation that the United States does not furnish arms to Turkey to assist that nation in aggression. And we must put Turkey on notice that the laws of the United States must be implemented even when they seem to conflict with our policy toward that nation.

Mr. President, I ask unanimous consent that the New York Times articles to which I referred, "U.S. Weighs Status of Nuclear Warheads in Greece" and "Greek Aide Plans to See Kissinger," and the Washington Star-News article by Oswald Johnson, "Turkey Aid Poses Legal Problem," be printed in the RECORD.

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

[From the New York Times, Sept. 11, 1974]

UNITED STATES WEIGHS STATUS OF NUCLEAR WARHEADS IN GREECE

(By Leslie H. Gelb)

WASHINGTON, September 10.—Officials in both the Pentagon and the State Department are debating whether to leave American nuclear warheads in Greece. Officials agree that legally they should have been removed when the Greeks withdrew from the military command of the North Atlantic Treaty Organization.

There are no immediate plans, the officials said, to remove the weapons for fear of provoking a total Greek withdrawal from the alliance. On Aug. 30, Athens told the other members that it wanted to begin talks on the future of foreign military installations in Greece.

There is little disagreement within the United States Government that the Atomic Energy Act of 1954 and related secret bilateral arrangements now require the removal of the warheads from Greek territory.

LEGAL ASPECT SUBORDINATE

There is considerable disagreement, however, on whether to adhere to this, the legal question being subordinate to broader policy concerns.

The Joint Chiefs of Staff, backed by Secretary of State Kissinger's aide, Helmut Sonnenfeldt, contend that removal would drive Greece further from the North Atlantic fold. Pentagon civilian leaders, supported by other State Department officials, counter that the present situation is dangerous as well as illegal.

Officially the United States sees no basic change in its military relationships with Greece.

Privately, the policy is to take no action on the warheads and to search for a new legal basis to maintain the status quo.

On the related question of the legality of continued military aid to Turkey, a Congressional source said Mr. Kissinger had recommended to President Ford that he use his Presidential waiver authority to justify further aid.

CHARGE BY SENATORS

Senator Thomas F. Eagleton, Democrat of Missouri, and other Senators contend that aid to Turkey is illegal under the terms of the Foreign Assistance Act because of the use of American weapons in the Cyprus conflict.

The State Department has said no decision has been reached on this subject and Mr. Ford is expected to meet with Congressional leaders soon to review the matter.

Section 144(B) of the Atomic Energy Act provides for sharing nuclear information and weapons only "pursuant to an international arrangement by substantial and material contributions to the mutual defense and security." Another section defines these arrangements as formal agreements approved by Congress.

The provision of tactical nuclear warheads to allied nations for training purposes required additional bilateral agreements.

FRENCH PRECEDENT RECALLED

In the case of the Atlantic alliance, the bilateral arrangement stipulates that the forces of the recipient nation must be deployed in accordance with plans worked out by the integrated military command.

When President De Gaulle renounced French participation in the command in

1966, officials related, the Johnson Administration decided that there was no longer any legal basis for cooperating with France in a nuclear weapons program.

The same issue arose Aug. 14 when the Greek Government announced that its armed forces were to be withdrawn from the alliance.

Some State Department officials said "it could be argued" that the warheads could remain in Greece legally so long as they were in sole American custody.

Most other officials and lawyers, however, said the legal precedent was clear. One Pentagon official said, "if we did it with the French, how can we not and why should we not do it with the Greeks?"

A State Department official said "once Athens pulled out of the integrated military command, there can be no program." An official of the Atomic Energy Commission said that the Atomic Energy Act was "designed to provide for an effective cooperative arrangement, and having the weapons remain in sole United States control in Greece is not effective or cooperative."

Nuclear warheads have been removed from Greek and Turkish aircraft and placed in American custody, officials confirmed. Technical control always rests with the United States.

Mr. Sonnenfeldt and the American military want to ride along with the present situation. They maintain, according to officials, that to remove the warheads would be to read the Greeks out of the alliance. Their reasoning, the officials explained, is that removal would "rock the boat" politically in Athens and force Premier Constantine Caramanlis to back up his words with deeds by actually withdrawing Greek military personnel and facilities from the operations of the alliance.

As of now, the officials related, Greek officers continue to sit at their desks in NATO headquarters in Brussels and American aircraft are still being refueled in Greek bases.

The civilian leadership in the Pentagon and some State Department officials also want Greece to return formally to the alliance's military command. In their view, however, the military situation between the Greeks and the Turks is unstable, and the continued safety of the nuclear warheads cannot be guaranteed.

[From the New York Times, Sept. 11, 1974]

GREEK AIDE PLANS TO SEE KISSINGER

BONN, September 10.—George Mavros, the Greek Foreign Minister, said in an informal conversation here today that he expected to meet with Secretary of State Kissinger in the United States later this month to discuss a possible new American initiative in the Cyprus crisis.

Mr. Mavros, speaking after a news conference at the end of a two-day visit here, said he would be going to New York for the United Nations General Assembly, opening Sept. 17, and expected to see Mr. Kissinger either there or in Washington.

He gave no details of what initiative the Americans might have in mind. But the tone of his remarks indicated that relations between Greece and the United States, soured since the Greek military withdrawal from the North Atlantic Treaty Organization last month, might be improving.

OFFER REBUFFED

After the collapse of the three-power Geneva talks on Cyprus involving Mr. Mavros and the Foreign Ministers of Turkey and Britain last month, Mr. Kissinger offered to mediate, but was rebuffed by Greece. Premier Constantine Caramanlis refused an invitation to come to Washington at that time.

This morning, Mr. Mavros met with Chancellor Helmut Schmidt and with his predecessor, Willy Brandt, later. Mr. Brandt accepted an invitation to visit Greece. Mr. Mavros then went to Brussels, where he is understood to be seeking a two-year loan of $800-million from the European Economic community. Yesterday, West Germany, granted the equivalent of $70-million, to be spread over the next three years.

Mr. Mavros confirmed that he had also discussed the NATO issue with Mr. Schmidt. "The Germans have their own views, but a return to the NATO military alliance is out of the question for us,' he told reporters here.

He said he had called on Mr. Schmidt and on the French Prime Minister, Jacques Chirac, whom he saw last week, to play a greater European role in the Cyprus crisis. By this he apparently meant putting pressure on Turkey to withdraw her troops from the northern part of the island.

EUROPEAN INTERESTS CITED

"It is too bad that Europe isn't organized well enough to speak with one voice in foreign affairs," Mr. Mavros said at the news conference. "Cyprus is par excellence a European concern and coordinated pressure of the nine European powers for restoration of constitutional order in a region encompassing such important European interests could perhaps bring about a result."

The Foreign Minister spoke in German, French, English, Italian, and Greek.

When he was asked, after the news conference, whether Mr. Schmidt or Mr. Chirac had indicated willingness to plan a greater role, Mr. Mavros said: "Yes, it could be very useful to bring the pressure of united European public opinion to bear against Ankara. Mr. Schmidt said he'd be willing to offer his good offices in any way that would be useful, and Kissinger is also getting something new going in the next few weeks. I'm probably going to see him in New York, or in Washington, to talk about it in the next few weeks."

American Embassy officials here said they knew of no plans for a meeting or of any American initiative. "I suspect we've been working quietly to try to arrange something, but I'm not aware of anything definite," one spokesman said.

[From the Washington Star-News, Sept. 10, 1974]

TURKEY AID POSES LEGAL PROBLEM

(By Osward Johnston)

After weeks of temporizing, the Ford administration is nearing a moment of reckoning on the politically loaded question of continuing military aid to Turkey after the Turkish invasion of Cyprus nearly two month ago. The outcome may prove a deep embarrassment.

In Congress, a movement is gathering force to cut off all of the $209 million in military aid earmarked for Ankara this year. Opponents were bolstered today by a Library of Congress legal opinion maintaining that continuing aid after the July 20 invasion violates congressional limits on U.S. aid programs.

At the same time, according to informed sources, Secretary of State Henry A. Kissinger's own legal staff has come up with a still unpublished legal opinion which, if accepted within the administration, would sharply curtail the policy of continuing aid to Turkey.

A legal study has been underway at State ever since Kissinger, responding to a critical questioner at a news conference Aug. 19, conceded that the legality of continued military aid to Turkey would have to be studied. Up to that time, the decision to continue aid after the July 20 invasion had been based on other policy criteria, Kissinger explained.

Since the news conference, department officials have declined any public discussion of the issue, except to say it is a "complex, complicated matter" that is under study.

The study is being conducted under the aegis of Carlyle E. Maw, undersecretary of state for security assistance, who until a few months ago was legal adviser to the State Department and who, in private life, has served as Kissinger's private counsel.

Maw declined yesterday to respond to questions relating to the study. But an authoritative official disclosed that Maw late last month rejected an early draft of the legal study as "incomplete . . . not adequate . . . to hasty a job."

According to a variety of sources close to the department, an early draft of the study and a later version which the legal staff is still working on concluded that continued U.S. aid to Turkey without a special presidential intervention violates both the letter and the spirit of the Foreign Assistance Act of 1961. Under that law, military aid is limited to purposes of self-defense or to participation in regional defensive alliances such as NATO.

According to this in-house reading, the only justification for continued aid to Turkey would be a narrowly circumscribed loophole in the law. This waiver clause would empower Ford to authorize up to $50 million a year in aid to a nation making aggressive war "when the President determines that such authorization is important to the security of the United States."

Congressional sources speculated privately that a presidential appeal to "national security" on this issue would aggrevate still further the strained U.S. relationship with Greece, which has announced withdrawal from NATO over the Cyprus issue and is threatening to take over U.S. military bases.

State Department spokesman Robert Anderson acknowledged, however, that Kissinger met Saturday with Maw and other top advisers to discuss the issue. Kissinger will raise the question with Ford in the next few days, Anderson said, and Ford himself would soon be conferring with congressional leaders.

Congress is definitely shaping up to be a problem for the administration. The seven-page Library of Congress opinion delivered today unequivocally comes down on the side of a rigid congressional prohibition against supplying arms for purposes unrelated to national self-defense or regional defense.

"That U.S. military aid is intended for the sole and exclusive purpose of permitting the recipients to defend themselves against aggression . . . seems to permeate the laws governing this matter," the opinion declares. "The principal purpose of U.S. military aid was intended for defensive, rather than aggressive purposes."

Accordingly, the opinion concludes that it is "beyond debate" that U.S. military aid "is intended for defensive purposes exclusively . . ." Further, that use of U.S. military supplies "for other than defensive purposes . . . is barred by law."

The opinion was prepared at the request of Sen. Thomas F. Eagleton, D-Mo., who last week issued a statement denouncing continued aid to Turkey as a violation of the law. Eagleton has also proposed a Senate resolution against the aid policy, claiming that the U.S.-Turkish bilateral aid agreement of 1947 was directly violated by the Turkish invasion of Cyprus.

Amendments to the current Foreign Assistance Act which would summarily cut off aid to Turkey are now pending in both houses.

CONDOMINIUM DEVELOPMENT

Mr. BIDEN. Mr. President, the condominium development and conversion in some areas achieved a growth and impetus which has startled States and

counties into action. Localities have begun to wrestle with the social and legal implications of the condominium type of ownership.

At first blush, the solutions seem relatively simple, but further readings and research bring a recognition that different kinds of issues are presented throughout the condominium process, especially in the process of converting rental apartments into condominiums. There are issues such as the rights of tenants who have rented in a complex for a number of years versus the property managers' rights to sell, manage, and develop his property freely. There are issues in deciding how comprehensive national legislation should be, and what route it should take in developing guidelines.

Since the issues involving condominiums have emerged, progress has been made in the nature of a disclosure bill which I have introduced, S. 3658, and recognition that action should be taken is evident. The Federal Trade Commission has begun a nationwide investigation of the development and management of residential condominiums. The whole condominium issue is ripe for study, and needed to establish guidelines for the public. David Wolfe, in an article which was printed in Potomac magazine, a feature of Sunday editions of the Washington Post, for July 28, 1974 pointed out that—

> The condominium concept also has a major value and attraction to the millions of families whose only present hope for ownership is within the range of the lower priced condominium apartments and townhouses.

The National Association of Home Builders says condominium starts will increase 4 percent from a year ago to 230,000 individual units, the condominium buyers require protection and regulation as they purchase this investment.

Mr. President, I ask unanimous consent that the text of two articles by Walter Rugaber of the New York Times explaining the legal ramifications of condominiums, and the article by David Wolfe, highlighting important aspects of condominium development, be printed in the RECORD.

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

[From the New York Times, July 4, 1974]

FTC PLANS STUDY ON CONDOMINIUMS

(By Walter Rugaber)

WASHINGTON, July 4.—The Federal Trade Commission announced today that it would undertake a nationwide investigation of the development and management of residential condominiums.

In a statement, the commission said that it hoped to learn whether companies that build, sell or operate condominiums "have been or are engaging in unfair or deceptive practices in connection with those activities."

The industrywide investigation could lead not only to legal action against individual concerns but also to the imposition of broad Federal regulation in the form of commission guidelines for condominium operations.

FLORIDA ABUSES STUDIED

The inquiry itself is a significant step, for the Government has largely ignored consumer problems in the condominium field despite forecasts that within 20 years half the population will live in such housing.

General investigations by the commission are somewhat rare. There are probably no more than a dozen under way now, an official said, and they reflect the agency's priority interests.

The agency staff has been conducting an exploratory investigation of condominium abuses in Florida, and the announcement today indicates that it turned up enough to persuade the commission to authorize a study in depth.

While the investigators have examined advertisements for condominium offerings in other states, commission sources suggested that the investigation would concentrate, at least initially, on developments in Florida.

"It won't be confined to Florida," one official said, "but Florida does lead the nation in the number of condominium units, and I think it's logical to give it the primary share of our attention."

RENTAL REQUIREMENTS

Two problems, common in Florida, are known to have specifically attracted the commission's interest.

One involves agreements under which certain companies must be hired to manage buildings, sometimes at excessive fees.

Another involves long-term leases under which owners of condominium apartments must rent swimming pools and other recreational facilities, sometimes for substantial sums and sometimes for as long as 99 years.

Critics often complain that these practices enable developers to offer units at deceptively low prices. While the developers can later recover their costs by charging high fees, consumers can find it difficult to pay the fees.

Many builders avoid such practices. Others argue that they are justified, but an official of the commission suggested it was "a very major potential deception" when a buyer failed to acquire complete ownership.

CONVERSION UNDER INQUIRY

The announcement today specified that the commission would also investigate the conversion of rental apartments to condominiums, an accelerating trend highly unpopular among tenants who do not want to buy their homes.

It was unclear how extensively the agency would look into the practice of conversion. An official said that, while "it's within the scope of the investigation, how much effort we can make is uncertain."

It was not clear why the commission made the announcement today, a holiday, but it is not unusual for governmental agencies to delay announcement of decisions for a day or longer.

The owner of a condominium holds absolute title to his individual living unit and joint ownership of all the common areas of the development, such as hallways, elevators, and recreational facilities.

The commission investigation is the latest in a series of developments promising increased Federal interest in condominiums, which are almost entirely unregulated in all but a few states.

In an action late last month, the House of Representatives approved an amendment to the Housing and Urban Development Act that would authorize a Government study of consumer problems with condominiums.

BILLS BEFORE CONGRESS

The legislation, sponsored by Representative Benjamin S. Rosenthal, Democrat of Queens, would require the secretary of Housing and Urban Development to report findings and recommendations within a year.

Bills involving extensive Federal regulation have been introduced in both houses, by Representative Cardiss Collins, Democrat of Illinois, and by Senator Joseph R. Biden Jr., Democrat of Delaware.

Both proposals would require condominium developers to register their projects with the Department of Housing and Urban Development and to make full disclosure of the provisions of each sale.

The measure offered by Mrs. Collins would also require 50 per cent of the tenants to agree to buy their units or to move out before an owner could convert a building into a condominium.

[From the New York Times, Sept. 6, 1974]

STATE OF FLORIDA FILES CHARGES AGAINST CONDOMINIUM DEVELOPER

(By Walter Rugaber)

TALLAHASSEE, FLA., September 5.—The state of Florida filed charges today against one of its biggest condominium developers in an effort to break controversial recreation leases that cost consumers millions of dollars a year.

Robert L. Shevin, Florida's Attorney General, described the action as "very much a test case" aimed at ending the lease arrangements associated with most of the estimated 250,000 condominium units in the state.

The case is important nationally because of Florida's position as a condominium pioneer and because an investigation by the Federal Trade Commission is understood to center on the same issues raised today.

Mr. Shevin contended that developers who invest perhaps $2-million in recreation facilities would typically reap what he called an "unconscionable" windfall profit of between $3-million and $6-million annually for as long as 99 years.

Each condominium owner is required to pay the fees even if the facilities are not used. Many purchasers have asserted that the lease, which commonly includes an escalator clause tied to the cost of living, was not disclosed before their purchase.

These and other factors have made the recreation arrangements a highly charged issue here for several years. While the leases are most popular in Florida, they have turned up in other states as condominium housing spread.

Condominiums, in which a person holds title to his apartment and a joint interest in such common elements as elevators and greenswards, made up 84 per cent of the housing built in South Florida last year.

The state cited the developers of two huge complexes called Century Village. One, in West Palm Beach, contains more than 7,800 units. The other, under construction in Deerfield Beach, will have more than 8,000 apartments.

Buyers at both places are required to sign 99-year leases for such facilities as swimming pools, gymnasiums and billiard rooms. Failure to make payment on the lease is a ground for the developers to attempt to foreclose on the owner's apartment.

Mr. Shevin contends that when the more than 15,800 units in both Century Village complexes are sold, the developers will receive lease payments of more than $12-million a year, or more than $1.1-billion over the 99-year term.

H. Irwin Levy of Palm Beach, the president of the development concern, was reported to be out of town and could not be reached for comment on the state's charges. A spokesman said there would be no immediate comment.

Developers generally have defended the leases on the ground that it allows them to offer lower prices because they can fall back on the lease payments.

Mr. Shevin's charges were brought as an administrative proceeding under the state's "little F.T.C. act," a statute patterned after the Federal Trade Commission law. The case

was prepared by Rod Tennyson, an assistant Attorney General.

The developers were accused of restraining trade "because they preclude condominium buyers from exercising their own free choice in selecting other recreational services" and bar competitors from offering such facilities.

The state also maintained that the leases were an unfair practice because they forced condominium owners to pay "fees which are higher and more restrictive than the same services that would be available in a free enterprise market."

[From the Washington Post Potomac Magazine, July 28, 1974]

CONDOMINIUM OWNERSHIP INCREASES

For more than ten years the percentage of Americans living in their own homes has been stable at about 64 per cent, culminating a rise during the 1940s and 1950s when the advantages of FHA and VA financing, particularly the low down payments, made it possible for more medium and low-income families to buy their own houses with favorable mortgage terms.

But now new trend toward condominium ownership of individual dwellings in multifamily (mostly garden and high-rise apartments) has increased the prospect for an even greater segment of the American public to live in their own homes and have their own deeds, property tax bills, mortgages and right to occupancy.

This metropolitan Washington area is sharing that trend to condo ownership and, in fact, may be one of the nation's leaders in the major Condo Movement that is likely to make the 1970s known as the Decade of the Condo.

For instance, statistics already indicate that there will be more than 30,000 individual condominium units on the market in this area this year and that nearly 50 per cent of all residential construction will be sold as condominiums.

Only a few years ago relatively few realty professionals could define a condominium, which is basically a Latin word meaning joint ownership or control.

The Department of Housing and Urban Development uses this definition: "In a condominium, an individual owns separately one or more dwelling units in a multiunit project. He and the owners of the other units have an undivided interest in the common areas which include such elements as lands, roofs, floors, main walls, stairways, lobbies, halls, parking spaces and community and commercial facilities."

All of which means simply that the condominium buyer owns his own apartment or townhouse and that he and the other owners have a common ownership percentage (based on the price paid for the individual unit) of the common areas—and also the responsibility for maintenance thereof.

And, of course, the condominium, which is common in Europe and Central and South America, is basically different from the cooperative form of ownership (used at the famed Watergate and the older Westchester apartments in Northwest). In a co-operative, or co-op as they are known, individual members own stock or membership in the co-op and are thus entitled, according to terms and price, to occupancy in one of the units. But the co-operative association actually owns the apartment and has certain rights in resales and also has one total tax bill, one total mortgage and one deed. It's sort of similar to club ownership.

However, the condominium owner has the same tax benefits as a conventional homeowner, wherein income tax laws permit deductions for real estate taxes and mortgage interest paid during the taxable year. But IRS has recently placed most of the home owner associations, which handle maintenance of common areas, under its tax sway. And the condo owner who rents out his unit has to yield to other IRS rules governing that aspect.

From the point of view of the prospective purchaser of a dwelling, the Washington area condominium marketplace offers a broad range of choice. The variety of offerings include both new and converted high-rise apartment buildings with units ranging from one-room efficiencies to almost as many rooms as the pocketbook can handle. Some luxury buildings have units with four or five bedrooms, even separate rooms for live-in domestic help. And some of the prices for the poshest, best-located units with space comparable to those in a large single house range to about $200,000.

On the other hand, one of the best features of the growing condo marketplace is that it also has offerings of small apartments in garden (walk-up, low-rise) complexes—both new and converted—for less than $30,000. And a family can find a three-bedroom garden unit priced about $40,000, most likely in a project that has been converted from rental to condominium ownership.

This is an advantage for the low-medium-income couple or family or individual whose income and financial position does not make him, her or them likely candidates for a single family house in the now common $50,000-up range or even the two- or three-story townhouse (probably a condo) now mostly priced well over $40,000 and often offered in the area over $75,000.

Ten years ago, before the onset of many townhouse and quadraplexes (four units in one large house), the newly married couple anticipating a first or second child and a desire for a "place of their own" would have looked for a small rambler or Cape Cod in a major housing development 20 to 30 miles from the White House. Today that couple or two persons who have decided to live together might more likely be shopping for a two-bedroom converted condo.

Prospective condominium buyers, not unlike shoppers for new or resale single houses, must be prepared to ask meaningful questions and collect pertinent data from the offerings within their price range.

One major aspect in selecting a condo unit, according to Edmunch I. Flynn, a veteran in both coop and more recently condo sales, is for the prospective buyer to be certain that the ownership includes the land under the complex.

A few of the area condos and co-ops have been built on ground-lease land. It is generally regarded that ownership of the land under a project is a better, if slightly more expensive choice. Why: Simply because the land tends to increase in value more than the physical property built on it. For instance, the life expectancy of most residential units is about 50 years. But at the end of these 50 years, the buildings may be outmoded and worth less.

However, it is most likely that the land will be at least may be worth up to $150 a square foot if it is to be used for downtown office building or up to $25 to 50 a square foot if it is to be used for a new commercial or high-density residential project after the buildings on it are razed.

Additionally, attorney Benny L. Kass, who has been active in consumer movements, has urged prospective condo buyers to check the reputation of the developer of a new condo project and to get assurance on the projected delivery timetable and to be certain to get the facts on available parking and what it will cost.

If the condo purchase is to be made in a conversion buildings, which could be a few years old or 40 years old, the buyer is advised to inspect the condition certificates, reports made by independent engineering firms, and also to get in writing the seller or converter's assurance and liability for work done and condition of boilers, roofs, air conditioning and plumbing and electrical system.

Also strategically important to the condo buyer in a new or converted building, are the master deed or the "declaration," and the bylaws which will govern these operating procedures and management. Most professionals agree that management of a larger—more than 20 or 30 units—is best handled by a professional firm. But owners should keep tabs on the management and have the right to review or cancel the contract, depending on service and performance—and costs. The monthly fee for management usually ranges upward from about $40.

If you own a pet, you will want to know the pet policy or you may be interested in amenities such as the pool tennis courts and saunas. Will you have to pay extra—and does the developer turn all those facilities over to the owners. The sales contract is a key document and you should take several days to study it carefully or let your lawyer have a chance to give an opinion.

The budget covering maintenance and operation should be substantiated and there should be a cash reserve fun established for major replacement items or improvements. All buyers also should obtain a solid fix on closing costs and their breakdown and not be reluctant to question anything that seems to be excessive or unusual . . . before signing the sales contract.

During the recent condominium boom, particularly in Florida, there have been consumer complaints concerning both selling practices and the lack of regulation of the developers. However, Florida has tightened its laws and recently the State of Virginia adopted a new condo law. And, early in June, the Montgomery County Council passed what is regarded as a tough bill to protect condo buyers . . . beyond the Maryland law on condos.

Meanwhile, too, the Department of Housing and Urban Development has been studying "the rising number of condo developments and conversions, most of which are outside the FHA enabling regulations that were passed in 1961. That's simply because most of the condo financing has been done rather than FHA or VA.

In Virginia, where the condominium trend has been strongly evident in the landmark area of South Alexandria, the Virginia Condominium Act has been dubbed "the first of a new generation of condominium laws" by Stephen G. Johnakin, a legal staffer with Lawyers Title Insurance Corp.

He has pointed out that an attorney now can draft a set of legal documents under the new law and make them understandable to a prospective purchaser of a condominium. Because the basic condominium documents are in the new Virginia law, they do not have to be repeated in the documents used to set up procedures for each new condo community.

David B. Wolfe, who has been running a business of helping and handling the affairs of condo community owner associations, has also pointed out that the new Virginia law enables a builder to develop a condominium project in planned increments and thus not have to decide at the outset the total number of units and their exact dimensions.

Wolfe commented that the builder could not previously change his design plan if he had misjudged the market—as he could do when building regular subdivision communities of single houses and townhouses in small sections. And the consumer interest was also endangered because he and other new owners were forced into higher assessments to cover common maintenance costs if the project did not sell out on schedule.

The Virginia condo law protects the buyer in that any planned improvements "not yet begun or not yet completed" must be so stipulated before title can be transferred to a buyer. The buyer also must receive warranties for both his individual unit and for the common elements in which he holds an ownership share.

In regard to resale of condominium units, a factor that has had relatively little experience to date in the area marketplace, the

Virginia law states that the seller of a resale condo must make available to the new purchaser the same basic information that the original developer had to provide . . such as operating costs and capital position of the owner association to which the new buyer will belong. Another stipulation requires disclosure of whether the seller is up to date on the payment of his assessments before the sale.

The new Virginia legislation on condos has been placed under the jurisdiction of the Virginia Real Estate Commission, which is under the chairmanship of Albert G. Highsmith, of Alexandria, a realty professional who headed the study group that helped to initiate and produce the new statute passed by the Virginia General Assembly earlier this year.

Under terms of the new condo law in Montgomery County, Md., developers must provide to prospective buyers the names of the persons and firms involved in the transaction and also a list of all the financial factors of the project, including whatever risk the buyer may entail if the developer has financial problems. Additionally, there must be a full description of the property, plus a map showing the present and future roads.

The Montgomery County condo buyer also, by law, will get a statement of all warranties and disclaimers and a copy of a projected annual budget that spells out his likely liabilities in addition to his own mortgage payment and his individual tax.

Even more protective to the condo purchaser in Montgomery County is the requirement that he may cancel the purchase for any reason simply by notifying the seller within 15 days of the signing of a contract. Provisions of the Montgomery bill, which will become effective in late summer, will be enforceably by the county office of consumer affairs, which already has taken a hand in alerting condo buyers to possible pitfalls.

One of the reasons for the development of many new condominiums in this area and the purchase and conversion of existing rental apartments to condominium ownership is the fact that the rental market has become unattractive to builders and developers. Joseph Horning, whose firm has been in the rental market and who now is president of the area Home Builders Association, said recently that "nobody is building rental housing—if you do you have an economic lemon on your hands. The potential renter just isn't there at price you would have to charge.

The lack of a profit incentive has also affected the owners of rental apartments, who have insisted in recent years that rent controls, higher costs of operation and tenant militancy have made their positions untenable. Thus, because they can sell to a prospective condo converter for a higher price than to an investor in rental units, they have increasingly gone the route of selling or converting themselves.

It is a fact that it will cost a former tenant more to buy his apartment and live in it but it also provides him a number of benefits. For instance, besides his deductions on income taxes for property tax and mortgage interest (which is high when there is a low down payment), he also gets the assurance of knowing approximately what his cost of living in his unit will be over the year.

Additionally, he gets the assurance of not being asked to move or endure annual rent increases. But he does face likely increasing higher costs of operation—just as the landlord has had to face increasing taxes and cost of repairs and maintenance.

But the buyer also builds up equity, slowly year by year, in his ownership as he pays off his mortgage. And those mortgage terms now are often lower than the market. And when he wants to sell, he can hope that the property value will increase with any inflation and thus he will be able to sell for more than he has put into equity payments.

Another aspect for the general good of the community is that owners are likely to show more interest in their condominiums than they would as renters in the same project. And the local jurisdiction tend to benefit substantially because the total of taxes from individual condominium owners are generally considerably more than the landlord-owner was paying. That's due to the higher selling cost of the unit, which determines the realty valuation for tax purposes.

It is now evident that the condominium is here to stay and that it has broadened the perspective of home ownership for millions of Americans and will continue to bring in more owners. In fact, it has been estimated that half of all Americans may be living in condominiums by 1994.

What should be encouraging to those who see home ownership as a stabilizing factor in our society is that the condominium is not just for the wealthy.

True, many affluent persons and families are able to own an expensive condominium in town and another at a vacation resort—such as at one of the Atlantic beaches. Everyone in this area is aware of the heavy development on vacation condominium high-rise apartments and townhouses at the Atlantic beaches of Maryland and Delaware.

But the condominium concept also has a major value and attraction to the millions of families whose only present hope for ownership is within the range of the lower priced condominium apartments and townhouses.

One positive accomplishment of the trend to condominium living is that more tenants become landlords of their own properties. No longer will they be able to put down the landlord because they are landloards themselves. And they will also learn first hand the complexities and difficulties of property management as they become involved in their own home owner associations.

Management consultant David Wolfe has repeated many times that the members of a condominium home owners association are "participants in the purest form of grass roots democracy available in actual practice today in this country or anywhere."

PROBLEMS CONFRONTING THE HOUSING INDUSTRY

Mr. BROOKE. Mr. President, the housing industry is now experiencing its worst recession in years and new housing starts have plummeted to an annual rate of 1.5 million units. The situation is critical. Attention must be focused on the myriad number of problems facing the housing industry. Tomorrow I shall be participating in a pre-summit conference on housing and construction in Atlanta, Ga. I will be discussing these problems and recommending actions that I believe should be taken immediately, if we are to help move our country toward the goal of securing a decent home in a suitable living environment for every American family.

Mr. President, I ask unanimous consent that the remarks that I will make at the conference be printed in the RECORD.

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

STATEMENT OF SENATOR EDWARD W. BROOKE

Our housing industry is in a recession and heading for a depression. The facts are alarming:

1. Housing starts dropped to an annual rate of 1.33 million in July, down from 2.06 million last year and 2.4 million in 1972.

2. About 495,000 construction workers were jobless as of August, up by 35,000 from July. The unemployment rate in the construction trades is 11.1 percent, more than double the rate in the labor force as a whole.

3. Mortgage interest rates have risen to 10% or more in some areas and no mortgage money is available in other parts of the country.

4. 120,000 new housing units stand vacant because potential buyers can not get mortgage financing.

Clearly, housing needs help, and it needs help *now*. Over the next few years, we as a nation will have to come to grips with some complex issues such as disintermediation, allocation of credit, land use policies, and industrialized housing. The sooner we address these issues the better. But today we face a more immediate challenge—finding a way to avert a depression in the housing industry over the next six months.

I believe that the federal government can and should act quickly to get the housing industry on its feet again. I believe that taking advantage of unused productive capacity in the housing sector is economically sound policy and not inflationary. I believe that the sooner we act the better it will be for the builder, the worker, the consumer, and for the economy as a whole.

The federal government should immediately increase housing production under federal low-income housing programs and also move to provide interim mortgage credit assistance to the home buyer.

SPUR LOW-INCOME HOUSING PROGRAMS

The Housing and Community Development Act of 1974, which was signed by President Ford on August 22, 1974, authorizes some $1.2 billion in annual contributions contract authority to provide housing assistance for lower income families in fiscal 1975. This money will support the construction of over 500,000 units of low-income housing over the next year.

The Housing Act offers a chance for the Department of Housing and Urban Development to end the moratorium on construction of housing units for low-income families. This moratorium, a mistake from its inception, has caused federally-assisted housing starts to tumble from an annual rate of approximately 427,000 per year in 1970 and 1971 to around 180,000 per year in 1973 with still lower production likely in 1974.

The MIT-Harvard Joint Center for Urban Studies estimates that 13 million American families, or 20% of all families in our country, are deprived of decent housing at a price which they can afford. It has been 25 years since the Housing Act of 1949 stated our national policy as the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family. For 20% of our families the promise of a decent home remains just that—a promise, not a reality.

By lifting the moratorium on construction of federally assisted low-income housing units and stimulating production we will not only be giving business to the home builder and work to the construction trades, but we will also be keeping our promise of a decent home for every family.

The President should set a goal getting federally assisted housing starts up to a level of 50,000 per month over the next six months and the Secretary of HUD should make a monthly report on progress made toward achieving that goal.

INTERIM MORTGAGE CREDIT ASSISTANCE

While the poor are hardest hit by the housing slump, they are not the only ones affected by federal policies. Every day my mail and that of other Congressmen and Senators contains dozens of letters appealing to us to do something about the mortgage credit crisis. These letters tell the story of families transferred from one city to another, but unable to sell their old homes or to buy new ones. They tell of young families having saved the downpayment for a house, but now unable to obtain a mortgage. They tell of realtors, and home builders, and lumber

suppliers, and construction workers who are feeling the effects of the worst recession to hit the residential real estate industry in years.

The effect on the housing industry of the tight money policy adopted by the Federal Reserve Board has been much more severe than on other segments of the economy. The Board recognizes this, and Chairman Burns has publicly suggested that steps be taken to temper the effect of restrictive monetary policy on the housing industry.

With a view toward providing short term relief to the home mortgage credit market, Senator Alan Cranston (D., Calif.) and I both offered bills to provide below market rate mortgage loans through the Department of Housing and Urban Development. Representatives of the National Association of Homebuilders and the AFL–CIO testified in favor of our bills at hearings held on August 6 and 7.

On Tuesday of this week Senator Cranston and I jointly introduced S. 3979, the Home Purchase Assistance Act of 1974, which combines the best features of both of our bills. The Home Purchase Assistance Act will create a new source of mortgage credit which will be available to home buyers in times of tight money. It establishes a "Housing Trust Fund" which could draw on the Treasury for loans of up to $10 billion per year. This money would be made available through GNMA (the Government National Mortgage Association) to purchase mortgages on homes with prices ranging up to $30,000 in most areas of the country and as high as $45,000 in high-cost areas.

Mortgages purchased by GNMA would bear interest rates comparable to the long-term Treasury borrowing rate, which is currently 8¾ percent. The market rate for mortgage money, where it is available at all, is currently in the range of 9½ percent to 10 percent.

The Home Purchase Assistance Act, if enacted, would spur the sale of up to 350,000 more homes over the next twelve months. It could provide over 300,000 jobs for construction workers. I have urged the President to support this approach, and Senator Cranston and I shall ask for prompt consideration of this measure by the Senate Committee on Banking, Housing, and Urban Affairs on which we both serve.

To sum up, I have no doubt that the housing industry will be a sick industry so long as a high rate of inflation continues. I strongly support President Ford's efforts to find a cure for this economic disease. But so far as housing is concerned, I believe that we must be careful not to kill the patient with the cure.

ARKANSAS CONSIDERS ERTS VALUABLE

Mr. MOSS. Mr. President, the letter I received from Dale Bumpers, Governor of Arkansas, was short and sweet. He says flatly:

We support the continuation and consider the output as valuable to the State of Arkansas.

Mr. President, I ask unanimous consent that Governor Bumper's letter be printed in the RECORD.

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

STATE OF ARKANSAS,
Little Rock, Ark., July 12, 1974.

Hon. FRANK E. MOSS,
Chairman, Committee on Aeronautical and Space Science, U.S. Senate, Washington, D.C.

DEAR SENATOR MOSS: Numerous agencies of State government in Arkansas have found Earth Resources Technology Satellite data useful in their planning and operational roles. We support the continuation of the system and consider the output as valuable to the State of Arkansas.

Kindest personal regards.

Sincerely,

DALE BUMPERS.

TREATING INFLATION

Mr. BIDEN. Mr. President, inflation is a constant source of concern to all of us. We spend much time seeking effective solutions. For this reason I found most interesting an article in the Wall Street Journal on August 28, 1974. Written by Vermont Royster, it is called "Treating Inflation."

While I am not certain that I agree totally with the article, I think it makes an excellent point when it says:

What they (economists) do *not* know is something else. They do not know how to stop inflation without other economic consequences. . . .

In recent hearings before the Senate Budget Committee our economy was compared to a person with two diseases, the treatment of either of which aggravates the other. So the solutions to inflation may run contrary to treating high interest rates, high unemployment, the failing housing industry, or our sluggish economy. So we come to the question asked in the article:

Which is worse—the inflation or the cure?

It goes on to say:

The difference is an important one for the American people to understand. For the question of what to do about inflation today is not merely a technical problem . . . but rather a question about value judgments affecting not only the economy but the whole social fabric.

The issue of inflation is therefore, in the truest sense of that phrase, a political issue. What ultimately must be decided by the people through the political process is whether to bear the consequences of halting inflation or to suffer the consequences of letting it continue unchecked.

I think we must tackle all the problems of our economy. Each of them is too important and too serious for use not to address ourselves to it. In this prespective I find the article most useful, although I think it oversimplifies the causes and cures of inflation. Mr. President, 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:

THINKING THINGS OVER
(By Vermont Royster)
TREATING INFLATION

One discouraging though keeps cropping up in the news from Washington these days, in congressional comments, journalistic reports and administration quotes. It's worded in different ways but the substance of it is that "nobody knows what to do about inflation."

This is discouraging because it seems to treat inflation as some sore of mysterious ailment which in unavoidable and incurable. If the economic experts do not know what remedies to apply, what hope is there for an end to it?

But this is not the state of affairs at all. Any competent economist—Paul Samuelson, Milton Friedman, Walter Heller, Arthur Burns, Alan Greenspan—knows what causes inflation and how to end it. On that score there is really no disagreement among the experts.

What they do not know is something else. They do not know how to stop inflation without other economic consequences, any more than a doctor knows how to cure a heroin addict without withdrawal pains. Where the experts differ is in their attitude toward paying the price of stopping inflation. That is, which is worse—the inflation or the cure?

The difference is an important one for the American people to understand. For the question of what to do about inflation today is not merely a technical problem, which any of the above economists could solve, but rather a question about value judgments affecting not only the economy but the whole social fabric.

The issue of inflation is therefore, in the truest sense of that phrase, a political issue. What ultimately must be decided by the people through the political process is whether to bear the consequences of halting inflation or to suffer the consequences of letting it continue unchecked.

How to decide? It ought to be recognized that those who argue for stopping inflation do a disservice to their cause if they dismiss as unreal, or inconsequential, the side effects of the necessary remedy. We cannot change government fiscal and monetary policies of long duration without dislocations, even though fears of them may be exaggerated.

But people must recognize also that those who protest the remedy, those who want the government to continue depreciating the money, do a disservice when they pretend no catastrophe can lie at the end of inflation's journey. This flies against both reason and the experience of history.

For many years now we have been in the grip of a doctrine that inflation is not merely good for us but the necessary ingredient of economic health. Inflation creates prosperity and wealth; only a steady fall in the purchasing power of money can fuel expansion and progress. So has run the doctrine and few have escaped its seduction. Until very recently, anyway, everybody has thought that a rise in his monetary income, all by itself, meant an improvement in his economic well-being.

To this there was a corollary. Inflation was a sure warranty against depression, that haunting ghost of the Thirties. How could there possibly be a depression when the nominal wages of the laborer, and the nominal profits of the businessman, are continually rising?

So we have for years had a deliberate and undisguised policy of inflation. Of course those who advocated this did not intend more than a "little" inflation; in that happy phrase of the new economics the economy was going to be "fine tuned." They did not expect what we have got, an inflation rate already of 10% to 12% a year and still increasing. Nor did they foresee the possibility, which now also confronts us, that we could have *both* inflation and a recession.

But the point is that there is nothing mysterious about how we got that inflation. The government intentionally ran continuous deficits, let those deficits be financed simply by creating money and credit through the banking system. The technique for inflation, if that's what you want, is aged-old and known to every economist.

By the same token there is no secret at all about how to stop it. The remedy is known to Walter Heller, former chairman of the Council of Economic Advisers, as well as to Arthur Burns present chairman of the Federal Reserve Board. The government stops running deficits and borrowing money, the central bank stops pumping out credit dollars, and the inflation will stop.

Where they fall out is over the desirability of doing this. Mr. Heller and those of his persuasion think halting inflation would depress business and increase unemployment. Mr. Heller's objection to a big budget

cut is not that it would be ineffective in diminishing inflation but that it would be "cruel" to thus reduce the inflationary demand.

Mr. Burns, on the other hand, thinks that if firm action to cut the budget were taken now the stock market would revive, interest rates would promptly decline and "forces would be released in the private sector to create more jobs." He differs with Mr. Heller, that is, on the consequences of stopping inflation.

Even this is not the whole of the public argument. For continued inflation will also have its consequences, and they begin to look grim indeed. Not only does it erode savings, pensions, Social Security and welfare payments. Not only does it threaten the standard of living of both blue-collar and white-collar middle class. It distorts every economic decision of every enterprise, public and private. Already it has spread unemployment in housing and other industries. Inflation no longer appears the underpinning of prosperity but its greatest danger.

Anyway, it is between these two sets of consequences that the issue is joined. There is nothing mysterious about how we got inflation; it was neither unavoidable nor is it now incurable. The question for the country is not how but whether to put an end to it.

THE STATE OF OUR ECONOMY

Mr. BIDEN. Mr. President, surely the primary topic of concern in Washington today is the health of the Nation's economy. Inflation, which in the last year grew by 11.8 percent, is our No. 1 priority. However, as we have begun to work to conquer inflation we have come to realize how complex the problem is and how many disparate forces are at work in our economy today. We have also learned that the economy has gone untended for so long that it will take time to get it back in order again. The Wall Street Journal summarized these problems well in a story by James P. Gannon on August 26, 1974, which began:

As President Ford plans his own economic policy, he faces one hard fact of life: no matter what he does, economic conditions are likely to get worse before they get much better. The economic situation in the rest of 1974 and early 1975 will be shaped by powerful forces already in motion, ranging from a deepening home-building slump to a crop-shriveling drought.

I found this article useful in putting all our economic problems in perspective and I ask unanimous consent that it be printed in the RECORD at this point, Mr. President.

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

REVIEW OF CURRENT TRENDS IN BUSINESS AND FINANCE

As President Ford plans his own economic policy, he faces one hard fact of life: no matter what he does, economic conditions are likely to get worse before they get much better. The economic situation in the rest of 1974 and early 1975 will be shaped by powerful forces already in motion, ranging from a deepening home-building slump to a crop-shriveling drought.

There is a momentum to these developments that will severely restrict Mr. Ford's ability to demonstrate, in the next six or nine months at least, that his take-over of the reins of government has made much difference to the nation's economic health. The consensus view of analysts here is that the early months of the Ford administration will be marked by a renewed food-price spiral that will severely limit progress in controlling inflation, a rise in unemployment stemming from sluggish economic growth or even recession and continued financial distress reflecting the Federal Reserve System's anti-inflationary squeeze on the money supply.

Administration economic officials are markedly less optimistic now than they were only a month or so ago. That may partly reflect a change from the refusal to face reality that permeated the waning weeks of the Nixon regime to the more candid atmosphere of the Ford administration. But, more important, it also reflects a real worsening of economic prospects.

The outlook for both inflation and recession is darker than only a few weeks ago, government officials admit.

On the inflation front, the farm-belt drought that seared crops also has shriveled earlier White House hopes for a significant easing of the price spiral any time soon. After assessing the crop damage and projecting the impact on food prices, top administration economists seem surprised and discouraged by the grimness of their own conclusions.

The White House had been counting on bumper harvest to save its optimistic official forecast that inflation would recede to a 7% annual rate by the end of the year, compared with a 12.3% rate in the first quarter. But in July, drought hit the crops in the Midwest. Now the Agriculture Department predicts this autumn's corn crop will fall 12% below last year's harvest, soybean output will fall 16% and other crops will suffer, too.

Result: While administration economists had thought the 11% annual rate of increase in retail food prices of the first half of 1974 would slacken to just a 4% rate of gain by year-end, now they forecast an 8%-to-10% rate of increase for the second half of the year. And they see food-price inflation continuing at an uncomfortable rate well into 1975. There's some disagreement among officials over a question of timing—whether the drought impact on prices will mostly hit soon or be delayed into next winter and spring—but there's agreement that it eventually will leave grocery prices at least 5%, and more likely 10%, higher a year from now.

Having scrapped their earlier forecast that inflation would recede to a 7% rate by year-end, administration economists now worry that even their 8% to 9% prediction may prove optimistic. And they're extremely cautious about projecting such improvement in 1975—unless a severe recession develops to collapse prices.

A severe recession isn't automatically ruled out by administration economists anymore. Though the consensus among them is that the economy's likely path is prolonged stagnation, or sub-par growth, they concede that the odds of a serious recession have increased in the past few weeks. They're particularly worried by signs that business inventories have swollen much more than they'd believed earlier and may be approaching a level where factories start cutting output while unwanted inventories are sold off.

"A combination of tight money and inventory liquidation would be a very powerful one," frets an economist close to President Ford. "It would produce a V-shaped trough," he explains—a very steep, though not prolonged, recession. Such a development, he figures, could push the unemployment rate, now at 5.3% of the work force, to "perhaps 7%" by early next year.

It should be stressed that most government economists aren't predicting such a recession, though it's significant they no longer rule it out. Even if the recession fears are unfounded, and the economy only drifts sideways through several months of stagnation, unemployment is expected to rise significantly—probably to 6% or more.

Thus, even as he designs new plans to fight inflation, Mr. Ford must keep one eye east in the opposite direction—toward the possible need to fight recession. In fact, it seems likely that Mr. Ford's economic policies will include a mix of measures: budget-cutting and tight money to fight inflation, coupled with new programs to aid the casualties of those restrictive policies, such as public service jobs for the unemployed and moves to aid distressed industries such as housing and electric utilities.

Whatever his policies, Mr. Ford is stuck with unfavorable economic prospects for the near term. "He's got to be careful about making any promises," says one adviser. "Jerry—I mean the President—is in the position of a new doctor called into a case. He should say the situation is serious, and the patient might not survive. Then if the patient dies, well, that's what he predicted. And if the patient survives, then he's a miracle worker."

If Mr. Ford takes that advice, we'll probably hear some ominous White House appraisals of the economic situation in weeks ahead. But this very ordinary man from Grand Rapids, Mich., whose ambition never reached as high as the presidency, by now probably believes in miracles.

DISCLOSURE OF TAX RULINGS BY THE INTERNAL REVENUE SERVICE

Mr. KENNEDY. Mr. President, last April the Subcommittee on Administrative Practice and Procedure, which I chair, opened hearings on Internal Revenue Service disclosure policies and procedures. A primary area of focus was IRS compliance with the Freedom of Information Act. In this regard we heard testimony at our first day of hearings that the Service withheld tax rulings in violation of that act. IRS rulings generally reflect the agency's interpretation of the Tax Code as applied to a particular taxpayer's proposed transaction.

The subject of disclosure of IRS rulings has been debated for a number of years, but until the passage of the Freedom of Information Act in 1966, no legal basis existed for requiring such disclosure. Former IRS Commissioner Mortimer Caplin, who as head of the Service saw first hand how the rulings process operated, summarized the policy reasons for disclosure thusly:

First, these rulings are of considerable value to tax practitioners in learning how the service is interpreting various provisions of the Internal Revenue Code. Both taxpayers and practitioners have an obvious interest in (a) the Service's position on particular issues and (b) the availability of rulings on such issues, offering a ready means of obtaining comparable treatment. Next, analysis of rulings would permit an evaluation of the extent to which the Service is acting consistently in its ruling process as compared to its audit process, and thus may assist particular taxpayers in disposing of tax issues disputed on audit. Finally, there is general public interest in whether the rulings process itself is being fairly and equitably employed, with favoritism toward none.

A little over a month ago Commissioner Alexander appeared before our subcommittee to testify on IRS disclosure policies and practices. During our hearing he announced that the Service will in the future make rulings available to the public. He stated that taxpayers will have to waive confidentiality in order to obtain a ruling, that the disclosure policy would probably not apply where rulings were mandatory under the tax law, and

that the new policy would be prospective in operation.

I commended the Commissioner for his decision to disclose tax rulings, and in a letter following our hearing I suggested that because of the public interest in this matter, any proposed procedures should be subject to full public notice and comment before they are finalized. Shortly thereafter the IRS issued a press release outlining further details about its plan to open tax rulings for public inspection. I think it would be useful to include this announcement in the RECORD at the end of my remarks.

Although the Service was opening its rulings in the future, it maintained during our hearings that it was prohibited by law from opening previously issued rulings to public purview. I stated my personal disagreement with this interpretation of the law, and I further observed that this precise question was in litigation in the Federal courts.

Mr. President, on August 19 the Court of Appeals for the District of Columbia ruled in the Tax Analysts case that tax rulings were required by the Freedom of Information Act to be made public. In so ruling, the court held that provisions of the Internal Revenue Code prohibiting disclosure of tax returns and information from returns were not applicable to rulings. Thus the rulings would not be exempt from mandatory disclosure under the public information law. The court's opinion is succinct and to the point, and will also be included in the RECORD after my statement.

While details will, of course, have to be worked out concerning protection of confidential commercial and financial information that may be contained in rulings, at least one chapter of the Freedom of Information story at the IRS seems to be drawing to a close, with the congressional policy of maximum disclosure reflected in the Freedom of Information Act prevailing. But there are a number of yet unresolved issues in this area at the IRS.

At our last hearing, Commissioner Alexander testified that the Service was nearing decision on questions relating to disclosure of certain statistics and parts of the Internal Revenue Manual, was revamping its policies on the tracking and handling of sensitive cases and on White House access to IRS information, and was reforming its procedures to facilitate faster release of public information from all offices. Clearly, some of these actions are years overdue. My subcommittee will continue close oversight to insure that they are not long in coming.

Mr. President, I ask unanimous consent that the IRS announcement and the Tax Analysts decision I referred to in my statement be printed in the RECORD.

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

WASHINGTON, D.C.—The Internal Revenue Service today announced details about its plan to open for public inspection tax rulings it will issue to individuals, corporations and other taxpayers.

The IRS announcement expanded on testimony given by Commissioner Donald C. Alexander on July 31 before the Subcommittee on Administrative Practice and Procedure of the Senate Judiciary Committee.

In general, the IRS plan requires taxpayers requesting rulings to submit waivers of confidentiality with their requests.

The IRS issues approximately 15,000 advance rulings to taxpayers who request the Service position on the application of the tax laws to given situations. An additional 13,000 rulings are issued on required applications from taxpayers who wish to change their accounting periods or methods.

The IRS decision to open rulings to the public will be implemented as soon as it resolves various questions, such as the extent to which waivers of confidentiality should be required as to trade secrets in situations where the law requires a taxpayer to obtain a ruling before proceeding with a transaction.

The IRS said it is prohibited, by law and regulations, from opening previously issued rulings to public inspection.

Under present procedures, the Service publishes between six hundred and seven hundred of the advance rulings each year after deleting all information that would identify the taxpayers involved. These are published in the weekly Internal Revenue Bulletin which is available from the Government Printing Office. Rulings selected for publication are those which set precedents or which apply to a great number of taxpayers, and after publication in the Bulletin, they may be relied upon by other taxpayers. Prior to publication, however, only the taxpayer to whom a ruling is issued can rely on it, and this would continue to be true under the new IRS procedure.

The public will be kept advised by further announcements about progress in placing the new rulings plan into effect, the IRS said.

The IRS said that it would welcome comments from interested parties. Comments should be directed to the Assistant Commissioner (Technical), Internal Revenue Service, Washington, D.C. 20224.

[U.S. Court of Appeals for the District of Columbia Circuit—No. 73-1978]

TAX ANALYSTS AND ADVOCATES, THOMAS F. FIELD, ET AL. *v.* INTERNAL REVENUE SERVICE, ET AL., APPELLANTS

(Appeal From the United States District Court for the District of Columbia—Decided Aug. 19, 1974)

Ernest J. Brown, Attorney, Tax Division, Department of Justice, with whom *Scott P. Crampton,* Assistant Attorney General and *Bennett N. Hollander,* Attorney, Tax Division, were on the brief, for appellants.

William A. Dobrovir, with whom *Thomas F. Field,* was on the brief, for appellees.

Before: WRIGHT and MACKINNON, *Circuit Judges* and DAVIES,* *United States Senior District Judge* for the District of North Dakota.

Opinion for the Court filed by *Senior District Judge* DAVIES.

DAVIES, *Senior United States District Judge*: In an action commenced pursuant to the Freedom of Information Act, 5 U.S.C. § 552, Tax Analysts and Advocates and its Executive Director sought to compel the Internal Revenue Service, its Commissioner and its Assistant Commissioner (Technical) to disclose letter rulings and technical advice memoranda, together with communications and indices relating thereto, issued to producers of minerals other than oil and gas between July 26, 1968, and October 1, 1971, in which determinations were made of the processes to be treated as "mining" under Section 613(c) of the Internal Revenue Code, 26 U.S.C. § 613(c), when computing gross income from property for percentage depletion purposes.

The District Court rejected the defendants' (appellants') contentions that the Freedom of Information Act (Act) did not apply to letter rulings or technical advice memoranda or that, if it did, specific exemptions precluded disclosure of the material sought. The District Court also refused appellants' request that it exercise the discretion inherent in its equitable powers and refuse to order disclosure. The Court ordered all materials sought, consisting of two unpublished letter rulings, eight technical advice memoranda, communications to and from the taxpayer or his representative relating thereto, and six index-digest cards, be made available:

"* * * intact and without delection, except for those items which, within said thirty (30) days period, Defendants submit to the Court, sealed and intact, without deletion but with any proposed deletions indicated, for in camera review as to whether proposed deletion of information is justified under the Freedom of Information Act, together with a detailed written explanation of the justification for each deletion, * * *"

And also:

"* * * within thirty (30) days of date all items in the Internal Revenue Service's index-digest reference card file sought by Plaintiffs herein, and all memoranda of conferences and telephone calls relating to the letter rulings and technical advice memoranda involved herein, unless within said thirty (30) day period those items are submitted to the Court for in camera review as to whether they may be properly withheld as internal memoranda within the meaning of exemption 5, 5 U.S.C. § 552(b)(5), of the Freedom of Information Act." *Tax Analysts and Advocates v. Internal Revenue Serv.,* 362 F. Supp. 1298 (D.D.C. 1973).

A stay was granted pending appeal in which appellants present only two issues: (1) whether the materials sought were, under § 552(b)(3) of the Act, "specifically exempted from disclosure by statute"; and (2) whether the District Court erred in holding that it did not have, under the Act, equitable powers to refuse to order disclosure.

As described by the District Court:

"A letter ruling is a written statement issued to a taxpayer by the Office of Assistant Commissioner (Technical) in which interpretations of the tax laws are made and applied to a specific set of facts. The function of a letter ruling, usually sought by the taxpayer in advance of contemplated transaction, is to advise the taxpayer regarding the tax treatment that he can expect from IRS in the circumstances specified in the ruling. The letter rulings are not publicly disclosed by the IRS and it is clearly specified that no taxpayer is entitled to rely upon an unpublished private ruling not issued specifically to him. The taxpayer who does receive such a ruling is advised to file it along with his tax return.

"A technical device (sic) memoranda (T.A. memo) is comparable to a letter ruling, except that it is not issued directly to a taxpayer, but to a District Director of the IRS in response to the director's request for instructions as to the treatment of a specific set of facts relating to a named taxpayer. The director's question may relate to audit examination of a taxpayer's return or consideration of a taxpayer's claim for refund or credit. The substantive portion of the memorandum if (sic) given to the taxpayer.

"All letter rulings and technical advice memoranda are divided into two categories by the IRS for filing purposes. Many rulings and memos are considered of no significant 'reference' value. These are placed in a historical file, alphabetically by taxpayer's name, and maintained for a period of four years. No separate index is prepared for materials in the historical file. The other letter rulings and t.a. memos are deemed to have a continuing 'reference' value for internal IRS purposes, and these are placed in the IRS'

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*Sitting by designation pursuant to 28 U.S.C. § 294(d).

permanent reference file, along with Court decisions, published Revenue Rulings, and other materials deemed to have a continuing reference value. The reference file is organized by code section and an 'index-digest' card file is maintained, giving citations to the main 'reference' file and usually summarizing the contents of the reference file." (Footnotes omitted.) *Tax Analysts and Advocates v. Internal Revenue Serv., supra,* at 1301–1302.

First, it is to be noted that appellants do not contest the District Court's holding that letter rulings and technical advice memoranda are "statements of policy and interpretations which have been adopted by the agency and not published in the Federal Register", Section (a)(2)(B), and must be made available for public inspection and copying if not exempt under subsection (b)(3) of the Act.

"It is well established that information which either creates or provides a way of determining the extent of substantive rights and liabilities constitutes a form of law that cannot be withheld from the public. *See* Sterling Drug, Inc. v. FTC, 146 U.S.App. D.C. 237, 450 F.2d 698 (1971); American Mail Line, Ltd., v. Gulick, 133 U.S.App.D.C. 382, 411 F.2d 696 (1968). The FOIA by its explicit terms condemns 'secret law' and requires that it be made public:

(2) Each agency, in accordance with published rules, shall make available for public inspection and copying—

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register . . ."

Cuneo v. Schlesinger, ——— U.S.App.D.C. ———, 484 F.2d 1086 (1973), footnote 13 at p. 1091.

Relying on 26 U.S.C. § 6103(a)(1), which provides

"Returns made with respect to taxes . . . upon which the tax has been determined by the Secretary or his delegate shall constitute public records; but, except as hereinafter provided . . . they shall be open to inspection only upon order of the President and under rules and regulations prescribed by the Secretary or his delegate and approved by the President"

And on 26 U.S.C. § 7213(a)(1) which makes it unlawful

". . . to divulge or to make known . . . to any person the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return, or any part thereof or source of income, profits, losses, or expenditures appearing in any income return; . . ."

Appellants contend that letter rulings and technical advice memoranda are "specifically exempted from disclosure by statute."

It was appellants' burden to sustain their claim that the materials sought came within the meaning of the statutes. Mere labeling of the letter rulings and tax advice memoranda as returns is not sufficient. It is the District Court's function to determine whether appellants' classification was proper.

"This court has continued to adhere to the position that exemptions of the Information Act are to be narrowly construed. Vaughn v. Rosen, 484 F.2d 820 (D.C.Cir. 1973), *cert. denied,* —— U.S. —— (1974); *Cuneo v. Schlesinger,* 484 F.2d 1086 (D.C.Cir. 1973), *cert. denied,* —— U.S. —— (1974). The ordinary meaning of the language of Exemption (3) is that the statute therein referred to must itself specify the documents or categories of documents it authorizes to be withheld from public scrutiny. * * *

"In *EPA v. Mink,* 410 U.S. 73 (1973), the Supreme Court considered a specific exemption by statute, Exemption (1) of the Information Act itself, which exempts matters 'specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy.' 5 U.S.C. § 552(b)(1). The documents sought to be disclosed had been classified as secret pursuant to Executive Order 10501. Exemption (1) was construed to be a specific reference by Congress itself to a definite class of documents which were not to be disclosed. 410 U.S. at 83. Their disclosure accordingly was not required." (Footnote omitted.) *Robertson v. Butterfield,* No. 72–2186 (D.C.Cir., May 9, 1974), 42 U.S.L.W. 2625.

The two statutes relied upon by appellants provide for protection of the privacy of taxpayers filing tax returns and are designed to prevent disclosure of information contained either in the returns or in documents filed in conjunction therewith which enable the Secretary or his delegates to determine tax due the United States.

It is not difficult, therefore, to conclude that letter rulings are not encompassed in either statute. Letter ruling are issued at the request of taxpayers seeking advice as to the tax consequences of specific transactions. This information provides guidance in planning and conducting their business affairs and, if the transaction is consumated, aids in preparation of their tax returns. The fact that taxpayers may elect to follow the Internal Revenue Service's recommendations that letter rulings be attached to returns containing information about the transactions referred to in the letter rulings does not *deprive a letter ruling of its separate status as a "final opinion" and "interpretation" nor does it make the attachment part of a return.*[1] Attachment is to alert the District Director of the Internal Revenue Service that a letter ruling had been issued. The appropriate District Director is always sent a copy at the time a letter ruling is issued to any taxpayer required to file a return in his district.

Conversely, technical advice memoranda are prepared in response to an inquiry by a District Director as to the treatment of a specific set of facts relating to a tax return filed by a named taxpayer involving either an audit or in connection with the taxpayer's claim for refund or credit of taxes. Technical advice memoranda deal directly with information contained in "returns made with respect to taxes" and are a part of the process by which tax determinations are made and, thus, "specifically exempted from disclosure by statute."

We emphasize that there is still available to appelants, through *in camera* production of all documents other than the technical advice memoranda relating thereto, exemption under § 552(b)(4) to prevent disclosure of "commercial or financial information obtained from a person and privileged or confidential."[2]

Lastly, appellants ask us to reconsider our previous holding that a District Court has no jurisdiction under the Act to deny disclosure, apart from the exemptions contained in the Act, on equitable grounds. *Soucie v. David,* 145 U.S.App.D.C. 144, 448 F.2d 1067 (1971); *Getman v. NLRB,* 146 U.S.App.D.C. 209, 450 F.2d 670 (1971); accord, *Wellford v. Hardin,* 444 F.2d 21 (4th Cir. 1971); *Robles v. Environmental Protection Agency,* 484 F.2d 843 (4th Cir. 1973); *Tennessean Newspapers, Inc. v. Federal Housing Admin.,* 464 F.2d 657 (6th Cir. 1972); *Hawkes v. Internal Revenue Service,* 467 F.2d 787, n. 6 at p. 792 (6th Cir. 1972). See also *Bannercraft Clothing Co. v. Renegotiation Board,* 151 U.S.App. D.C. 174, 466 F.2d 345, 353 (1972) (discussing equitable principles) reversed on other grounds, 42 U.S.L.W. 4204.

However, there is nothing in the "factors present in this case which were absent in the other Freedom of Information Act cases considered by the Court" which would compel us to change our previous opinion.

Modified in part and remanded to the District Court for further proceedings not inconsistent with this opinion.

THE DEFINITION OF GENOCIDE

Mr. PROXMIRE. Mr. President, many critics of the Genocide Convention express concern about its definition of genocide as certain acts "committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such." These opponents contend that the phrase "in whole or in part" significantly alters the traditional definition of genocide as the destruction of a whole group of people, and that this clause would legally allow a person to be tried for genocide even if he or she had killed only one person. It seems to me that these arguments ignore the legislative intent of the Convention and the reality of any situation in which prosecution for genocidal acts might be contemplated.

The first resolution of the General Assembly of the United Nations on the subject of genocide, adopted unanimously on December 11, 1946, spoke of the crime

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[1] The IRS also urges that Treas. Reg. § 301.6103(a)–1(a)(3) (Feb. 8, 1972), specifically exempts letter rulings from disclosure under the Act:

(3) *Terms used*—(1) *Return.* For purposes of section 6103(a), the term "return" includes—

(a) Information returns, schedules, lists, and other written statements filed by or on behalf of the taxpayer with the Internal Revenue Service which are designed to be supplemental to or become a part of the return, and

(b) Other records, reports, information received orally or in writing, factual data, documents, papers, abstracts, memoranda, or evidence taken, or any portion thereof, relating to the items included under (a) of this subdivision.

Clearly, letter rulings are not encompassed by (a) since they are issued at the request of the taxpayer and their attachment as a matter of convenience to the return does not make them "supplemental to or . . . a part of the return." Where the transaction proposed in the letter ruling is not executed, the transaction proposed in the letter ruling is not executed, the letter ruling would not be comprehended by (b) since it would not "relate" to a filed return. However, letter rulings involving proposed transaction subsequently executed would fall within the literal terms of (b). Nonetheless, we think that letter rulings generated by the voluntary request of a taxpayer for tax advice from the IRS are beyond the scope of that which the Congress sought to protect under section 6103, that is, "returns" filed under compulsion of law which contain information necessary to determine federal tax liability. Accordingly, the regulation cannot immunize better rulings from disclosure under the Freedom of Information Act.

[2] Our recent decision in *National Parks and Conservation Assoc. v. Rogers C. B. Morton, Secretary, Department of the Interior, et al.,* No. 73–1033 (D.C.Cir., April 24, 1974), may be of aid to the District Court in this respect.

as "a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings." In the development of the treaty, however, the U.N. committee realized that genocide, when strictly defined as the destruction of an "entire group," historically never had occurred nor could occur. Hitler slaughtered 6 million Jews, but many others survived the holocaust. We certainly would not claim that Hitler was innocent of genocide because some Jews went free. For the Convention to be an effective legal document, it had to avoid such a narrow definition. Moreover, it is clear from the debate preceding the adoption of this provision that the delegates intended the words "in part" to denote a substantial portion of the group. In fact, the Assembly expressly rejected the French effort to include the persecution of an individual in the definition of genocide.

Mr. President, the arguments raised against the words "in whole or in part" have no basis whatsoever in the legislative history of the Genocide Convention. The wording is entirely proper and necessary for an effective legal document. I urge the Senate to ratify the Convention at once.

OUR SOCIAL SECURITY SYSTEM

Mr. BIDEN. Mr. President, the social security system has come to be such an accepted part of American life that most people have come to take its benefits for granted. Most people who pay into the system assume that when they retire, social security will be there with a monthly check. For this very reason I found an article in the Washington Post on September 1, 1974, to be particularly disturbing. The article, written by Robert J. Samuelson, is called "Social Security's Coming Crisis" and it presents some projections of the costs of maintaining benefits for the next 40 or 50 years. The article indicates that:

> A squeeze between promised Social Security benefits and the revenues from the existing tax rates (is) almost inevitable.
>
> It is inevitable because, contrary to what most Americans probably believe, Social Security is not "insurance" in the classic sense. What people pay today in Social Security taxes is not saved and invested to provide a steady stream of income for them during their retirement years.

At the same time I am receiving, and I suspect my colleagues are also, an increasing stream of complaints about the present size of the payroll tax that supports social security. I think it is clear from the article that, while any problem is still some time away, we should start studying both the financing and the stability of benefits of our social security system on which so many people have come to depend. Mr. President, I ask unanimous consent that this article be printed in the RECORD.

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

[From the Washington Post, Sept. 1, 1974]

SOCIAL SECURITY'S COMING CRISIS

(By Robert J. Samuelson)

You probably never have heard of Francisco Bayo and, in the normal course of events, you probably never would.

Bayo is acting chief actuary of the Old Age Survivors and Disability Insurance System—better known as Social Security. He spends his time fiddling with a lot of numbers: birth rates, death rates, unemployment rates, wage rates. Bayo feeds the numbers into computers, which turn out more numbers that usually don't interest anyone but other actuaries.

But the last time Bayo did his calculations he came up with some interesting results. The calculations showed that Social Security—under the current payroll tax rates and the existing benefits schedule—is hurtling toward a major crisis. The crisis is simple: Without a huge increase in the payroll tax rate, possibly as much as 50 to 75 per cent, the system won't be able to pay promised benefits.

Now, Bayo's calculations haven't exactly been screamed to the world in banner headlines. Actuarial computations being what they are, the crisis isn't about to occur tomorrow. Even under the worst conditions, the crisis really doesn't start for another 15 or 20 years. And the incubation period is probably much longer. The critical year appears to be 2010. It all seems comfortably abstract—so far removed from the present that Bayo's calculations can safely be forgotten as an academic exercise and nothing more.

They can't, though.

The key assumptions underlying the estimates—a sharp reduction in birth trends and the possibility of sharp economic deterioration—are so significant that they could shape Social Security from now until the end of this century.

These impersonal forces dwarf mere mortal politicians. Safeguarded by its size and popularity, Social Security has been virtually immune to political assault. Except for the federal income tax, no program affects more people.

Every month, the Social Security Administration mails out nearly $5 billion to 30 million Americans.

When Sen. Barry Goldwater (R-Ariz.) suggested making Social Security voluntary in 1964, most seasoned politicians sensed—correctly—that he had conceded the election before the campaign started.

PRESSURES ON BENEFITS

The changes in birth trends and the economic element, in the short run, may put a lid on the rapid rise in real Social Security benefits. Over the last five years, those benefits have grown spectacularly, increasing 68.5 per cent against about a 40 per cent increase in consumer prices. Future benefits are now tied directly to price rises, but, beyond this automatic annual adjustment, there will be much stronger pressures against further benefit increases.

To add new benefits on top of inflation would simply aggravate the system's future problems, increasing the gap between promised benefits and estimated revenue. Indeed, a number of experts—both supporters and critics of the program—now discuss possible steps to cut the long-range growth of benefits.

Moreover, as pressures on the system intentify, demands will probably grow to shift some of the financing of Social Security from the payroll tax to the income tax. Levied at a constant rate—now 5.85 per cent of a worker's salary (up to $13,200), with his employer paying an equal amount—the tax is usually considered regressive, because anyone with a salary above the cutoff point escapes taxation on part of his income.

Already, many congressmen report ever-louder grumbling about the big bite of Social Security taxes. The grumbling seems likely to increase. Although the tax rate isn't scheduled to rise for at least 5 or 10 years, the wage base—that is, the amount subject to the tax—will automatically be increased to reflect higher salary levels.

The Social Security Administration now estimates the cutoff will rise to $17,700 by 1978. And, ultimately, the rates will rise, too. By 2020, according to Bayo's calculations, the average worker's payroll tax could be 10 per cent of his earnings—and, quite possibly, more.

All this underlines the hidden power in Bayo's actuarial assumptions.

BIRTH RATE CHANGE

The most sweeping change is the dramatic drop in the birth rate. In the mid-1960s, demographers could reasonably assume that American women would have about three children each. That meant the population (now about 210 million) would grow to about 336 million by the turn of the century. Now, with the rapid reduction in births, a much more realistic assumption about family size may be two children—which produces a population of only 264 million in 2000.

This, of course, not only affects Social Security, but raises all sorts of cosmic questions about the future of society. It could obviously, ease pressures on the environment, limiting pollution and the demand for raw resources. (Unfortunately, the gain may not be as great as environmentalists hope. One of the presumed reasons that parents aren't having more children is that they want to spend more—and consume more—themselves.)

But, whatever the other effects, the declining birth rate clearly means big trouble for Social Security. Until last year, the Social Security Administration had figured that the average American woman would have 2.5 children during her lifetime. Now, that assumption has been revised downward to the magical 2.1 figure—the ZPG (zero population growth) level. (Actually, even at 2.1, the population would grow slightly unless Congress shuts off annual immigration of 400,000).

At this birth rate, the composition of the population would alter radically. The elderly (over 65) would represent a much larger proportion of the population. And that makes a squeeze between promised Social Security benefits and the revenues from the existing tax rates almost inevitable.

It is inevitable because, contrary to what most Americans probably believe. Social Security is not "insurance" in the classic sense. What people pay today in Social Security taxes is not saved and invested to provide a steady stream of income for them during their retirement years. Instead, today's workers pay taxes which are almost immediately paid to today's beneficiaries.

The system has basically been on a "pay-as-you-go" basis for decades. Thus, as the elderly population grows in relative size to the working population (those between ages 20 and 64), workers have to be taxed more heavily to pay a constant inflation-proof level of benefits.

FEW PROBLEMS NOW

In the short run, there doesn't seem to be any major problems. All the population dynamics are now working in the system's favor. The children of the postwar "baby boom"—beginning in 1946 and lasting until the early 1960s—are now beginning to flood the labor markets, providing an expanding base of new wage earners to pay Social Security taxes.

The 1930s Depression will help a bit, too. There was a big slump of births in the Depression, and when these children—now in their late 30s and mid-40s—begin to retire in a couple of decades, the need for more benefits will ease slightly. But then comes the crunch: the years 2010 and 2011, when the babies born in 1945 and 1946, the start of the "baby boom," begin to retire.

They will swell the ranks of the elderly, but there won't be a rapidly expanding base of new workers to support them. A year ago, using the 2.5 children per woman estimate, there would have been 173 million working Americans to support 31 million potential

retirees, according to Social Security's projections. Now, under the new assumptions, there will still be 31 million elderly, but only 159 million working-age Americans. By 2045, Social Security now projects the elderly population will be equal to nearly 28 percent of the working population, against 18 percent today.

Behind these numbers is the little-understood phenomenon of the "baby bust." In 1960, American families were sufficiently prolific that the birth rate stood at 3.7 children per woman. But the decline in the rate, which actually began in 1957, continued almost uninterrupted in the 1960s and, after a slight recovery in 1970, accelerated downward.

No one really knows why, though a multitude of reasons have been suggested: easily available contraception; abortion; affluence (or, as one commentator puts it, "The second car is more attractive than the second kid."); environmentalism (which discourages population growth), or, simply a sheer aversion to children. The birth rate has now fallen so low that it's actually below ZPG, and it hasn't stopped dropping yet.

A BABY BONUS?

The unpredictability of population raises immense problems in forecasting Social Security's future.

"What we really don't know is whether people are lowering the sizes of their families or simply delaying the arrival of children," says Nancy Teeters, senior specialist in economics at the Library of Congress.

If the birth rate were suddenly to rebound sharply, the long-term squeeze on Social Security would lessen. On the other hand, if the birth rate stays where it is now—below 2.1—or goes even lower, Bayo's calculations will be unduly optimistic. "I just can't believe that in 75 years the U.S. won't have enough population to reproduce itself," he says. A lot of demographers probably would agree, but there's nothing preordained about the estimate.

"My guess is that the birth rate might even continue to decline and that it certainly won't stabilize at anything much above reproduction," says Richard M. Scammon, former director of the Census Bureau. "If people think of sending their kids to college—which most people didn't 25 years ago—at a bill of $20,000 or $25,000, this gets to be a real problem. My guess is that there's not going to be any sharp increase (in the birth rate) unless there's a very drastic change in state policy—like a baby bonus or free college education."

To make things even more complicated, Social Security's future also is acutely sensitive to economic conditions and, here, too, it's possible that the operating assumptions are far too optimistic. The vital variable is what's known as "real wages"—that is, workers' wage increases, minus price inflation, to show real increases in purchasing power.

The reason that this is important for Social Security is that the automatic increases in the wage base (now $13,200) is pegged to the increase in earnings, but the increase in benefits is tied to price inflation. Thus, if salaries rise significantly faster than prices, the automatic wage base increase can more easily provide the system's needed revenues. But if salaries don't rise much faster than prices, then there's more need to raise the tax rates—the bite into the taxable earnings—to supply the money for Social Security payments.

Under Bayo's assumptions, workers continue to achieve relatively hefty gains in "real earnings." He assumes the inflation will gradually subside to about 3 per cent annually after 1980 and that wages—after an initial spurt—will level off at about 5 per cent after 1980. Workers' real earnings therefore should increase 2 per cent annually.

QUESTIONED ASSUMPTIONS

But not everyone accepts these assumptions. One dissenter is Robert Myers, Social Security's former chief actuary and now professor of actuarial sciences at Temple University. "The gap between inflation and wage increases is too wide," he says. "I don't think it will be as much as 2 per cent."

Why not? Myers runs down a list of reasons: ecology ("We've gotten a lot of productivity by wasting the ecology," but now, industry will have to make steep investments in anti-pollution devices. Those investments cost money, but don't produce any additional consumer goods, putting additional pressure on prices); life styles ("I don't think people will want to work as hard"), and a growing dependence on imported raw materials ("We're going to have to pay more for those materials, raising prices but not productivity").

"I would have used only a 1 per cent gap (gain in "real" wages)," says Myers. (As a benchmark, real earnings in industry increased nearly 2.5 per cent in the 1950s and 1.4 per cent in the 1960s. In the last 18 months, they actually have declined.)

If you use only a 1 per cent real wage gain, Social Security gets into a lot more trouble—and a lot sooner, too. Suppose, for example, that wages rise 5 per cent, but inflation is 4 per cent. Under Bayo's assumptions, there's a relatively small increase in Social Security tax rates between now and the end of the century, about 10 per cent. But, under the assumption of this 1 per cent gain in real earnings, there's a 10 per cent increase by 1985 and a 40 per cent increase by 2000.

By 2020, under Bayo's assumptions, tax rates would have to rise more than 50 per cent. But under this 1 per cent assumption, the increase in tax rates would be more than 130 per cent. Social Security hasn't made any public projections at much higher rates of inflation—say 6 per cent annual inflation and 8 per cent wage increases—but the results tend to get worse as inflation goes higher.

What all this means is that, if you're inclined to worry about the future of the Republic or the soundness of the dollar, you can send to the Government Printing Office for the latest trustees' reports for Social Security and Medicare (House documents 93-313 and 93-314) and find enough gloomy numbers to develop ulcers and migraine headaches for the next several decades. Imagining the worst possible combinations of population and economic assumptions produces "truly horrifying results," as one Treasury official puts it. Most of them, of course, in the 21st century.

If, however, you are of more cheery disposition, you can easily find ground for being less grim about the future.

PRIVATE PENSIONS

Looking at Social Security in isolation induces a kind of tunnel vision and there's a tendency to forget that other things are happening too, and that they may make it easier to solve the real problem—which is not financing Social Security but providing for the aged.

The growth in private pension plans is one of the other things happening. Now, only about 25 per cent of new Social Security beneficiaries receive payments from private pension plans. That has put an enormous amount of pressure on Social Security to increase benefits to higher levels. But there's every reason to believe that proportion of elderly receiving private pension payments will increase.

About 50 per cent of all salaried workers are now covered by some plan and, in the higher age brackets—where workers have longer tenure on current jobs—it's higher. For example, nearly two-thirds of the men between 50 and 54 are covered. As some of the "baby boom" children, now in their teens or late twenties, settle down, the proportion could go up further.

Another often-overlooked fact is that in a stable population—which is what Social Security is now projecting—the proportion of elderly increases sharply, but the proportion of dependents (that is, children plus elderly) does not.

There is less need for schools, teachers, colleges, nurseries. In theory at least, that should free a lot of potential tax revenue to be spent on the elderly. It is, of course, only theory, because there is one formidable barrier blocking the free flow of funds: Social Security has its own segregated tax (the payroll tax) and most other programs are financed from a variety of general taxes—real estate taxes, income taxes and sales taxes.

In theory, too, families with smaller numbers of children might find more money—if not more love—to support their aging parents.

"MANY YEARS TO ACT"

Considerations like these make it possible to imagine fundamental changes in both Social Security and national attitudes toward the elderly.

"You may find," says Scammon, "that Social Security becomes subject to a means test"—that is, benefits will be reduced in relation to a recipient's income from other outside sources (such as pensions); now, benefits are reduced only as a result of outside income earned at another job.

But tightness in the labor market—which, unlike today, would not be fed by increasing hordes of younger workers—could also ultimately reverse the trend toward earlier and earlier retirement. "You could get an anti-retirement doctrine," says Scammon.

Abstract and fuzzy as all this sounds, Social Security's future problems are almost certain to lead to pressure for some changes in the relatively near future.

An advisory council to the Social Security Administration is now investigating the system's long-term prospects and it may recommend one change that substantially reduces future benefits. According to a number of Social Security experts—including former actuary Myers and former Commissioner Robert M. Ball—the existing formula for determining benefits produces a benefit schedule that actually outstrips inflation in the long run. Both men believe the formula should be altered and, if it is, some of the future pressure on the system would be alleviated.

But, even if accepted by Congress, that change would remove only part of the problem. The fundamental forces of shifting birth rates and economic conditions remain. But, unlike most of today's problems, this is one that most people seem content to think about.

"The way I see it," says Bayo, "we have a problem with the program but there are many years in which to act."

OLD AGE: A NEW LOOK

Mr. KENNEDY. Mr. President, the Massachusetts Department of Elderly Affairs is holding a national conference on "Old Age: A New Look" this week in Boston.

The agency, one of the Nation's first cabinet-level departments of elderly affairs, has been a forceful spokesman of elderly concerns under the leadership of Jack Leff, its able director.

I ask unanimous consent that my message to the conference be printed in the RECORD.

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

MESSAGE BY SENATOR EDWARD KENNEDY, A NATIONAL CONFERENCE ON "OLD AGE: A NEW LOOK," SEPTEMBER 9, 1974, STATLER-HILTON HOTEL, BOSTON, MASS.

The Massachusetts Department of Elderly Affairs has my congratulations for taking the lead, once again.

It is not enough only to work, at the Federal, State, and Local levels, for responsive governmental actions which will improve the economic security and well-being of older Americans.

We must also ask whether those actions are truly based upon accurate comprehension of the changing roles of the nation's elders during a time of swift change in the structure of communities and even of families.

Eleven years ago, in words which have been repeated often, President Kennedy's Message on Senior Citizens said:

"The increase in the life span and in the number of our senior citizens presents this Nation with increased opportunities: the opportunity to draw upon their skill and sagacity—and the opportunity to provide the respect and recognition they have earned. *It is not enough for a great nation merely to have added new years to life—our objective must also be to add new life to those years.*"

Our great nation, now beset with inflation and other problems which have special impact upon the elderly, must nevertheless continue to advance on many fronts related to aging.

Within the past few weeks we have seen enactment of a new housing bill which ends long years of stalemate on programs for the elderly. We have seen a new pension law come into being. We are at work on a national health protection program which will, when it comes into being as it must, *add* to the protection offered to the elderly, and not *diminish* it.

With all of that, and more to come, the Congress must occasionally ask where we are headed in fundamentals related to aging. Your conference this week helps us to examine that question, and we thank you for your initiative, your foresight, and your determination to build a better life for older Americans.

STRATEGY TO CURB INFLATION

Mr. BIDEN. Mr. President, I am most pleased to see that President Ford has moved ahead promptly to initiate arrangements for a domestic summit meeting. I am hopeful that this meeting, preceded by the "mini-summits" will have the beneficial effect of exploring the economic problems that face our country as well as the alternatives for treating those problems.

I am not optimistic that this summit will "solve" all our problems. First, such a large meeting is not a place to work out the kind of complex tuning that our economy needs. Second, there are no fast or easy solutions to the variety of economic ills that we are trying to cure.

The Senate Budget Committee has recently held hearings at which we heard from a number of eminent economists. Perhaps the most significant things about their testimony was the lack of agreement among them. After listening, I am inclined to paraphrase one of the witnesses who said that our economy is suffering from two diseases, and treating either makes the other worse. This is not uncommon in medicine, and I think it can be true in economics also.

The disease of inflation is obvious to everyone. Prices are soaring and we have had to add a new phrase to our language—"double-digit" inflation.

The other disease is not quite as apparent. It is the danger, if not the actual presence of a recession, with the unemployment and drop in business activity that this implies.

This has led to another new word—stagflation. However, I think we must reject the implication in such a word that we are dealing with one problem for which we seek one solution. I think it much more likely that they are separate problems, the existence of which at the same time makes our economic situation even more serious. Rising prices and rising interest and rates combined with rising unemployment and stagnant business conditions is the worst of all worlds.

The problem of inflation hardly needs documentation. It is documented almost every time we buy something. Where it all began is perhaps not so clear. It can probably be traced back to the time when the decision was made to run deficits in Federal expenditures to fight the war in Vietnam. Such deficits are a classic way to start inflation—that is, to pour money into nonproductive uses thus holding down available consumer supply while demand continues unchecked or even increases. The largely unsuccessful efforts to check this inflation ultimately resulted in a recession. Then followed efforts to pull the economy out of its recession and it now appears that these efforts contributed heavily to today's inflation.

Most significantly, new money supply was on the increase during the 1970–72 period. As far back as 1968 the Joint Economic Committee had noted that America usually suffered a depression when money grew at less than 2 percent and inflation when it grew more rapidly than 6 percent. This set the boundaries. But between 1970 and 1973 money supply grew at an annual rate of 6.9 percent. This represented the highest growth rate for any 3-year period since World War II. It was also well above the average 4.2 percent over the last decade. I think most economists would agree that some part of our current-day inflation can be charged to that excessively generous monetary policy.

At the same time, the Federal Government was incurring budget deficits. Leaving aside the borrowings of federally sponsored agencies, the unified Federal budget deficit was $23 billion in 1971; $23.2 billion in 1972; and $14.3 billion in 1973. Thus we had during this period a classic situation for increasing inflation, where Government spending and easy money policies were creating excessive demand, or a demand-pull inflation.

The classic answers to a demand-pull inflation are to restrict money supply and reduce Government spending. But then some other things happened that sent a series of financial shock waves through our economy—unrelated to monetary and fiscal policy and changed the type of inflation we have. Worldwide drought conditions placed a high value on food supplies. The dollar was devalued twice. And in the aftermath of the Arab oil embargo we found that foreign and some domestic prices for oil had increased fourfold.

Finally the unfortunately abrupt end to the badly administered wage-price controls brought on a series of fantastic price increases in some industries as well as large wage settlements. As a sample of these, first year wage settlements in major collective-bargaining agreements concluded in June came to 9.2 percent, lower than the rate of inflation, but not really helping to stabilize things.

On the price side things look even worse. In the last 3 months ending in July, the Wholesale Price Index jumped at an annual rate of 25.7 percent while the industrial items in that index rose at an annual rate of 34.2 percent. While consumer prices do not directly follow the wholesale price index, this growth represents an alarming trend.

All of these outside happenings seem to have changed the character of the inflation. We have gone beyond the demand-pull era, when excessive demand for scarce goods was raising prices. We are now in a wage-price spiral which feeds upon itself and does not respond so readily to a monetary and fiscal policy that basically restricts demand.

So where do we stand on inflation? As a result largely of inflationary monetary policies, Federal budget deficits and a series of outside shocks to the economy, the cost-of-living index stood 11.8 percent higher than last year—reported by the Wall Street Journal to be the biggest increase for any 1-year period since September 1947. Last month—July—it was growing at an annual rate of 9.6 percent. This is down from the previous month due to a slight decline in food prices. But the outlook is grim when we learn that July's Wholesale Price Index showed farm prices jumping 7.8 percent or an annual rate of 93.6 percent. So any slowdown in the consumer price index is likely to be short lived. Moreover, in July the worker's buying power had declined in 9 of the last 12 months and stood 5.3 percent below a year earlier.

How do we deal with this problem which is so clearly critical to the economic well-being of each of us? Certainly we must exercise prudent fiscal and monetary policy. The budget must be cut both because it needs to be cut and because it may help on inflation. I say "may" because the most optimistic witness, Dr. Burns, said the immediate effect of budget cuts on inflation would be primarily psychological.

In addition, the economy is very large and therefore very slow to respond. Any budget cuts made this year will have little impact on inflation. The most optimistic forecast I have heard is that a $10 billion cut would reduce inflation by about 0.3 percent. However, I think we must strive for a truly balanced budget in 1976 although I do not want to mislead anyone about its impact on inflation. However, at the very least we must not use the budget to fuel inflationary pressures.

Continuing with our treatment for inflation, we must certainly retain a reasonably tight monetary policy. However, it would seem reasonable that if the Congress manages to cut the budget, that the Federal Reserve Board should loosen its monetary restrictions somewhat.

I say this, because now we come to the other side of the economic problem, the so-called soft economy in which we operate. I was interested in a poll I saw the other day. Our constituents have clearly

labeled inflation their No. 1 concern and there is no question but what it hits them every day. And yet when they look down the road apparently many of them see the other problem, recession or depression. It is not the No. 1 problem because it is not really hurting yet. But it troubles people.

The poll I saw was made by George Gallup and one question it asked was "Some economists think the United States is heading toward a depression such as the Nation experienced in the 1930's. Do you agree or disagree?" A disconcertingly large percentage, 46 percent, agreed. Interestingly the concern was higher among manual workers than among clerical and professional workers. It was also greater the lower the income. Thus we have, I think, an advance signal from the American people, that they are being hurt by inflation, but while we are worrying about that we should look out for that depression they see coming.

Another poll, conducted by Louis Harris indicates that 65 percent of the people believe we are in a recession now; 56 percent believe we will be next year; but only 28 percent believe we are heading for a recession.

I am not suggesting that we determine economic policy by poll. They seem to conflict as much as economists do. But there are many signs that we should be concerned. There are many signs that the so-called soft economy we are in is really a recession and that we may not be too far from depression. I notice in the August 30 Wall Street Journal that the National Bureau of Economic Research has said officially that we are not in a recession. But whatever you call it, it is bad.

Just as I said earlier that it takes a long time for a given policy to reflect itself in the economy, so a change in trend in the economy may begin before it is apparent on the surface. Thus, as one witness said, you need to begin to treat the disease before the symptoms appear. Indications are we may already be a little late for that.

One of the softest spots in the economy is housing. New housing starts in July were down 16 percent over June and were 38 percent below July 1973. Much of this is undoubtedly due to tight money policies that have raised the cost of money for builders and home buyers alike to astronomical levels—when they can get money at all. The chief economist of the National Home Builders Association has said "It isn't any longer a question of production, but a question of survival." This reduction in homebuilding, one of the sensitive areas that often registers advance warning of economic problems, will also increase unemployment. Growing unemployment can in turn trigger declines in other industries. And if you look ahead at the future of housing—which has a fairly long leadtime—the permits are just as discouraging. Building permits for the 14,000 localities that require them were down 6 percent over June and 43 percent from the same month a year earlier.

In the larger picture, Dr. Arthur Burns is reported to have said that economic growth in the last two quarters of the year will be between 0 to 2 percent. When combined with the decrease in growth of 7 percent in the first quarter and 1.2 percent in the second, this seems to a layman like myself to signal a recession.

In the meantime, while unemployment stands at about 5.3 percent, it is predicted to rise to between 6 and 7 percent before the end of the year.

So, in summary, we have a picture of runaway inflation, with both the Consumer Price Index and the Wholesale Price Index breaking through the ceiling. Output is sluggish, with housing starts leading the downward trend. Interest rates are astronomical, while the stock market continues down. Unemployment is up and threatens to go higher. And real purchasing power is down.

As much as I favor monetary and fiscal restraint I think we must explore other factors. I would like to do that briefly here.

Government spending: We must work to cut the budget this year. More important will be the success of the new budget process in controlling spending in future years and keeping us from getting into a new inflationary spiral. The new budget committees will be able to look at the tax policy picture as well as spending. In the long run tax policy may be the more important of the two. And if we are to reduce spending we must look at everything. Even our most favorite programs must be examined to see if they are really doing what we thought they were doing or intended them to do. And we must look at the uncontrollables. Most of the so-called uncontrollables are uncontrollable only because Congress has said so. And what Congress has done it can undo, if this is desirable.

Monetary policy: While the policy of the Federal Reserve Board is understandable in the light of inflation, it may be time to moderate that restraint. I was pleased to see it reported recently that this policy was being moderated a little. Interest rates are climbing to alarming levels. Their effect on housing and other industries helps neither the economy as a whole nor inflation specifically. In fact, interest costs are real costs and as such tend to push prices upward.

Wage and price policy: We must have a national wage and price policy. The lack of such a policy reminds me of our singular inability to get an energy policy and the price we have paid as a result. I have concern about whether the recently created Council on Wage and Price Stability has the funding or the muscle to establish such a policy. I would have preferred a stronger vehicle and I think this is something that will deserve more investigation in the not-too-distant future.

Unemployment: Most people seem to assume that if we are to fight inflation, we must suffer unemployment. Certainly when you combine inflation with a depressed economy, unemployment is a real worry. We must move quickly to develop a public service employment program that will relieve the burden on at least some of the people who will be hurt by potential rising unemployment. I would like to see Congress get to work on such a program now. It has been suggested that a 6 percent employment rate might trigger such a program. Although the national unemployment figure is currently 5.3 percent, the rate in Delaware is reported to be 6.6 percent. We are ready for that program now in my State.

Taxation: In a period when real income is down, inflation is climbing. Even the most ardent advocate of tight monetary and fiscal policy agrees that they will not quickly reduce inflation and may further soften the economy. Thus, in addition to unemployment assistance, we must be prepared to help those who are being hurt by inflation. The lower bracket taxpayers need relief. We might consider giving some relief from the payroll tax, the most regressive tax we have. Any change in payroll tax must be carefully designed by transferring to general funds programs currently financed through the tax that are least appropriate to the tax. If we can get relief for the wage earner, then we may wish to consider adjustments in inventory depreciation allowances to help businesses. Some of these tax costs can be balanced by eliminating oil depletion and foreign tax credits as well as long overdue tightening of the minimum tax.

Housing industry and thrift institutions: Mr. Simon has suggested that we need to encourage savings that can go into plant and equipment investment to strengthen our economy. He points out that since 1960 such spending was only 15 percent of our total output as compared to 18 percent for France, 20 percent for Germany, and 27 percent for Japan. We cannot expect the small saver to bear the brunt of this, particularly in the housing market where he has been doing so at considerably lower interest rates than are available to other investors. So we need to look at new means of financing our housing programs including perhaps some further extensions of Government participation to the total housing market in a broader setting. This will assure the housing industry of a more reasonably constant demand. We must also reexamine the role of savings and loan associations, in terms of whether their authority to lend funds should be broadened to strengthen them. In addition we must consider whether it is either fair or realistic to hold their dividend rates so far below general levels for money, this penalizing the small saver.

International economy: In the international area we must take several steps. We must move to get oil prices down and help our balance of payments. This includes stronger emphasis on energy conservation efforts and on our push for energy self-sufficiency. These, combined with cooperative efforts of oil consuming nations to deal with oil producers, should yield some benefits in oil pricing. In this regard it is disturbing to note that recent reports of oversupply on the international market seem to have been met by foreign reduction in production in order to hold prices up. We must also work with other nations to promote the stability of financial institutions rather than going it alone. The recent failures of foreign banks in which U.S. banks had an interest indicates the very real danger of a go-it-alone policy.

Productivity: One long range effort has to be to improve productivity to partially offset wage increases that are needed and inevitable. Productivity is a difficult thing to get at through Government programs, but perhaps better funding and more vigorous effort by the Productivity Council would be a good place to begin.

In summary, Mr. President, I see a need for several actions. We should work immediately to reduce Government spending. At the same time we must take action to reduce hardship created by current economic conditions—unemployment or the housing industry. Finally we must more carefully take other steps to slow inflation without prolonging unnecessarily our present soft economy or plunging it to further depths.

CZECHOSLOVAKIAN CONSULAR CONVENTION

Mr. PELL. Mr. President, I am delighted with the series of constructive developments recently in our relations with Czechoslovakia. They should contribute to the establishment of the realistic kind of détente we are seeking in the relations between the closed societies of the East and the open societies of the West.

Presently the Foreign Relations Committee is considering the new Consular Convention with Czechoslovakia as a step that I hope will bring the convention into early effect.

In a separate statement, I have praised the recent exoneration by the Czech courts of Mr. John Hvasta, accused of espionage in the cold war period. I cited this encouraging indicator as a bright spot in the lowering clouds of suspicion that still envelop East-West relations.

If both our countries implement the new convention with the objectivity and sense of justice exhibited by the Czech action in the Hvasta case, we can look forward to continuing improvement in the relations between the United States and Czechoslovakia.

Good consular relations foster increased business and cultural contacts between the citizens of the countries concerned. They provide mutual protection and reasonable freedom of movement for the tourist, the student, the ethnic visitor, the businessman. The multiplication of these contacts becomes the warp and woof of the fabric of genuine détente. That is why the Consular Convention can prove a real breakthrough in creating improved relations with Czechoslovakia and offsetting the crippling effects that the very nature of a closed society impose upon its external relations.

Good results of the successful negotiation of the convention are already discernable.

The growing trade between the United States and Czechoslovakia has received a new impetus, so that the United States is presently the largest Western exporter to Czechoslovakia after West Germany.

In July of this year, preliminary agreement was reached between our two countries on property compensation for American citizens, an issue that had plagued our relations with Czechoslovakia since the coup d'état in 1948. The implementation of this agreement will be greatly facilitated by the Convention and thus in finally eliminating a thorn in the side of cordial relations.

And finally, the Convention is resulting in the reopening of our consulate in Bratislava and the Czech consular office in Chicago. Our building in Bratislava is being readied for occupancy within a few months by the designated Consul General, Mr. John Dennis, an experienced career Foreign Service officer.

For me, these developments have an important personal meaning as well.

Over 25 years ago, as a young Foreign Service officer, I had the opportunity to open the American consulate at Bratislava just days before the 1948 Communist putsch. Throughout the years since, I have sought to visit Czechoslovakia as often as possible, and to remain abreast of conditions there. I happened to be there again immediately prior to and after the Soviet military intervention of 1968 which crushed the liberal dreams of the "Prague Spring."

In this regard, I was particularly struck by the fact that while no Soviet soldiers and scarcely any deaths resulted from the initial Communist putsch of 1948, 20 years of first-hand exposure to communism necessitated the use of more than half a million Warsaw Pact troops, and a good many deaths resulted from the effort to maintain communism.

Today, I can only say that I am encouraged by these announcements of improved economic and diplomatic relations between the Governments of the United States and Czechoslovakia. I hope that they are but the prelude to a time of increased contact between Americans and Czechs and Slovaks, a development which is certain to produce much more cordial ties and benefits to the two counties. Prompt Senate action in ratifying the Consular Convention will be most helpful in realizing this objective.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

UNFINISHED BUSINESS (S. 707) TEMPORARILY LAID ASIDE

The PRESIDING OFFICER. The unfinished business, S. 707, will be temporarily laid aside and remain in a temporarily laid aside status until the close of business today.

AUTHORIZATION OF CONSTRUCTION AT MILITARY INSTALLATIONS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 16136, which the clerk will state.

The second assistant legislative clerk read as follows:

Calendar 1084, H.R. 16136, an act to authorize certain construction at military installations, and for other purposes.

The Senate proceeded to consider the bill, H.R. 16136, which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

UNITED STATES ARMY FORCES COMMAND

Fort Bragg, North Carolina, $26,170,000.
Fort Campbell, Kentucky, $9,742,000.
Fort Carson, Colorado, $34,993,000.
Fort Hood, Texas, $46,376,000.
Fort Sam Houston, Texas, $4,286,000.
Fort Lewis, Washington, $10,270,000.
Fort Riley, Kansas, $27,074,000.
Fort Stewart/Hunter Army Airfield, Georgia, $42,197,000.

UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND

Fort Belvoir, Virginia, $9,625,000.
Fort Benning, Georgia, $36,827,000.
Fort Bliss, Texas, $12,296,000.
Fort Eustis, Virginia, $8,124,000.
Fort Gordon, Georgia, $9,858,000.
Hunter-Liggett Military Reservation, California, $1,108,000.
Fort Jackson, South Carolina, $19,078,000.
Fort Knox, Kentucky, $2,264,000.
Fort Leavenworth, Kansas, $9,911,000.
Fort Lee, Virginia, $11,936,000.
Fort McClellan, Alabama, $17,344,000.
Presidio of Monterey, California, $3,107,000.
Fort Ord, California, $3,660,000.
Fort Polk, Louisiana, $7,304,000.
Fort Rucker, Alabama, $3,906,000.
Fort Sill, Oklahoma, $16,265,000.
Fort Leonard Wood, Missouri, $3,360,000.

UNITED STATES ARMY MILITARY DISTRICT OF WASHINGTON

Fort Myer, Virginia, $2,497,000.

UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland, $1,030,000.
Aeronautical Maintenance Center, Texas, $541,000.
Anniston Army Depot, Alabama, $5,388,000.
Army Materiel and Mechanics Research Center, Massachusetts, $558,000.
Letterkenny Army Depot, Pennsylvania, $4,726,000.
Lexington/Blue Grass Army Depot, Kentucky, $616,000.
Picatinny Arsenal, New Jersey, $2,820,000.
Red River Army Depot, Texas, $1,160,000.
Redstone Arsenal, Alabama, $10,322,000.
Rock Island Arsenal, Illinois, $2,731,000.
Sacramento Army Depot, California, $2,599,000.
Seneca Army Depot, New York, $815,000.
Sierra Army Depot, California, $717,000.
Watervliet Arensal, New York, $3,256,000.
White Sands Missile Range, New Mexico, $3,574,000.
Yuma Proving Ground, Arizona, $1,859,000.

UNITED STATES ARMY COMMUNICATION COMMAND

Fort Huachuca, Arizona, $7,507,000.
Fort Ritchie, Maryland, $2,023,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York, $8,862,000.

HEALTH SERVICES COMMAND

Fort Detrick, Maryland, $486,000.
Various Locations, $19,773,000.

CORPS OF ENGINEERS

Cold Regions Laboratories, New Hampshire, $2,515,000.

UNITED STATES ARMY, ALASKA

Fort Greely, Alaska, $251,000.

Fort Richardson, Alaska, $4,002,000.

Fort Wainwright, Alaska, $1,512,000.

UNITED STATES ARMY, HAWAII

Schofield Barracks, Hawaii, $15,324,000.

Tripler General Hospital, Hawaii, $1,205,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, $1,356,000.

Various Locations, Water Pollution Abatement, $16,358,000.

DINING FACILITIES MODERNIZATION

Various Locations, $10,723,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY FORCES, SOUTHERN COMMAND

Canal Zone, Various Locations, $557,000.

UNITED STATES ARMY, PACIFIC

Korea, Various Locations, $5,139,000.

PUERTO RICO

Fort Buchanan, Puerto Rico, $1,862,000.

KWAJALEIN MISSILE RANGE

National Missile Range, $1,272,000.

UNITED STATES ARMY SECURITY AGENCY

Various Locations, $148,000.

UNITED STATES ARMY COMMUNICATIONS COMMAND

Fort Buckner, Okinawa, $532,000.

UNITED STATES ARMY, EUROPE

Germany, Various Locations, $32,355,000.

Camp Darby, Italy, $4,159,000.

Various Locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $84,000,000: *Provided*, That within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

SEC. 102. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by: (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment; in the total amount of $10,000,000: *Provided*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire upon enactment of the fiscal year 1976 Military Construction Authorization Act except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 103. (a) Public Law 93-166, is amended under the heading "OUTSIDE THE UNITED STATES—UNITED STATES ARMY, EUROPE", in section 101 as follows:

With respect to "Germany, Various Locations" strike out "$12,517,000" and insert in place thereof "$16,360,000".

(b) Public Law 93-166 is amended by striking out in clause (1) of section 602 "$107,257,000" and "$596,084,000" and inserting in place thereof "$111,100,000" and "$599,927,000", respectively.

SEC. 104. (a) Public Law 92-545, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101 as follows:

With respect to "Fort Myer, Virginia," strike out "$1,815,000" and insert in place thereof "$3,615,000".

With respect to "Fort Sill, Oklahoma," strike out "$14,958,000" and insert in place thereof "$16,159,000".

(b) Public Law 92-545, as amended, is amended under the heading "OUTSIDE THE UNITED STATES—UNITED STATES ARMY FORCES, SOUTHERN COMMAND" in section 101 as follows:

With respect to "Canal Zone, Various Locations" strike out "$8,129,000" and insert in place thereof "$9,238,000".

(c) Public Law 92-545, as amended, is amended by striking out in clause (1) of section 702 "$444,767,000;" "$117,311,000;" and "$562,078,000" and inserting in place thereof "$447,768,000;" "$118,420,000;" and "$566,188,000", respectively.

SEC. 105. (a) Public Law 91-511, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101 as follows:

With respect to "Rock Island Arsenal, Illinois," strike out "$2,750,000" and insert in place thereof "$3,650,000".

(b) Public Law 91-511, as amended, is amended by striking out in clause (1) of section 602 "$181,834,000" and "$267,031,000" and inserting in place thereof "$182,734,000" and "$267,931,000", respectively.

SEC. 106. Public Law 93-166 is amended in section 105 as follows:

Public Law 93-166, section 105(b), amending Public Law 92-145, section 702, clause (1) as amended, having inserted erroneous figures, is amended by striking out "$404,500,000" and "$405,107,000" and inserting in place thereof "$405,000,000" and "$405,607,000", respectively.

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Air Station, Brunswick, Maine, $261,000.

Portsmouth Naval Shipyard, Kittery, Maine, $7,232,000.

Naval Security Group Activity, Winter Harbor, Maine, $255,000.

Naval Education and Training Center, Newport, Rhode Island, $4,153,000.

Naval Underwater Systems Center, Newport, Rhode Island, $10,274,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut, $4,971,000.

FOURTH NAVAL DISTRICT

Naval Air Test Facility, Lakehurst, New Jersey, $7,350,000.

Navy Ships Parts Control Center, Mechanicsburg, Pennsylvania, $2,336,000.

Naval Hospital, Philadelphia, Pennsylvania, $296,000.

NAVAL DISTRICT, WASHINGTON

Naval District Commandant, Washington, District of Columbia, $2,883,000.

Naval Research Laboratory, Washington, District of Columbia, $3,377,000.

Naval Academy, Annapolis, Maryland, $7,706,000.

National Naval Medical Center, Bethesda, Maryland, $14,943,000.

Uniformed Services University of the Health Sciences, Bethesda, Maryland, $15,000,000.

FIFTH NAVAL DISTRICT

Naval Regional Medical Center, Camp Lejeune, North Carolina, $290,000.

Naval Air Rework Facility, Cherry Point, North Carolina, $252,000.

Fleet Combat Direction Systems Training Center, Atlantic, Dam Neck, Virginia, $2,034,000.

Naval Amphibious Base, Little Creek, Virginia, $896,000.

Atlantic Command Operations Control Center, Norfolk, Virginia, $633,000.

Naval Air Station, Norfolk, Virginia, $3,471,000.

Naval Station, Norfolk, Virginia, $5,080,000.

Naval Supply Center, Norfolk, Virginia, $4,990,000.

Naval Air Station, Oceana, Virginia, $1,047,000.

Norfolk Naval Regional Medical Center, Portsmouth, Virginia, $15,801,000.

Norfolk Naval Shipyard, Portsmouth, Virginia, $5,602,000.

Naval Weapons Station, Yorktown, Virginia, $1,595,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida, $1,534,000.

Naval Air Station, Jacksonville, Florida, $446,000.

Naval Regional Medical Center, Jacksonville, Florida, $7,417,000.

Naval Station, Mayport, Florida, $3,239,000.

Naval Training Center, Orlando, Florida, $8,709,000.

Naval Coastal Systems Laboratory, Panama City, Florida, $795,000.

Naval Air Station, Pensacola, Florida, $19,448,000.

Naval Technical Training Center, Pensacola, Florida, $4,478,000.

Naval Air Station, Whiting Field, Florida, $1,561,000.

Naval Air Station, Meridian, Mississippi, $1,485,000.

Naval Hospital, Beaufort, South Carolina, $7,112,000.

Charleston Naval Shipyard, Charleston, South Carolina, $200,000.

Naval Station, Charleston, South Carolina, $15,352,000.

Naval Supply Center, Charleston, South Carolina, $3,750,000.

Naval Weapons Station, Charleston, South Carolina, $2,564,000.

Naval Air Station, Memphis, Tennessee, $4,284,000.

Naval Hospital, Memphis, Tennessee, $1,888,000.

EIGHTH NAVAL DISTRICT

Naval Support Activity, New Orleans, Louisiana, $3,080,000.

Naval Air Station, Kingsville, Texas, $1,428,000.

NINTH NAVAL DISTRICT

Naval Training Center, Great Lakes, Illinois, $1,953,000.

ELEVENTH NAVAL DISTRICT

Naval Regional Medical Center, Camp Pendleton, California, $7,619,000.

Naval Weapons Center, China Lake, California, $8,371,000.

Long Beach Naval Shipyard, Long Beach, California, $6,011,000.

Naval Air Station, Miramar, California, $11,772,000.

Naval Air Station, North Island, California, $12,943,000.

Naval Construction Battalion Center, Port Hueneme, California, $1,048,000.

Naval Electronics Laboratory Center, San Diego, California, $3,238,000.

Naval Region Medical Center, San Diego, California, $13,493,000.

Naval Training Center, San Diego, California, $8,657,000.

Navy Submarine Support Facility, San Diego, California, $4,234,000.

Naval Weapons Station, Seal Beach, California, $2,147,000.

TWELFTH NAVAL DISTRICT

Naval Air Rework Facility, Alameda, California, $1,638,000.

Naval Hospital, Lemoore, California, $333,000.

Naval Air Station, Moffett Field, California, $77,000.

Naval Communications Station, Stockton, California, $1,102,000.

Mare Island Naval Shipyard, Vallejo, California, $2,301,000.

THIRTEENTH NAVAL DISTRICT

Naval Station, Adak, Alaska, $7,697,000.

Trident Support Site, Bangor, Washington, $103,808,000.

Puget Sound Naval Shipyard, Bremerton, Washington, $393,000.

Naval Air Station, Whidbey Island, Washington, $2,603,000.

FOURTEENTH NAVAL DISTRICT

Commander in Chief Pacific, Oahu, Hawaii, $2,700,000.

Naval Ammunition Depot, Oahu, Hawaii, $795,000.

Naval Station, Pearl Harbor, Hawaii, $1,505,000.

Pearl Harbor Naval Shipyard, Pearl Harbor, Hawaii, $3,356,000.

Naval Communication Station, Honolulu Wahiawa, Hawaii, $971,000.

MARINE CORPS

Marine Corps Development and Education Command, Quantico, Virginia, $2,803,000.

Marine Corps Base, Camp Lejeune, North Carolina, $13,864,000.

Marine Corps Air Station, Cherry Point, North Carolina, $1,260,000.

Marine Corps Air Station, New River, North Carolina, $499,000.

Marine Corps Air Station, Yuma, Arizona, $3,203,000.

Marine Corps Supply Center, Barstow, California, $1,463,000.

Marine Corps Base, Camp Pendleton, California, $7,271,000.

Marine Corps Base, Twenty-nine Palms, California, $397,000.

Marine Corps Air Station, Kaneohe Bay, Hawaii, $5,497,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, $9,849,000.

Various Locations, Water Pollution Abatement, $44,251,000.

OUTSIDE THE UNITED STATES

TENTH NAVAL DISTRICT

Naval Telecommunications Center, Roosevelt Roads, Puerto Rico, $3,186,000.

Naval Station, Roosevelt Roads, Puerto Rico, $947,000.

Naval Security Group Activity, Sabana Seca, Puerto Rico, $1,026,000.

FIFTEENTH NAVAL DISTRICT

Naval Support Activity, Canal Zone, $800,000.

ATLANTIC OCEAN AREA

Naval Air Station. Bermuda, $1,866,000.

Naval Station, Keflavik, Iceland, $4,193,000.

EUROPEAN AREA

Naval Air Facility, Sigonella, Sicily, Italy, $311,000.

Naval Security Group Activity, Edzell, Scotland, $571,000.

Naval Activities Detachment, Holy Loch, Scotland, $1,188,000.

INDIAN OCEAN AREA

Naval Communications Facility, Diego Garcia, Chagos Archipelago, $14,802,000.

PACIFIC OCEAN AREA

Naval Air Station, Agana, Guam, Mariana Islands, $728,000.

Naval Communications Station, Finegayan, Guam, Mariana Islands, $1,305,000.

Naval Ship Repair Facility, Guam, Mariana Islands, $1,782,000.

Navy Public Works Center, Guam, Mariana Islands, $907,000.

Naval Hospital, Yokosuka, Japan, $360,000.

Naval Air Station, Cubi Point, Republic of the Philippines, $1,624,000.

Naval Station, Subic Bay, Republic of the Philippines, $3,741,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, $1,059,000.

Various Locations, Water Pollution Abatement, $4,038,000.

SEC. 202. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire upon enactment of the fiscal year 1975 Military Construction Authorization Act, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 203. (a) Public Law 90–408, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

With respect to "Naval Academy, Annapolis, Maryland," strike out "$2,000,000" and insert in place thereof "$4,391,000".

(b) Public Law 90–408, as amended, is amended by striking out in clause (2) of section 802 "$241,668,000" and "$248,532,000" and inserting in place thereof "$244,059,000" and "$250,924,000", respectively.

SEC. 204. (a) Public Law 91–511, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

With respect to "Naval Air Rework Facility, Jacksonville, Florida, strike out "$3,869,000" and insert in place thereof "$4,534,000".

(b) Public Law 91–511, as amended, is amended by striking out in clause (2) of section 602 "$247,204,000" and "$274,342,000" and inserting in place thereof "$247,869,000" and "$275,007,000", respectively.

SEC. 205. (a) Public Law 92–545, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

With respect to "Navy Public Works Center, Norfolk, Virginia," strike out "$3,319,000" and insert in place thereof "$7,019,000".

With respect to "Naval Ammunition Depot, Hawthorne, Nevada," strike out "$6,003,000" and insert in place thereof "$10,203,000".

(b) Public Law 92–545, as amended, is amended by striking out in clause (2) of section 702 "$477,664,000" and "$518,881,000" and inserting in place thereof "$485,564,000" and "$526,781,000", respectively.

SEC. 206. (a) Public Law 93–166 is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

With respect to "Naval Home, Gulfport, Mississippi," strike out "$9,444,000" and insert in place thereof "$11,802,000".

With respect to "Naval Air Station, Meridian, Mississippi," strike out "$4,532,000" and insert in place thereof "$5,466,000".

With respect to "Naval Air Station, Alameda, California," "strike out "$3,827,000" and insert in place thereof "$7,756,000".

With respect to "Marine Corps Supply Center, Barstow, California," strike out "$3,802,000" and insert in place thereof "$6,210,000".

(b) Public Law 93–166 is amended by striking out in clause (2) of section 602 "$511,606,000 and "$570,439,000" and inserting in place thereof "$521,235,000" and "$580,068,000", respectively.

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Peterson Field, Colorado Springs, Colorado, $6,885,000.

Tyndall Air Force Base, Panama City, Florida, $2,775,000.

AIR FORCE COMMUNICATIONS SERVICE

Richards-Gebaur Air Force Base Grandview, Missouri, $805,000.

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Ogden, Utah, $11,894,000.

Kelly Air Force Base, San Antonio, Texas, $11,588,000.

McClellan Air Force Base, Sacramento, California, $15,873,000.

Newark Air Force Station, Newark, Ohio, $1,977,000.

Robins Air Force Base, Warner Robins, Georgia, $792,000.

Tinker Air Force Base, Oklahoma City, Oklahoma, $9,839,000.

Wright-Patterson Air Force Base, Dayton, Ohio, $16,271,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee, $4,240,000.

Brooks Air Force Base, San Antonio, Texas, $3,100,000.

Edwards Air Force Base, Muroc, California, $1,647,000.

Eglin Air Force Base, Valparaiso, Florida, $13,512,000.

Kirtland Air Force Base, Albuquerque, New Mexico, $232,000.

Patrick Air Force Base, Cocoa, Florida, $642,000.

Satellite Tracking Facilities, $832,000.

AIR TRAINING COMMAND

Columbus Air Force Base, Columbus, Mississippi, $169,000.

Keesler Air Force Base, Biloxi, Mississippi, $7,297,000.

Laughlin Air Force Base, Del Rio, Texas, $298,000.

Lowry Air Force Base, Denver, Colorado, $7,885,000.

Mather Air Force Base, Sacramento, California, $2,143,000.

Randolph Air Force Base, San Antonio, Texas, $790,000.

Reese Air Force Base, Lubbock, Texas, $836,000.

Sheppard Air Force Base, Wichita Falls, Texas, $8,631,000.

Vance Air Force Base, Enid, Oklahoma, $6,798,000.

Webb Air Force Base, Big Spring, Texas, $776,000.

Williams Air Force Base, Chandler, Arizona, $5,849,000.

AIR UNIVERSITY

Maxwell Air Force Base, Montgomery, Alabama, $2,500,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska, $310,000.

Various Locations, $15,242,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland, $14,699,000.

Bolling Air Force Base, Washington, District of Columbia, $3,155,000.

MILITARY AIRLIFT COMMAND

Dover Air Force Base, Dover, Delaware, $1,373,000.

McGuire Air Force Base, Wrightstown, New Jersey, $408,000.

Scott Air Force Base, Belleville, Illinois, $341,000.

Travis Air Force Base, Fairchild, California, $8,800,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii, $11,878,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Shreveport, Louisiana, $641,000.

Blytheville Air Force Base, Blytheville, Arkansas, $675,000.

Davis-Monthan Air Force Base, Tucson, Arizona, $3,009,000.

Ellsworth Air Force Base, Rapid City, South Dakota, $2,109,000.

Griffiss Air Force Base, Rome, New York, $1,774,000.

Grissom Air Force Base, Peru, Indiana, $323,000.

K. I. Sawyer Air Force Base, Marquette, Michigan, $7,050,000.

Kincheloe Air Force Base, Kinross, Michigan, $835,000.

Malmstrom Air Force Base, Great Falls, Montana, $3,740,000.

McConnell Air Force Base, Wichita, Kansas, $3,038,000.

Minot Air Force Base, Minot, North Dakota, $238,000.

Offutt Air Force Base, Omaha, Nebraska, $5,595,000.

Pease Air Force Base, Portsmouth, New Hampshire, $115,000.

Plattsburgh Air Force Base, Plattsburgh, New York, $882,000.

Whiteham Air Force Base, Knob Noster, Missouri, $6,692,000.

TACTICAL AIR COMMAND

Cannon Air Force Base, Clovis, New Mexico, $1,715,000.

George Air Force Base, Victorville, California, $4,794,000.

Holloman Air Force Base, Alamogordo, New Mexico, $1,565,000.

Langley Air Force Base, Hampton, Virginia, $3,056,000.

Little Rock Air Force Base, Little Rock, Arkansas, $5,141,000.

MacDill Air Force Base, Tampa, Florida, $265,000.

Myrtle Beach Air Force Base, Myrtle Beach, South Carolina, $300,000.

Nellis Air Force Base, Las Vegas, Nevada, $6,495,000.

Pope Air Force Base, Fayetteville, North Carolina, $730,000.

Seymour Johnson Air Force Base, Goldsboro, North Carolina, $3,948,000.

Various Locations, $5,194,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, $2,056,000.

Various Locations, Water Pollution Abatement, $13,700,000.

SPECIAL FACILITIES

Various Locations, $13,952,000.

OUTSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Various Locations, $138,000.

PACIFIC AIR FORCES

Various Locations, $5,985,000.

UNITED STATES AIR FORCES IN EUROPE

Germany, $280,000.

United Kingdom, $884,000.

Various Locations, $63,081,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Various Locations, $4,135,000.

POLLUTION ABATEMENT

Various Locations, Water Pollution Abatement, $595,000.

SPECIAL FACILITIES

Various Locations, $1,999,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, in the total amount of $8,100,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $10,000,000: Provided, That the Secretary of the Air Force, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire upon enactment of the fiscal year 1976 Military Construction Authorization Act, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 304. Section 609 of Public Law 89–188, is amended by changing the period at the end thereof to a comma and adding the following: "or if no appropriated funds are involved, has first been reported by the Air Force to the Congress in the manner set forth in section 2662, title 10, United States Code.".

SEC. 305. (a) Section 301 of Public Law 93–166 is amended under the heading "INSIDE THE UNITED STATES" as follows:

(1) Under the subheading "AEROSPACE DEFENSE COMMAND" with respect to "Peterson Field, Colorado Springs, Colorado", strike out "$7,843,000" and insert in place thereof "$9,733,000".

(2) Under the subheading "AEROSPACE DEFENSE COMMAND" with respect to "Tyndall Air Force Base, Panama City, Florida", strike out "$1,020,000" and insert in place thereof "$1,284,000".

(3) Under the subheading "AIR FORCE COMMUNICATIONS SERVICE" with respect to "Richards-Gebaur Air Force Base, Grandview, Missouri", strike out "$3,963,000" and insert in place thereof "$6,130,000".

(4) Under the subheading "AIR FORCE LOGISTICS COMMAND" with respect to "Robins Air Force Base, Warner Robins, Georgia", strike out "$4,628,000" and insert in place thereof "$7,324,000".

(5) Under the subheading "AIR FORCE SYSTEMS COMMAND" with respect to "Eglin Air Force Base, Valparaiso, Florida", strike out "$7,039,000" in insert in place thereof "$8,882,000".

(6) Under the subheading "AIR TRAINING COMMAND" with respect to "Keesler Air Force Base, Biloxi, Mississippi", strike out "$8,786,000" and insert in place thereof "$10,733,000".

(7) Under the subheading "AIR TRAINING COMMAND" with respect to "Lackland Air Force Base, San Antonio, Texas", strike out "$6,509,000" and insert in place thereof "$9,186,000".

(8) Under the subheading "AIR TRAINING COMMAND" with respect to "Reese Air Force Base, Lubbock, Texas", strike out "$4,211,000" and insert in place thereof "$6,461,000".

(9) Under the subheading "AIR TRAINING COMMAND" with respect to "Vance Air Force Base, Enid, Oklahoma", strike out $371,000" and insert in place thereof "$895,000".

(10) Under the subheading "AIR TRAINING COMMAND" with respect to "Webb Air Force Base, Big Spring, Texas", strike out "$3,154,000" and insert in place thereof "$4,307,000".

(11) Under the subheading "MILITARY AIRLIFT COMMAND" with respect to "Altus Air Force Base, Altus, Oklahoma", strike out "$1,078,000" and insert in place thereof "$1,440,000".

(12) Under the subheading "STRATEGIC AIR COMMAND" with respect to "Francis E. Warren Air Force Base, Cheyenne, Wyoming", strike out "$5,834,000" and insert in place thereof "$8,265,000".

(13) Under the subheading "TACTICAL AIR COMMAND" with respect to "Little Rock Air Force Base, Little Rock, Arkansas", strike out "$1,165,000" and insert in place thereof "$2,200,000".

(14) Under the subheading "TACTICAL AIR COMMAND" with respect to "Nellis Air Force Base, Las Vegas, Nevada", strike out "$2,588,000" and insert in place thereof "$3,637,000".

(b) Public Law 93–166 is further amended by striking out in clause (3) of section 602 "$238,439,000" and "$260,741,000" and inserting in place thereof "$260,727,000" and "$283,029,000", respectively.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies for the following acquisition and construction:

INSIDE THE UNITED STATES

DEFENSE MAPPING AGENCY

Defense Mapping Agency Aerospace Center (St. Louis AFS), St. Louis, Missouri, $2,573,000.

Fort Belvoir, Virginia, $670,000.

DEFENSE SUPPLY AGENCY

Defense Construction Supply Center, Columbus, Ohio, $1,862,000.

Defense Depot, Mechanicsburg, Pennsylvania, $394,000.

Defense Depot, Memphis, Tennessee, $1,399,000.

Defense Depot, Ogden, Utah, $527,000.

Defense Electronics Supply Center, Dayton, Ohio, $572,000.

Defense Industrial Plant Equipment Facility, Atchison, Kansas, $646,000.

Defense Personnel Support Center, Philadelphia, Pennsylvania, $936,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, $2,363,000.

OUTSIDE THE UNITED STATES

DEFENSE NUCLEAR AGENCY

Johnston Atoll, $1,458,000.

Eniwetok Auxiliary Airfield, $4,000,000.

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $15,000,000: *Provided*, That the Secretary of Defense or his designee shall notify the Committees on Armed Services of the Senate and House of Representatives immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including real estate actions pertaining thereto.

TITLE V—MILITARY FAMILY HOUSING AND HOMEOWNERS ASSISTANCE PROGRAM

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and mobile home facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secretary of the Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committee on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(a) Family Housing units—

(1) The Department of the Army, two thousand four hundred and sixty units, $82,396,600.

Fort Stewart/Hunter Army Airfield, Georgia, four hundred units.

United States Army Installations, Oahu, Hawaii, one thousand units.

Rock Island Arsenal, Illinois, sixty units.

Fort Riley, Kansas, five hundred units.

Fort Jackson, South Carolina, one hundred units.

Fort Eustis, Virginia, one hundred units.

United States Army Installations, Atlantic Side, Canal Zone, one hundred units.

United States Army Installations, Pacific Side, Canal Zone, two hundred units.

(2) The Department of the Navy, three thousand one hundred and fifty-eight units, $108,778,960.

Naval Complex, San Diego, California, five hundred units.

Naval Complex, Jacksonville, Florida, two hundred units.

Naval Complex, Oahu, Hawaii, seven hundred units.

Naval Complex, New Orleans, Louisiana, two hundred units.

Marine Corps Base, Camp Lejeune, North Carolina, two hundred units.

Marine Corps Air Station, Cherry Point, North Carolina, three hundred units.

Naval Complex, Charleston, South Carolina, five hundred and twenty-six units.

Naval Complex, Bremerton, Washington, three hundred and thirty-two units.

Naval Complex, Guantanamo Bay, Cuba, two hundred units.

(3) The Department of the Air Force, one thousand three hundred units, $40,143,500.

United States Air Force Installations, Oahu, Hawaii, two hundred units.

Malmstrom Air Force Base, Montana, one hundred and fifty units.

Pease Air Force Base, New Hampshire, two hundred units.

Grand Forks Air Force Base, North Dakota, one hundred units.

Altus Air Force Base, Oklahoma, two hundred units.

Misawa Air Base, Japan, two hundred units.

Clark Air Base, Philippines, two hundred and fifty units.

(b) Mobile Home Facilities—

(1) The Department of the Army, two hundred and forty spaces, $960,000.

(2) The Department of the Air Force, two hundred spaces, $888,000.

(c) Demolition of existing structures on proposed sites for family housing:

Naval Complex, Bremerton, Washington, $540,000.

SEC. 502. (a) Authorization for the construction of family housing provided in section 501 of this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures, the cost of the family unit, and the proportionate costs of land acquisition, site preparation (excluding demolition authorized in section 501(c)), and installation of utilities.

(b) The average unit cost for all units of family housing constructed in the United States (other than Alaska and Hawaii) shall not exceed $29,500 and in no event shall the cost of any unit exceed $46,000.

(c) When family housing units are constructed in areas other than that specified in subsection (b) the average cost of all such units shall not exceed $40,000, and in no event shall the cost of any unit exceed $46,000.

SEC. 503. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions, or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(1) for the Department of the Army, $20,000,000.

(2) for the Department of the Navy, $20,000,000.

(3) for the Department of the Air Force, $20,000,000.

SEC. 504. Notwithstanding the limitations contained in prior Military Construction Authorization Acts on cost of construction of family housing, the limitations on such cost contained in section 502 of this Act shall apply to all prior authorizations for construction of family housing not heretofore repealed and for which construction contracts have not been executed prior to the date of enactment of this Act.

SEC. 505. The Secretary of Defense, or his designee, is authorized to construct or otherwise acquire at the locations hereinafter named, family housing units not subject to the limitations on such cost contained in section 502 of this Act. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise. Total costs shall include shades, screens, ranges, refrigerators, and other installed equipment and fixtures, the cost of the family unit, and the costs of land acquisition, site preparation, and installation of utilities.

(a) Naval Station, Keflavik, Iceland, two hundred units, at a total cost not to exceed $9,600,000.

(b) Two family housing units in Warsaw, Poland, at a total cost not to exceed $120,000. This authority shall be funded by use of excess foreign currency when so provided in Department of Defense Appropriation Acts.

SEC. 506. The Secretary of Defense, or his designee, is authorized to accomplish repairs and improvements to existing public quarters in amounts in excess of the $15,000 limitation prescribed in section 610(a) of Public Law 90–110, as amended (81 Stat. 279, 305), as follows:

Fort McNair, Washington, District of Columbia, five units, $175,500.

Fort Sam Houston, Texas, one hundred and forty units, $2,352,800.

Wright-Patterson Air Force Base, Ohio, one unit, $24,000.

SEC. 507. (a) Section 515 of Public Law 84–161 (69 Stat. 324, 352), as amended, is further amended by (1) striking out "1974 and 1975" and inserting in lieu thereof "1975 and 1976", and (2) revising the third sentence to read as follows: "Expenditures for the rental of such housing facilities, including the cost of utilities and maintenance and operation, may not exceed: For the United States (other than Alaska and Hawaii), Puerto Rico, and Guam an average of $235 per month for each military department or the amount of $310 per month for any one unit; and for Alaska and Hawaii, an average of $315 per month for each military department, or the amount of $375 per month for any one unit."

(b) Section 507(b) of Public Law 93–166 (87 Stat. 661, 676), is amended by striking out "$325" and "seven thousand five hundred" in the first sentence, and inserting in lieu thereof "$355", and "twelve thousand", respectively; and in the second sentence by striking out "three hundred units", and inserting in lieu thereof "one hundred fifty units".

SEC. 508. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing and homeowners assistance as authorized by law for the following purposes:

(1) for construction and acquisition of family housing, including demolition authorized, improvements to public quarters, minor construction, relocation of family housing, rental guarantee payments, construction and acquisition of mobile home facilities, and planning, an amount not to exceed $307,907,060.

(2) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $935,515,000; and

(3) for homeowners assistance under section 1013 of Public Law 89–754 (80 Stat. 1255, 1290), including acquisition of properties, an amount not to exceed $5,000,000.

TITLE VI

GENERAL PROVISIONS

SEC. 601. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 to title 10, United States Code. The authority to place permanent or temporary improvements on land

includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 602. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, and V, shall not exceed—

(1) for title I: Inside the United States $514,187,000; outside the United States $130,024,000; or a total of $644,211,000.

(2) for title II: Inside the United States, $512,620,000; outside the United States, $44,434,000; or a total of $557,054,000.

(3) for title II: Inside the United States, $302,709,000; outside the United States, $77,097,000; section 302, $8,100,000; or a total of $387,906,000.

(4) for title IV: A total of $32,400,000.

(5) for title V: Military family housing and homeowners assistance, $1,248,422,060.

SEC. 603. (a) Except as provided in subsections (b) and (e), any of the amounts specified in titles I, II, III, and IV of this Act may, in the discretion of the Secretary concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. However, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secretary concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum of the amount named for such project by the Congress.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

(1) the estimated cost of such project is $250,000 or more, and

(2) the current working estimate of the Department of Defense, based upon bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress, until after the expiration of thirty days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase has been submitted to the Committees on Armed Services of the House of Representatives and the Senate.

(d) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

(e) In addition to other cost variation limitations contained in this section or in similar sections of prior year military construction authorization Acts, any of the amounts specified in titles I, II, III, and IV of this and prior military construction authorization Acts may be varied upward by an additional 10 per centum when the Secretary of the military service concerned determines that such increase is required to meet unusual variations in cost directly attributable to difficulties arising out of the current energy crisis. However, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

SEC. 604. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious, and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected together with the design, construction supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts (except architect and engineering contracts which, unless specifically authorized by the Congress shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

SEC. 605. As of October 1, 1975, authorizations for military public works including family housing, to be accomplished by the Secretary of a military department in connection with the establishment or development of installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, IV, and V of the Act of November 29, 1973, Public Law 93–166 (87 Stat. 661), and all such authorizations contained in Acts approved before November 30, 1973, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts, land acquisition, or payments to the North Atlantic Treaty Organization, in whole or in part before October 1, 1975, and authorizations for appropriations therefor;

(3) notwithstanding the repeal provisions of section 605 of the Act of November 29, 1973, Public Law 93–166 (87 Stat. 661, 681), authorizations for the following items which shall remain in effect until October 1, 1976:

(a) Sanitary sewer connection in the amount of $2,200,000 at Fort Belvoir, Virginia, that is contained in title I, section 101 of the Act of October 26, 1970 (84 Stat. 1204), as amended and extended in section 705(a)(3)(A) of the Act of October 25, 1972 (86 Stat. 1153).

(b) Cold storage warehouse construction in the amount of $1,215,000 at Fort Dix, New Jersey, that is contained in title I, section 101 of the Act of October 25, 1972 (86 Stat. 1135), as amended.

(c) Enlisted men's barracks complex construction in the amount of $12,160,000 at Fort Knox, Kentucky, that is contained in title I, section 101 of the Act of October 25, 1972 (86 Stat. 1135), as amended.

(d) Enlisted women's barracks construction in the amount of $245,000 and bachelor officer's quarters construction in the amount of $803,000 at Fort Lee, Virginia, that is contained in title I, section 101 of the Act of October 25, 1972 (86 Stat. 1135), as amended.

(e) Chapel center construction in the amount of $1,088,000 at Fort Benjamin Harrison, Indiana, that is contained in title I, section 101, of the Act of October 25, 1972 (86 Stat. 1135), as amended.

(f) Enlisted men's barracks construction in the amount of $7,996,000 at Fort Ord, California, that is contained in title I, section 101 of the Act of October 25, 1972 (86 Stat. 1135), as amended.

(g) Enlisted men's barracks and mess construction in the amount of $699,000 at Sierra Army Depot, California, that is contained in title I, section 101 of the Act of October 25, 1972 (86 Stat. 1136), as amended.

(h) Test facilities Solid Radar in the amount of $7,600,000 at Kwajalein National Missile Range, Kwajalein, that is contained in title I, section 101 of the Act of October 25, 1972 (86 Stat. 1137), as amended.

(i) Land acquisition in the amount of $10,000,000 for the Naval Ammunition Depot, Oahu, Hawaii, that is contained in title II, section 201 of the Act of October 25, 1972 (86 Stat. 1140), as amended.

(j) Message Center Addition, Aircraft Five and Crash Station, Aircraft Maintenance Hangar Shops, Bachelor Enlisted Quarters, Mess Hall, Bachelor Officers' Quarters, Exchange and Recreation Building, and Utilities construction in the amount of $110,000; $199,000; $837,000; $1,745,000; $377,000; $829,000; $419,000; and $792,000, respectively, for the Naval Detachment, Souda Bay, Crete, Greece, that is contained in title II, section 21 of the Act of October 25, 1972 (86 Stat. 1141), as amended.

(k) Authorization for exchange of lands in support of the Air Installation Compatible Use Zones at Various Locations in the amount of $12,000,000 that is contained in title III, section 301 of the Act of October 25, 1972 (86 Stat. 1145), as amended.

(4) Notwithstanding the repeal provisions of section 705(b) of the Act of October 25, 1972, Public Law 92–545 (86 Stat. 1135, 1153), as modified by section 605(3) of the Act of November 29, 1973, Public Law 93–166 (87 Stat. 661, 681), the authorization to construct six hundred family housing units at Naval Complex, Norfolk, Virginia, contained in title V, section 501(a)(2) of the Act of October 25, 1972 (86 Stat. 1148), shall remain in effect until October 1, 1975.

SEC. 606. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined

in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction index is 1.0:

(1) $31 per square foot for permanent barracks;

(2) $33 per square foot for bachelor officer quarters;

unless the Secretary of Defense, or his designee, determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable: *Provided*, That, notwithstanding the limitations contained in prior military construction authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

SEC. 607. Section 612 of Public Law 89-568 (80 Stat. 756, 757), is amended by deleting the figure "$150,000" wherever it appears and inserting in lieu thereof "$300,000".

SEC. 608. (a) The Secretary of Defense is authorized to assist communities located near the Trident Support Site Bangor, Washington, in meeting the costs of providing increased municipal services and facilities to the residents of such communities, if the Secretary determines that there is an immediate and substantial increase in the need for such services and facilities in such communities as a direct result of work being carried out in connection with the construction, installation, testing, and operation of the Trident Weapon System and that an unfair and excessive financial burden will be incurred by such communities as a result of the increased need for such services and facilities.

(b) The Secretary of Defense shall carry out the provisions of this section through existing Federal programs. The Secretary is authorized to supplement funds made available under such Federal programs to the extent necessary to carry out the provisions of this section, and is authorized to provide financial assistance to communities described in subsection (a) of this section to help such communities pay their share of the costs under such programs. The heads of all departments and agencies concerned shall cooperate fully with the Secretary of Defense in carrying out the provisions of this section on a priority basis.

(c) In determining the amount of financial assistance to be made available under this section to any local community for any community service or facility, the Secretary of Defense shall consult with the head of the department or agency of the Federal Government concerned with the type of service or facility for which financial assistance is being made available and shall take into consideration (1) the time lag between the initial impact of increased population in any such community and any increase in the local tax base which will result from such increased population, (2) the possible temporary nature of the increased population and the long-range cost impact on fhe permanent residents of any such community and (3) such other pertinent factors as the Secretary of Defense deems appropriate.

(d) Any funds appropriated to the Department of Defense for the fiscal year beginning July 1, 1974, for carrying out the Trident Weapon System shall be utilized by the Secretary of Defense in carrying out the provisions of this section to the extent that funds are unavailable under other Federal programs. Funds appropriated to the Department of Defense for any fiscal year beginning after June 30, 1975, for carrying out the Trident Weapon System may, to the extent specifically authorized in an annual Military Construction Authorization Act, be utilized by the Secretary of Defense in carrying out the provision of this section to the extent that funds are unavailable under other Federal programs.

(e) The Secretary shall transmit to the Committee on Armed Services of the Senate and the House of Representatives semiannual reports indicating the total amount expended in the case of each local community which was provided assistance under the authority of this section during the preceding six-month period, the specific projects for which assistance was provided during such period, and the total amount provided for each such project during such period.

SEC. 609. (a) Public Law 93-346 (88 Stat. 340), designating the premises occupied by the Chief of Naval Operations as the official resident of the Vice President, is amended to read as follows: "That effective July 1, 1974, the Government-owned house together with furnishings, associated grounds (consisting of twelve acres, more or less), and related facilities which have heretofore been used as the residence of the Chief of Naval Operations, Department of the Navy, shall, on and after such date be available for, and are hereby designated, as the temporary official residence of the Vice President of the United States.

"SEC. 2. The temporary official residence of the Vice President shall be adequately staffed and provided with such appropriate equipment, furnishings, dining facilities, services, and other provisions as may be required, under the supervision and direction of the Vice President, to enable him to perform and discharge appropriately the duties, functions, and obligations associated with his high office.

"SEC. 3. The Secretary of the Navy shall, subject to the supervision and control of the Vice President, provide for the military staffing and the care and maintenance of the grounds of the temporary official residence of the Vice President and, subject to reimbursement therefor out of funds appropriated for such purposes, provide for the civilian staffing, care, maintenance, repair, improvement, alteration, and furnishing of such residence.

"SEC. 4. There is hereby authorized to be appropriated such sums as may be necessary from time to time to carry out the foregoing provisions of this joint resolution. During any interim period until and before any such funds are so appropriated, the Secretary of the Navy shall make provision for staffing and other appropriate services in connection with the temporary official residence of the Vice President from funds available to the Department of the Navy, subject to reimbursement therefor from funds subsequently appropriated to carry out the purposes of this joint resolution.

"SEC. 5. After the date on which the Vice President moves into the temporary official residence provided for in this joint resolution no funds may be expended for the maintenance, care, repair, furnishing, or security of any residence for the Vice President other than the temporary official residence provided for in this joint resolution unless the expenditure of such funds is specifically authorized by law enacted after such date.

"SEC. 6. The Secretary of the Navy is authorized and directed, with the approval of the Vice President, to accept donations of money or property for the furnishing of or making improvements in or about the temporary official residence of the Vice President, all such donations to become the property of the United States and to be accounted for as such.

"SEC. 7. (a) Section 202 of title 3, United States Code, is amended by striking out 'and (5)' in the first sentence and inserting in lieu thereof the following: '(5) the temporary official residence of the Vice President and grounds in the District of Columbia; (6) the Vice President and members of his immediate family; and (7).

"SEC. 8. The first sentence of section 3056 of title 18, United States Code, is amended by—

"(1) inserting 'protect the members of the immediate family of the Vice President, unless such protection is declined;' immediately after 'Vice President-elect;', and

"(2) inserting 'pay expenses for unforeseen emergencies of a confidential nature under the direction of the Secretary of the Treasury and accounted for solely on his certificate;' immediately after 'apprehension of criminals;'.

"SEC. 9. It is the sense of Congress that living accommodations, generally equivalent to those available to the highest ranking officer on active duty in each of the other military services, should be provided for the Chief of Naval Operations.".

(b) Except as otherwise provided therein, the amendment made by subsection (a) of this section shall become effective July 12, 1974.

SEC. 610. Chapter 159 of title 10, United States Code, is amended by adding at the end thereof the following new section and a corresponding item in the analysis:

"§ 2685. Adjustment of or surcharge on selling prices in commissary stores to provide funds for construction and improvement of commissary store facilities

"(a) Notwithstanding any other law the Secretary of a military department, under regulations established by him and approved by the Secretary of Defense may, for the purposes of this section, provide for an adjustment of, or surcharge on, sales prices of goods and services sold in commissary store facilities.

"(b) The Secretary of a military department, under regulations established by him and approved by the Secretary of Defense, may use the proceeds from the adjustments or surcharges authorized by subsection (a) to acquire, construct, convert, expand, install, or otherwise improve commissary store facilities at defense installations within the United States and for related environmental evaluation and construction costs including surveys, administration, overhead, planning, and design.".

SEC. 611. (a) Notwithstanding the provisions of section 555 or 556 of title 37, United States Code, on and after the date of enactment of this section no change in the status of any member of the uniformed services who is in a missing status may be made unless and until the following two provisions have been complied with:

(1) the President of the United States has determined, and notified the Congress in writing, that all reasonable actions have been taken to account for such members and that all reasonable effort has been made to enforce the provisions of article 8(b) of the Paris Peace Accord of January 27, 1973; and

(2) the Secretary concerned notifies the next-of-kin of such person in writing of the proposed change in status, and the next-of-kin of such person has not filed with the Secretary concerned, within sixty days after receipt of notification of the proposed change in status, an objection to such proposed change.

(b) As used in subsection (a) of this section, the terms "uniformed services," "missing status," and "Secretary concerned" shall have the same meaning ascribed to such terms in chapter 10 of title 37, United States Code.

SEC. 612. None of the funds authorized to be appropriated by this Act with respect to any construction project at Diego Garcia may be obligated unless and until—

(1) the President has (A) advised the Congress in writing that all military and foreign policy implications regarding the need for United States facilities at Diego Garcia have been evaluated by him; and (B) certified to

the Congress in writing that the construction of any such project is essential to the national interest of the United States; and

(2) such certification as required by clause (1)(B) of this section is submitted to the Congress and approved by joint resolution of both Houses.

SEC. 613. (a) The Secretary of the Army is authorized to convey, without monetary consideration, to the Ozark Public Building Authority, an agency of the city of Ozark, Alabama, all right, title, and interest of the United States in and to the land described in subsection (b) for use as a permanent site for the museum referred to in subsection (c), and subject to the conditions described therein.

(b) The land authorized to be conveyed to the Ozark Public Building Authority as provided in subsection (a) is described as follows: All that tract or parcel of land lying and being in sections 13 and 24, range 23 east, township 5 north, Saint Stephens Meridian, Dale County, Alabama, more particularly described as follows:

Beginning at a point which is 216.0 feet north 89 degrees 57 minutes west of the northeast corner of the southwest quarter of the northeast quarter of said section 24, on the western right-of-way line of Alabama State Highway Numbered 249, and on the boundary of a tract of land owned by the United States of America at Fort Rucker Military Reservation;

thence north 25 degrees 07 minutes east along the western right-of-way line of said highway, which is along the boundary of said United States tract, 1,395 feet;

thence north 64 degrees 53 minutes west 700 feet;

thence south 25 degrees 07 minutes west 2,800 feet;

thence south 64 degrees 53 minutes east 700 feet, more or less, to a point which is on the western right-of-way line of said highway and on the boundary of said United States tract;

thence north 25 degrees 07 minutes east along the western right-of-way line of said highway, which is along the boundary of said United States tract, 1,405 feet, more or less, to the point of beginning, containing 45.00 acres, more or less.

(c) The conveyance provided for by the subsection (a) shall be subject to the condition that the real property so conveyed shall be used as a permanent site for a museum to display suitable public exhibits of the United States Army aviation equipment and allied subjects and aviation-oriented exhibits of other United States Government departments, agencies, and instrumentalities, and of foreign origin, and if such property is not used for such purpose, all right, title, and interest in and to such real property shall revert to the United States, which shall have the right of immediate entry thereon, and to such other conditions as the Secretary of the Army may prescribe to protect the interest of the United States.

SEC. 614. Titles I, II, III, IV, V, and VI of this Act may be cited as the "Military Construction Authorization Act, 1975".

TITLE VII

RESERVE FORCES FACILITIES

SEC. 707. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For the Department of the Army:

(a) Army National Guard of the United States, $53,800,000.

(b) Army Reserve, $38,600,000.

(2) For the Department of the Navy: Naval and Marine Corps Reserves, $18,532,000.

(3) For the Department of the Air Force:

(a) Air National Guard of the United States, $33,000,000.

(b) Air Force Reserve, $14,000,000.

SEC. 702. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 703. Chapter 133, title 10, United States Code, as amended, is further amended by striking out the figure "$50,000" in paragraph (1) of section 2233a, Limitation, and inserting the figure "$100,000" in place thereof.

SEC. 704. This title may be cited as the "Reserve Force Facilities Authorization Act, 1975."

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. 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.

Mr. SYMINGTON. Mr. President, the bill before the Senate today provides construction and other related authority for the military departments and defense agencies within and outside the United States, including authority for all costs of military family housing and the construction of facilities for the Reserve components.

The total new authority granted by the bill is $3,027,925,060. In addition thereto, approval is granted for an increase in prior years authority of $51,726,000 for a total authority of approximately $3,080 million.

After careful consideration of some 601 individual construction projects at 263 major installations within the United States and overseas the committee approved an amount totaling approximately $226,668,000 below the budget request. This is a decrease of about 8 percent in new authority.

Considering the composition of the bill, the committee considers this to be a substantial reduction, but is of the opinion the amount granted is fully adequate to provide for the construction needs of the Department of Defense during fiscal year 1975.

Again, this year, the Department placed emphasis on providing new and upgrading existing personnel facilities which they consider highly important in achieving an all-volunteer force. For example, $392 million was requested for bachelor housing. It would provide 23,400 new spaces and the upgrading of many existing spaces; $210 million was designated for upgrading existing and providing for some new medical facilities. This included a first increment of $15 million for the Uniformed Services University of Health Sciences, to be located near the National Naval Medical Center at Bethesda, Md. An additional $15 million is included for the beginning of the reconstruction of this renowned medical center, which is long past due.

Substantial sums are also provided in the bill for construction for the Reserve components, NATO infrastructure, pollution abatement, and the Trident submarine support site at Bangor, Wash.

Now, Mr. President, I wish to call particular attention to certain matters that we believe to be of special interest.

First is the question of commissaries. The interested committees of Congress have long felt that some provision should be made to provide for the construction and maintenance of these facilities out of nonappropriated funds. Commissaries enjoy numerous advantages which allow them to reduce costs well below those of commercial counterparts. Furthermore, the patrons of commissaries pay no local sales taxes for the most part which further increases their benefits. At the insistence of Congress the Department has made a study of the matter and estimates that a small increase of 1 to 2 percent in the surcharge rate will be ample to provide for commissary needs.

With the increase in military salaries and other benefits the committee believes the time is at hand when the commissary system should become self-sustaining. Accordingly, section 610 has been included in the bill to authorize the service secretaries to adjust the surcharge rate accordingly. Three commissaries, at a cost of about $10 million, were deleted from the bill.

Now I should like to discuss briefly the military family housing program. Considerable emphasis has been given during the past several years to providing needed on-base housing for those eligible for the assignment of such quarters. The Congress has annually approved substantial increments of new construction to eliminate the existing deficit. I am pleased to state that the Department has now turned the corner and the deficit is at a manageable level for those in grade E-4 and above who have heretofore been considered eligible for housing. The programable deficit, prior to any new authority granted in this bill, was about 12,000 units.

Of the 10,462 units comprising the Department request for new construction in fiscal year 1975, 3,000 units are for junior enlisted personnel in grades E-1 through E-3, and E-4's with less than 2 years experience who have not heretofore been considered eligible for housing.

The committee is not in full accord with this program to construct housing units for use by these one-tour young married couples. Accordingly the committee reduced the number of such units to 1,458 distributed among installations the Department deems to have the highest priority. However, in approving a reduced effort in this regard the committee will expect the Department of Defense to clearly state its policy on assignment, that these units, or any others that might be available, will not be made available

to junior enlisted personnel who are not career oriented and have not committed themselves to an active duty career of at least 3 years. Overall, the committee reduced the requested authority for the family housing program by about $98.9 million.

Now, finally, I want to discuss briefly the Navy's proposal to provide a support facility for a carrier task force on the island of Diego Garcia in the Indian Ocean.

Let me review the situation briefly.

For a number of years the Navy has been anxious to establish a support facility in the Indian Ocean—more particularly on the British-owned island of Diego Garcia.

In fiscal year 1970 the proposal was made to the Congress for authority and funding for the first increment for such a facility on Diego Garcia. It was to be a communications station and a support facility for a carrier task force.

This proposal was denied by the Congress. The following year the Navy came in with a greatly reduced program to provide only an austere communications facility, which was approved by the Congress, and through fiscal year 1973 $20,450,000 in military construction funds has been approved for this purpose. Construction work has been performed by the Seabees.

The last funding was in fiscal year 1973 when $6.1 million was granted for dredging an entrance channel and a small turning basin for supply ships within the lagoon.

In the fiscal year 1974 supplemental authorization bill the Navy attempted to pursue their original idea further and requested $29 million to expand the communications facility into a support facility for a carrier task force of six ships. This would require further dredging of the lagoon, the building of a general purpose and petroleum pier, additional POL storage, additional personnel facilities, and extending the runway from 8,000 to 12,000 feet. They would expect to request another $5 million in a subsequent year.

Logistically, Diego Garcia would serve as an outpost support facility where ships could perform limited inport upkeep, take on fuel and receive critical supplies by military airlift. In addition to the Navy construction, the Air Force included in its fiscal year 1975 budget request $3.3 million for additional airlift improvements and storage space for petroleum products and munitions. The Air Force requirements are contingency related; no permanent Air Force presence is planned on Diego Garcia.

The 1972 agreement between the United States and the United Kingdom specifically authorizes a limited communications station on Diego Garcia. Technical level negotiations for a new agreement between the United States and the United Kingdom relating to expanded use of Diego Garcia by the United States were held in London February 25–28, 1974, resulting in agreed ad referendum texts of an exchange of notes that would supersede the Diego Garcia agreement of 1972. However, shortly after the ad referendum agreement was reached the Labor Party formed a new government in the United Kingdom. As of this date the new government has not made a ministerial-level decision on the agreement.

The defense and foreign policy implications of the construction projects at Diego Garcia are, of course, broader than the $32.2 million request would suggest. It is true that the construction of support facilities at Diego Garcia does not necessarily mean an expanded U.S. military presence in the Indian Ocean. But by increasing logistic flexibility and capability, expansion of the Diego Garcia base is a distinct step in facilitating U.S. operations in the Indian Ocean, and thus is directly related to the broader policy questions associated with a U.S. military presence in the Indian Ocean.

It has been suggested that the Soviet presence in the Indian Ocean area will increase with the opening of the Suez Canal. This, of course, is conjecture and remains to be seen. The date of the reopening of the canal is of course not known, but clearance operations will be completed by January of the coming year.

After careful consideration of the many factors involved and thorough debate, the committee approved $14,802,000 as a first increment of the Navy's requirements, and the $3.3 million requested by the Air Force.

At the same time, the committee included section 612 in the bill to preclude the obligation of any of these funds until the President of the United States has advised the Congress in writing that he has evaluated all military and foreign policy implications regarding the need for these facilities, and has certified that this construction is essential to the national interest. However, such certification must be submitted to the Congress and approved by both Houses of the Congress. Thus, Congress will have an opportunity to focus on the expansion at Diego Garcia as a policy matter and in the light of the most recent circumstances.

Mr. President, this concludes my statement.

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

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

Mr. SYMINGTON. Mr. President, I yield to the able and distinguished senior Senator from South Carolina.

Mr. THURMOND. I thank the distinguished senior Senator from Missouri.

Mr. President, I rise in support of H.R. 16136, the fiscal year 1975 military construction authorization bill, as reported from the Senate Committee on Armed Services. This bill provides authorization for $3.079 billion for construction of facilities for active and Reserve military services.

This authorization includes work to be performed at 263 major bases and also 661 separate construction projects. The total amount approved is $226 million less than that requested by the Department of Defense.

Mr. President, one of the key items in the bill concerns Diego Garcia, a tiny island in the Indian Ocean, on which the Navy wishes to expand its support facilities.

The Navy originally requested $29 million in the fiscal year 1974 supplemental bill to expand the Diego Garcia base. This request was approved by the House but our committee rejected it, feeling a matter of such importance should be more fully considered during the regular authorization process.

As a result, the Diego Garcia request became a part of the military construction authorization for fiscal year 1975.

Once again the House approved the full amount but in the pending bill the Senate Armed Services Committee has reduced the request for $29 to $14.8 million for the Navy and $3.3 million for the Air Force. This sum of $18.1 million represents only a portion of the requirements to increase the support facilities at Diego Garcia.

In recommending authorization for the $18.1 million, the Senate Armed Services Committee has taken the unusual step of making these expenditures contingent upon subsequent action by the President of the United States, with the approval of the Congress. This has been done by precluding the obligation of the funds authorized until the President has advised Congress, in writing, that these projects are essential to the national interest. Further, the committee has provided that such certification by the President to the Congress must be approved by both Houses. This step will assure the opportunity for full debate on the expansion at Diego Garcia, as a foreign policy and defense matter.

Mr. President, the funds authorized in this bill for Diego Garcia represents a compromise position by the committee. While the Navy requested $29 million, the committee has approved this lesser sum of $18.1 million in order to avoid the impression of an escalation in the naval balance of power in the Indian Ocean. The committee is, in effect, merely providing for greater capability at Diego Garcia in the event the continued Soviet presence in that area requires greater U.S. naval activity there.

The Senate may recall that last year during the Arab-Israeli war and the accompanying oil crisis the President felt it necessary to place a small task force in the Indian Ocean. Because of our lack of facilities there, these forces had to be supplied by a logistic tail going all the way to Subic Bay in the Philippines.

In recent years the Soviets have been expanding their naval presence in the Indian Ocean. While we have limited support capabilities in this area, the Soviets have been active in a number of countries surrounding the Indian Ocean and they have naval facilities in Somali, Iraq, and southern Yeman.

Although Diego Garcia would not be a naval base as such, it would provide a means to support U.S. naval forces should it become necessary that they be deployed in the Indian Ocean at some future time.

Mr. President, I fully support the Navy's request and I believe that the compromise position taken by the

Senate Armed Services Committee by an almost unanimous vote will meet most of the objections heretofore raised about this facility. In any event, the Senate will have an opportunity to debate this issue if President Ford decides to go forward and meet the requirements laid down by the committee.

Mr. President, in closing, let me say that this is an important bill and deserves careful consideration by this body. The Military Construction Subcommittee, chaired by the distinguished senior Senator from Missouri (Mr. SYMINGTON), conducted extensive hearings on all elements of this bill. He was particularly thorough in placing on the public record as many facts as possible reference the Diego Garcia facility. In this committee effort, he was ably assisted by the distinguished senior Senator from Texas (Mr. TOWER), who is the ranking minority member of the Military Construction Subcommittee and who contributed so greatly to its work.

Also, I think we should recognize our able staff. Mr. Gordon Nease, majority counsel for the subcommittee, and his competent secretary, Ms. Joyce Topham-Campbell, have worked hard in bringing this bill in a proper form to the floor.

Mr. President, this is an excellent bill and while I would have preferred a more aggressive plan to meet the needs at Diego Garcia, I believe the proposal in this bill is a fair solution. Therefore, I would urge the Senate to give this legislation prompt attention and approval.

Mr. SYMINGTON. Mr. President, I yield to the able and distinguished senior Senator from Texas, who is the ranking member of the Subcommittee on Military Construction.

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

Mr. TOWER. I thank the distinguished Senator from Missouri (Mr. SYMINGTON).

Mr. President, this bill authorizes the appropriation of $3.1 billion for the construction of military facilities, a reduction of $200 million, in rough figures, from the administration request. It also authorizes 7,120 new units of family housing. There are obviously quite a few projects in the bill but I would like to highlight just a few.

Of considerable concern to us all is the progress being made on the all-volunteer force. This is going to be an expensive proposition, but I think most of us realized when we embarked on this course that this would happen. The administration requested $392 million for the addition and upgrading of about 23,400 spaces in the bachelor housing program. The budget request also contained $210 million for the improvement and addition of medical facilities. In most instances these projects were approved.

Beyond our immediate efforts to improve the medical care being received by our servicemen, the committee included $15 million for the construction at the new Uniformed Services University of the Health Sciences. Current plans are to utilize existing facilities for the university; however, this will seriously fragment the student and instructor population because of the spread-out nature of the existing facilities. Clearly, in order to have adequate space, the proper teaching facilities, and a cohesive student body, new construction must be authorized. This is the first step in that program.

In addition to the above items which should have an impact on retention of servicemen, the bill contains 7,120 new units of family housing, a reduction of 3,342 units from the administration request, and several other projects relating to recreation.

The committee does, however, feel that the Department of Defense should investigate the possibility of constructing future commissaries from nonappropriated funds. It is my understanding that the Department is sympathetic to this approach, for it would take only a small surcharge in the amount of 1 to 2 percent. Since this is considerably smaller than most local taxes, which are not paid by commissary customers, this should not prove to be a burden.

Of other interest to my colleagues is the provision of $14,802,000 to the Navy as the first increment for construction of expanded support facilities at Diego Garcia. This is a reduction to about half the original request. In addition, language was included making obligation of these funds contingent upon written notification of Congress by the President that this construction is essential to the national interest. Clearly, President Ford should have the opportunity to study this matter, but I believe from my review of the problem that such an expansion is well justified.

Some might argue that increasing American involvement in the Indian Ocean will only increase the tempo of Soviet activities in the area. But, the Soviets continue to increase their ship days anyway. Shall we sit by and do nothing? Shall we not even have the capability to respond to events in the area? Some have remarked that South Asia should remain free of the specter of nuclear arms. But, the testing of a nuclear device by India recently should have removed all doubt about whether nonuclear status of the area would continue.

A final project of considerable interest is the authorization of $62 million as the first increment of an airbase hardening program in Europe. On a recent trip to Europe it was made clear to me that this is an absolutely vital construction program. With the Soviet advantage in fighter aircraft in Europe—and I speak only in terms of numbers, not in terms of quality—it becomes even more essential that we protect those aircraft we have, from surprise attack. The Mideast wars provide a clear example of what can happen to aircraft caught unprotected on the ground.

Mr. President, I should like finally to extend my thanks to the chairman of our subcommittee, Mr. SYMINGTON, for the fine job he has done in getting out what I believe to be a reasonable bill. His statesmanship in the conduct of hearings and particularly the markup on the bill is deeply appreciated.

Mr. SYMINGTON. Mr. President, I appreciate the remarks of the able senior Senator from Texas. As always, it is a privilege to work with him and for him on problems of our national security.

Would the Senator like to bring up his amendment at this time?

Mr. TOWER. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk proceeded to read the amendment.

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

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment is as follows:

On page 73, insert between lines 19 and 20 the following:

Under the heading "Outside the United States" with respect to "Naval Air Facility, Sigonella, Sicily, Italy," strike out "$8,932,000" and insert in place thereof "$12,632,000".

On page 73, line 21, after "$477,664,000" add ", $41,217,000" and in line 23, strike out "$526,781,000" and insert in place thereof "$44,917,000, and $530,481,000".

Mr. TOWER. Mr. President, I shall not detain the Senate on this matter.

I am offering an amendment today to title II, of H.R. 16136, the military construction authorization bill. The amendment would add $3.7 million to the Naval Air Facility, Sigonella, Sicily. This is in reality an amendment to the fiscal year 1973 Military Construction Authorization Act, Public Law 92-545. I recognize that it is unusual for a member of the committee that reported the act to be seeking an amendment to the act, but this is an unusual case. I learned of the need for this amendment on my trip to Europe over the Labor Day recess.

At the outset, I wish to emphasize that these fiscal year 1973 construction projects form the keystone of the Navy's program to upgrade the Sigonella base so that vital logistic support operations can be carried out in support of our Sixth Fleet. Sigonella is strategically located in the central Mediterranean—its upgrade is essential in view of the trends in recent years to a predominance of Sixth Fleet operations in the central and eastern Mediterranean. The installation at Sigonella will have the capability to rapidly airlift supplies and personnel to Sixth Fleet task forces. In addition, our ASW patrol aircraft will receive support for their vital missions over the wide expanse of the Mediterranean.

Fifteen projects at Sigonella were authorized for a total amount of $8,932,000 in the fiscal year 1973 Military Construction Authorization Act. Three of these projects in the amount of $684,000 are being built by Seabees and there will be no problem with their completion. One fixed priced contract for a tactical support center in the amount of $121,000 has already been completed. Of the remaining 11 projects, one was awarded by a fixed priced contract, and the other 10 were awarded to two contractors with cost escalation provisions. The inflation in Italy has been enormous—to the point that it is increasing by as much as 6 percent in a month. One course open to the

Navy and the Army Corps of Engineers, the Contracting Agency, was to terminate 8 to 10 projects in order to recoup sufficient funds to complete 1 or 2 high priority projects, and then to seek funding of the remaining projects at a significantly escalated cost in the fiscal year 1976 request.

However, there are problems with this course of action beyond those of just delaying some construction by a year. The contracts have been proceeding from 4 to 10 months and are at various stages of completion and with many items of equipment in various stages of fabrication in plants throughout Italy. It is a very undesirable situation to leave these projects in a partial state of completion on an Italian military base for a year until an amendment can be included in the fiscal year 1976 Military Construction Authorization Act.

Further should the contracts be terminated and restarted, the cost is expected to be increased by another $5 million over the amount in my amendment.

Therefore, because of the urgency of the projects and the increased cost should we delay them, I believe it is in our best interests to amend the fiscal year 1973 Military Construction Act this year. I urge my colleagues to join me in supporting this amendment.

Mr. SYMINGTON. Mr. President, as chairman of the Subcommittee on Military Construction, I have discussed this with the chairman of the full committee, and we shall be glad to accept the proposed amendment of the distinguished Senator from Texas and take it into conference.

Mr. TOWER. I thank the able and distinguished Senator from Missouri.

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

The amendment was agreed to.

Mr. STENNIS. Will the Senator yield to me?

Mr. SYMINGTON. I am glad to yield to the distinguished chairman of the committee.

Mr. STENNIS. I have a more complete statement on the bill as a whole, focusing on one particular item, that I should like to use later. For the time being, I want especially to thank the Senator from Missouri (Mr. SYMINGTON) for the long, hard hours, days, and weeks of work that he did on this bill, and also to thank the Senator from Texas (Mr. TOWER) for the work that he did on it as the ranking minority member.

This is a working subcommittee, and I am sure that someone will mention or has mentioned already the very valuable services, to the full committee and this subcommittee of our staff member, Gordon Nease, a long-time, highly valued member of our staff. He happens to be ill right now, a situation which is temporary, but I should not like to let any chance pass without complimenting him on his fine work.

Mr. SYMINGTON. Will the Senator yield?

Mr. STENNIS. Yes, I yield to the Senator from Missouri.

I was not taking his sentiments away from him, but I did not know if I would get another chance.

Mr. SYMINGTON. I deeply appreciate the kind remarks made by the able and distinguished chairman of the full committee. I associate myself with the remarks he has made. I have already done so with those of the senior Senator from Texas, but I should like now to express my regret at the illness of Mr. Nease, who has been the authority in this field for many years. I, therefore, associate myself with the remarks of the able and distinguished Senator from Mississippi.

Mr. TOWER. Will the Senator yield?

Mr. STENNIS. Yes, I am glad to yield.

Mr. TOWER. Again, I should like to extend my thanks to the distinguished Senator from Mississippi for his kind remarks about me, and certainly about Gordon Nease. We certainly miss Mr. Nease's presence today. He has been helpful throughout the years, and we wish him a speedy recovery.

Mr. STENNIS. I thank the distinguished Senator. These are not pro forma remarks which I made about my two colleagues and about Mr. Nease. We believe he will be back soon.

Mr. President, I support this bill. I have been through it. We had it up before the full committee and had a real discussion of the major parts of it. I am glad that I can and I do actively support the entire bill.

Let me say just one word about the item concerning Diego Garcia. This concerns a naval installation represented by provisions in the bill for piers, storage facilities, and related facilities.

I support that item, Mr. President, on the basis of our Nation's need and not on the basis of being anti-Soviet Russia or anything of that kind. I was convinced, not by the Navy nor by anyone else, but just by the commonsense and logic of it, that we ought to do something about this naval fueling and docking facility, with places to use as piers.

We do have a policy question involved. So the bill provides that the money is authorized, but shall not be spent until relations are more formally established with Great Britain under terms that we approve of. I shall have something further to say about that part of the bill, especially should it come under attack.

I thank the Senator for yielding to me. He wants to get to these amendments, I know, and I think he is right about it. So I thank the Senator for yielding.

Mr. SYMINGTON. I thank my able chairman. Mr. President, I suggest the absence of the quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SYMINGTON. Mr. President, I yield to the distinguished Senator from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of myself, the distinguished Senator from Maine (Mr. HATHAWAY), and other Senators, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. KENNEDY'S amendment is as follows:

On page 113, between lines 10 and 11, insert a new section as follows:

SEC. 614. (a) Notwithstanding any other provision of law, any funds made available pursuant to this or any other Act for the construction or maintenance of facilities at the service academy of any military department may be expended by the Secretary of the military department concerned for the construction and maintenance of such facilities as may be necessary or appropriate to provide for the admission of females as cadets or midshipmen (midshipwomen), as appropriate, at such academy.

(b) As used in subsection (a), the term "service academy of any military department" means (1) the United States Military Academy in the case of the Army, (2) the United States Naval Academy in the case of the Navy, and (3) the United States Air Force Academy in the case of the Air Force.

On page 113, line 11, strike out "SEC. 614" and insert in lieu thereof "SEC. 615".

Mr. KENNEDY. Mr. President, this amendment tracks very closely an amendment offered by the distinguished Senator from Maine (Mr. HATHAWAY) and accepted by the Senate earlier this year. Of course, it has some important revisions in it, but it is an amendment which I think is justified and entirely appropriate for this particular legislation.

After it was accepted by the Senate earlier in the year, it was dropped in conference, because the House conferees did not feel at that time that it was relevant to the particular measure to which it was attached.

The amendment would permit the use of funds which are authorized for the various service academies in a way which would be consistent with establishing a policy permitting women to attend the service academies. Therefore, it is an entirely relevant amendment to the military construction program, which is concerned with authorizing and eventually appropriating money that will be used for military construction.

Mr. President, we know that women today are enrolled in a number of ROTC programs. That is so because the military forces recognize the importance of having women in the ROTC. Therefore, they take training which is similar and comparable to the training that young men take in being trained as officers. They also take such training in the OCS. They are also involved in taking courses in the service War College, which are the most important educational institutions within the Military Establishment; and there seems to be no real or convincing reason why women should not also be permitted to be enrolled in the service academies.

One point that has been raised over a period of time is, how can we expect to enroll women in the service academies when the service academies are to train people for combat forces?

The Armed Services Committee has recognized, through compilation of figures, that actually only a relatively small number of military officer positions are combat related. It varies in the different services from approximately 15 percent in the Army who are actually involved in combat-related training to approximately 30 or 35 percent in the other services, the Navy and the Air Force. There are a variety of different specialties at the service academies that women could be superbly trained and equipped for. This would also free men to serve in the combat area, particularly considering the shortfall in the combat arms area we have seen over a period of recent months. Women could be very well suited for such other responsibilities.

I am hopeful that the amendment will be accepted by the managers of the bill and taken to conference. It seems to me that during the period of recent years, we have been attempting to establish the basic and fundamental rights of women in our society. I think there are many who can play a vital role in the defense of this country and in the military forces of this Nation. This amendment would provide them the kind of excellence in training at the service academies which is being provided to the young men of this country, and I think our whole defense posture and establishment would be basically better served if that were the case.

This amendment does not mandate the admission of females to the academies. However, it does put the Department of Defense on notice that the Congress expects the Department of Defense to use its authority to make that decision. It does point out to the Department of Defense that the Congress would look favorably upon such a decision. And, most importantly, it does facilitate such a decision by authorizing the construction of whatever facilities may be necessary at the respective academies, in the view of the Services, in order to prepare for the admission of women.

Mr. President, last December the Senate passed the Hathaway amendment to the military pay bonus bill, an amendment which mandated the admission of women to the Service academies. That amendment was objected to by the House on two grounds: First, it was nongermane to the bill it was attached to; second, similar legislation in the House would receive prompt hearings.

There are in fact some six bills in the House related to the admission of women in the Service academies. However, hearings have not yet been concluded on them, nor will they apparently be concluded before an appeal has been heard in the U.S. District Court of Appeals concerning a suit that has been filed to allow two women into the Air Force and Naval academies. That appeal hearing could take several months.

In the meantime, wide bipartisan support has arisen in both the Senate and the House in favor of the admission of women to the Service academies. Some 25 Senators have publicly supported this, including the majority and minority leaders, and the chairman and ranking minority member of the Armed Services Committee.

The Department of Defense has recognized that the power to appoint is totally discretionary:

> The power to appoint persons to the academies of the Army, Navy and Air Force is a discretionary function of the President alone. Since it is entirely within the discretion of the President to determine who will be appointed to a service academy, women could be appointed by him without the need for any new legislation. None of the statutes relating to any of the three service academies requires a person to be male in order to be eligible for nomination or appointment to the academies. (May 1973 letter from Defense Department to House Armed Services Committee)

The U.S. District Court also held recently that nothing in the admission statutes indicates that males only must be considered.

The primary reason for the nonadmission of women to the Service academies at the present time is that it currently happens to be Department of Defense policy. It is also a tradition which is very reluctant to cede to modern realities.

There are two strings which academy traditionalists are holding on to in the hope of maintaining the all-male policy: First, that two laws prohibiting women from assignment to combat vessels and planes in the Navy and Air Force can somehow continue to be interpreted as also excluding women from the Service academies, since the academies train officers for combat. However, the Defense Department admits that those laws exclude women from only 30 percent of Navy officer positions, from only 38 percent of Air Force officer positions, and from no Army officer positions—since the laws apply only to Air Force and Navy combat positions, although only 15 percent of Army officer positions fall in the combat category. Thus, women Academy graduates could serve in 70 percent of Navy officer positions, 62 percent of Air Force officer positions, and all Army officer positions without any change whatsoever in current law.

The second hope of academy traditionalists is that the Congress may get so bottled up in its deliberative legislative processes that it may not be able to soon pass a law which will require the Services to admit women to the academies.

Mr. President, this amendment does not require the Department of Defense to admit women to our Nation's service academies. But it does provide the full authority to do so and it does strongly urge Department of Defense to change its policy.

For the Department of Defense has already done much to provide equal opportunities for American men and women in the services. The Air Force opened its Reserve Officers Training Corps program to women in 1968, and the Army and Navy did likewise in 1973. Since initiation of the Volunteer Army last year, the Defense Department has undertaken to bring more women into the services, in a concerted effort to improve the quality, numbers, and representativeness of the Volunteer Army. Experimental programs were begun this summer, and will be greatly expanded next year, to have men and women undergoing joint basic training. Of 430 job classifications in the Army, 400 are now open to women. Women are now being assigned to command mixed units, and women are making outstanding contributions as pilots, chaplains, technicians, mechanics, deck hands, truck drivers, and drill sergeants.

Yet, much more can be done so that our Nation can better benefit from the dedication and talent of qualified and willing women who wish to serve in our Armed Forces. A very small percentage of our Armed Forces are women, and only about 4 percent of officers are women. Women officers should not only be trained in ROTC, which provides a greater percentage of military officers than the academies, but also in the specialized academy environments which will give them superior job and career advancement opportunities. Service statistics show that academy graduates, as opposed to OCS and ROTC graduates, rise higher in the rank and pay scales.

If women officers attend all of the service war colleges, the highest level of service education, preparing officers for general and admiral rank, there is no legitimate reason why they cannot begin their careers at the military academies.

The situation becomes all the more regrettable when one recalls that a recent bill was passed in Congress allowing a Laotian general's son to attend West Point, along with other foreigners at all the academies, while American women are refused attendance. In the case of these foreigners, American taxpayers' money is being spent to train people who will not even serve in the American military, whether in a combat status or not.

Mr. President, it is time that Congress and the Department of Defense cooperated in doing the right thing for American women and our Armed Forces. After all, American women have as vital an interest in our national defense as American men do.

The military academies should be open to qualified women candidates. This can be done by a change in Department of Defense policy. The Merchant Marine Academy, under the Secretary of Commerce, has already set a precedent in receiving women applicants. This amendment will emphasize congressional intent in encouraging the Department of Defense to do likewise.

I hope my colleagues will support this modest but important amendment.

I ask unanimous consent that the following related items be printed in the RECORD.

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

[From the Norfolk Virginia-Pilot, July 23, 1974]

THE LADY IS A MIDSHIPMAN

It isn't attracting much notice, but the armed forces are fighting a bitter rear-guard action to keep women out of the service academies.

There are bills before Congress to authorize the admission of the women to the U.S. Military Academy at West Point, the Naval Academy at Annapolis, and the Air Force Academy at Colorado Springs, and a change

in the men only policies of the services is just a matter of time. (The U.S. Merchant Marine Academy has dropped its prohibition of women.)

The military could have opened the academies to women "at any time in the last 10 years or any time this year, but they have never done it and will not do it," says Representative Otis G. Pike (D-N.Y.), a member of the House Armed Services Committee.

Since thousands of women are serving in the military, since the Air Force opened its Reserve Officers Training Corps program to women in 1968 and the Army and Navy did likewise in 1973, and since the Defense Department has undertaken "a concerted effort to bring more women into the services" (as its general counsel testified last month to the Military Personnel Subcommittee), it is impossible to justify the exclusion of women from the academies on any grounds other than tradition. (And even such traditionalists as Senators John Stennis and Strom Thurmond are among the cosponsors of measures to open the academies to women.)

The argument that the brass makes for keeping women out is that the academies are meant to train combat leaders and women are barred from combat by law. "The issue is not whether women should become cadets at West Point; the basic question is whether Americans are prepared to commit their daughters to combat," General Frederick C. Weyand, Army Vice Chief of Staff, testified on June 19. "I am not prepared to do that. And I believe that is the sentiment of the majority of Americans."

That is the sort of talk that causes people to say war is too important to be left to generals. No one proposes to send women into the trenches. But the United States is not at war and there are important noncombatant roles for women even in wartime. That much is obvious from the part women have taken in past wars. And, as Senator Marlow Cook (R-Ky.) observed when the question was debated earlier in the Senate, "combat today may be a lady sitting at a computer at a missile site in North Dakota."

There is no good reason why women ought not to be admitted to the service academies, which is not to say that Annapolis is suddenly to become a finishing school. The midshipmen and cadets would adjust to the change a lot more quickly than the old salts and old soldiers. The military ought to accede gracefully to the inevitable.

[From the Louisville (Ky.) Courier-Journal, July 23, 1974]

ARMY TRAINING PROGRAM FOR WOMEN IS CHECKED

(By John Filiatreau)

FT. KNOX, KY.—Alongside more than 1,600 men taking ROTC basic training at Ft. Knox this summer are two WAC career officers.

The Women's Army Corps members, Maj. Nancy E. Bird, 33, and Capt. Marla J. Stripling, 31, hold desk jobs in the 2nd Region headquarters of the Army's Reserve Officer Training Corps (ROTC) at Ft. Knox. But at various times they're also marching with the men, throwing hand grenades, doing calisthenics and trying most other basic training staples.

How well they fare, and what they recommend when the training is over, will help determine what training is given next summer to the first women ROTC cadets attending boot camp with men at Ft. Knox.

The presence of Major Bird and Captain Stripling is a mark of the changing role of women in the U.S. Army—a role that is shifting from their traditional clerical and support function in the direction of a possible combat role.

Unlike many other nations, the U.S. is not well disposed toward the idea of women in combat. At the moment, the law says women may not be employed as fighting soldiers.

However, many Viet Cong guerrilla fighters were women, and American veterans will attest to the fact that they fought well. A recent Miss World titleholder served in the Israeli Army as a tank driver.

Women outside the military are objecting to the roles they've been forced to play in such male-dominated areas as business and politics. Few organizations have been as male-dominated as the military, and now the WACs have begun sending up smoke signals, too.

They say the new all-volunteer military is in need of qualified people and cannot afford to lose capable women by clinging to cherished stereotypes. As one WAC officer recently said, "They need the labor force . . . There's been a general awakening." Talented women just don't want to be Army career secretaries.

Major Bird, a 13-year Army veteran and Captain Stripling, who has nine years' service, may be the first women to take the U.S. Army's basic combat training with a group of men.

Women have been members of college ROTC units for several years, but the estimated 300 to 400 coming next year for boot camp along with thousands of men will be a new experience for the Army and for Ft. Knox.

"This is a far more strenuous course than ours would be," Major Bird said recently of the training which she and Captain Stripling are taking at times of their own arranging.

"It's weighted in the direction of endurance . . . and the hardest parts of the training are those that have to do with actual strength, in the arms and shoulders, like the horizontal bar exercise. The bars were made for a guy's hands, they were just too big . . .

"The biggest problem was simply being out of shape. And there are problems having to do with our physical stature. We're built differently, in the pelvic area and the bust, and that makes a difference in some of these physical exercises. And there are a couple of exercises that were actually easier for me."

Major Bird, a native of Rochester, N.Y., is more concerned about what women ought to do than what they can do.

"There's a fine line between what you can do and what you should do," she said. "For example, the grenade assault course looks like a lot of fun to me. I want to do it because it's fun and it's a challenge, but this kind of training is expensive and women are still prohibited by law from taking part in combat. There is a cost factor. So the parts of training directly related to combat are still a question mark . . . This training is still up for grabs."

Major Bird does see some value in training women in combat tactics.

"It does help you to understand what the military is all about," she said. "I think it might make a woman have a little more interest in the piece of paper she's processing . . . There's no way you can lose. Even if you stayed just 24 hours you'd learn something."

According to Capt. Charles Crowley, under whose supervision the women have been training they're getting "no particular special attention . . . We do talk to the WACs every day, and this has been an educational process for us . . . The cadets have a positive attitude about it. They've more or less left them alone."

Major Bird's most firm conviction is that the women ought to train together with the men, "with some modifications of the training process."

Captain Stripling, a native of Fort Valley, Ga., and an instructor at Eastern Kentucky University, feels differently about the matter.

"If you have the women training with the men, you're going to have them competing with the men," she said. "And I think some of the women would surpass the men, and that would be a demoralizing factor . . . I don't think they should train together.

"I think we need to develop a training program that takes in the best parts of both sides of the house . . . After all, basic training isn't all there is, combat isn't all there is. We've been training volunteers (in the WAC) for 30 years for supportive roles, and women are still not going into combat arms. Yet everything here is geared to the combat role . . . I don't even think this training here applies."

Captain Stripling, whose father was a 30-year Army career man, thinks the presence of women in training camps can have a beneficial effect.

"I think when women get on the job there won't be all this role playing," she said. "There's a real difference in the way a man approaches training women. In a training mission there just can't be any difference."

The WAC branch of the Army is on the move. Since July 1, the Army has been assigning WAC officers to other Army career officer branches. This has led to suggestions that the WAC branch may be merged soon with the Regular Army.

WAC Director Brig. Gen. Mildred C. Bailey, insists the WAC branch is alive and well and will continue to play an important role in WAC officer assignments and military school selection.

She recently said the WAC branch in the officer personnel directorate of the Military Personnel Center in Washington will continue to coordinate WAC assignments with the other officer branches "until we have concrete proof that women are being properly used." She added, "I can assure you the corps will be around for a good long time."

NEW UNIFORMS BEING PLANNED

One of the current questions facing the WAC's is what their new uniforms will look like. Several are now in the testing stage.

A summer pants suit which will be part of the training uniform is undergoing testing now.

General Bailey said she is "sorry to find my women required to wear fatigues unless performing a job that justifies them. Putting a woman into uniform shouldn't rob her of her identity as a woman. I hope commanders will come to realize that it is just as important for a woman to retain her identity as it is for a man."

She added that the Army is making good progress assigning women to instructor and headquarters staffs at male training centers; but she noted that more than half the trainer personnel at the WAC Center at Ft. McClellan, Ala. are men.

[From the Atlanta (Ga.) Constitution, August 25, 1974]

THEY WOULDN'T HAVE MADE IT

(By Karen Peterson)

"It's fair to say that they wouldn't have made it without us," says Women's Army Corps Director Mildred Bailey.

The soft-spoken, white-haired WAC brigadier general freely acknowledges that in order to make the "all-volunteer" concept work, the Army has had to dramatically increase its number of female recruits.

In fact, if the WACs hadn't recruited 15,200 new women by June, 1974, the "new" Army itself wouldn't have met its first-year quota. The fledgling volunteer program technically would have flopped.

It has been a year since the draft expired in July, 1973. In spite of dire predictions of falling 20,000 short, the volunteer Army has just made its over-all goal of approximately 781,000. But that's in part because the WACs have steadily increased their recruitment goals to meet the need for more bodies.

"There's no doubt about it. We are helping to make the concept viable," says Gen. Bailey. At the end of 1972, total WAC strength was set at 15,500 women. By 1979, it is slotted to be 50,400. (Current WACs number 24,800 as of April.)

Here's another way to view the numbers game. At the end of 1971, WACs were less than one percent of the total Army's strength. At the end of '73, they were three percent. If things go as they're now projected, by 1979, they'll be six percent of the Army.

In addition, the WACs are getting a better educated recruit than the regular Army. To be a WAC, you have to be a high school graduate, or its equivalent in Army tests. The male Army recruits high school dropouts. It has lowered its standards to meet quotas, and in some months is taking more than 50 percent non-graduates.

Gen. Bailey comments, "Our goal now is to improve the quality of men to meet our WAC standards. If the regular Army could get high school graduates entirely, it would. Our market is different. We CAN get the graduates, and don't feel it would be in our national interest to drop our standards to meet theirs."

There are several reasons why the WACs are more than making their recruitment goals. (In June, they made 106 percent of their quota.) Gen. Bailey says, "Everything is coming together now. We have an increased need for Army personnel at the same time social attitudes are changing. . . .

"When the Women's Army Corps was founded in the World War II era, serving in the Armed Forces was the patriotic thing to do. No one worried whether it was 'feminine'. Then later we saw a complete change in viewpoint, and women withdrew from 'inappropriate' fields. If they didn't, their motivations and morals were suspect."

She continues, "Now we've seen another complete reversal, and women want total participation in public life . . . Now we WACs are seeing 30 years of our hard work pay off. We're getting our share of the advertising and recruiting dollar again. The Army is paying serious attention to recruiting women."

To get young women, the WACs are doing a lot of very practical things, such as offering them money and jobs on a par with men. For example, now 250 MPs are military policewomen, a number expected to double in a year. Says Gen. Bailey, "We've got women welders, plumbers, heavy equipment operators, and the like."

Of 430 job classifications, only 30 are still closed to women, and they are directly related to combat assignments, such as riflemen. Both men and women are being urged to sign up for exotic jobs bringing a $1,500 to $2,500 cash bonus when training is finished. An example is missile repairman—perhaps more properly called a missile repairperson.

Opening jobs to women is one thing. Filling them with women is another. Approximately 81 percent of today's WACs are still in some form of clerical or medical work. Comments Gen. Bailey, "If we're going to have 50,000 WACs in 1979, we've just got to move them out of traditional fields, the ones they already know. We're pushing these other fields fields heavily now."

There are other reasons today's Women's Army Corps is able to attract increasing numbers of women. Court and Congressional decisions have smashed past inequities, so that the women now get more of an equal break with men. Recent Supreme Court decisions prohibited discrimination in housing and medical benefits for the families of female Armed Forces personnel. And pregnant military women are no longer summarily discharged, regardless of whether or not they're married. In 1972 Congress brought a female veteran's educational benefits under the GI bill up to those of a man.

Finally, in 1973 the WACs decided you could be married before enlisting, as well as after. Gen Bailey says, "We're just trying harder now to adjust our regulations to a woman's family needs. Before, they weren't often considered.

But there are other inequities. The Army does not admit women to West Point, saying that doesn't jibe with the academy's primary mission of training combat leaders. And it still doesn't give combat assignments to women—or the $2,500 cash bonus that goes with accepting a combat slot.

[From the Christian Science Monitor, August 27, 1974]

WOMEN IN THE MILITARY: OPPORTUNITIES IMPROVE

(NOTE.—The progress of U.S. women toward true job equality is getting a close look during this National Women's Week, marking the 54th anniversary of the constitutional amendment giving women the right to vote. And nowhere are the paradoxical problems of the working woman clearer than in the military services. Uniformed women, about 3 percent of the armed forces now, have made great strides—and still face a formidable barrier in federal law. Why women join and what awaits them in the service is discussed below; at right, three senior women officers talk about their careers.)

(By John D. Moorhead)

More young U.S. women now are flicking a job-seeking glance at military service.

Perhaps their eyes are caught by the promotional campaigns telling of expanded opportunities for training and travel. Or they may want to pay off some bills when jobs are scarce, as did one woman marine interviewed recently.

In any case, the military services are looking for a few good women. Now that the draft no longer conscripts or pressures young men into the military, the volunteer Army—and the other services—need women so that they will not need so many men.

And they are getting them.

The number of women in the U.S. Army has doubled since 1972 and may double again by 1977. The Air Force has boosted its force of women 20 percent in a year, and the Navy's increase over 1973 is about 40 percent.

JOB SPECIALTIES OPEN

The Coast Guard has begun to enlist women in its regular ranks. Previously they had been confined to the reserves.

Most military job specialties now are open to women, except for duties that would expose them to combat, service spokesmen say.

There are some sticking points, however:

Women at present are barred from some advanced training schools directly related to combat jobs. (Federal law still bars women from combat.)

The possibility of a woman's commanding a mixed unit remains limited, although some women recently have been assigned to minor commands. Partially this is a carryover from the time when women clearly were second-class citizens in the military, officers say, because few women have had the opportunity to build the kinds of experience and diversity of training that would prepare them to hold a major command.

FURTHER LEGISLATION NEEDED

In the past, women in the military have specialized in fields such as personnel or public relations.

Ratification of the equal rights amendment would clear the way for full participation by women in all military duties, although further legislation would still be needed, officers say.

All the services say they are doing much to eliminate old restrictions. As late as 1967, there were statutory limits on the number of women in the armed services, and women could rise no higher than the rank of lieutenant colonel or Navy commander.

Now these curbs are gone. Privileges and benefits generally have been equalized for men and women.

And opportunities for women are opening up. Training is available in electronics, aircraft maintenance, avionics engineering, military police, as well as other fields which previously were male domains. Military women now serve as pilots (on a very limited basis), tugboat technicians, deck hands, truck drivers, and auto mechanics.

The pay equals that of military men: an enlisted woman will make $5,629 yearly when she enters the service but can expect to pull in over $8,000 yearly by the end of her first enlistment.

Officers start at $9,786 and after four years of service and normal promotion will be making around $16,000 yearly. (The figures for both officers and enlisted persons include basic pay, living allowances, and tax advantages.)

The security, amenities, and adventure of military life are quite attractive to many young women, but some discrimination remains.

"There are some lingering thought processes that have to be overcome, with women as well as with men," says Navy Capt. Alice Marshall. "Women have to adjust their own attitudes.

"Some of the men have never worked with women before, and if they tend to think not too highly of women in the military then it is harder," she continues.

RESTRICTIONS CHARGED

Says a spokesperson for the Massachusetts Governor's Commission on the Status of Women. "It is very difficult for women to get truly professional training in the military. For women going into the service as a career, most areas are a closed door."

Married women in the military face special problems. (The Army and Air Force estimate that about 30 percent of their women are married, whereas the Navy says 14.8 percent of its women officers and 12.8 percent of its enlisted women are. A very small percentage of these have children, the services say.)

If both husband and wife are in the armed forces, the military generally makes an effort to assign them to the same duty station. This is easiest if both belong to the same service.

"If you fall in love, try to make it an Army man," Brig. Gen. Mildred C. Bailey, director of the Women's Army Corps, tells her troops.

ON ACTIVE DUTY

"We guarantee that women will not be separated from the family any more than the man," General Bailey says.

Military women who become pregnant may in most cases remain on active duty, as long as their performance is good and remains so, military officers say. This includes unwed mothers.

The Marine Corps, however, reserves the right to discharge military mothers. But even here a woman can remain on active duty if her special petition is approved by Headquarters Marine Corps.

The lot of a woman in uniform is better than it has ever been, most observers agree, but she still does not stand toes-on-the-line equal with the man under arms.

[From the Christian Science Monitor, August 27, 1974]

THREE WHO CAME UP FROM PERSONNEL

A pioneering experience, a daily struggle to prove personal worth, and a deeply satisfying challenge.

This is the picture drawn by three senior women officers in the U.S. military about their careers, spanning a time when servicewomen have moved rapidly toward real equality with their male counterparts.

"During World War II women did anything that would free men for combat roles, but when the war ended, almost overnight a curtain was drawn before us," says Brig. Gen. Mildred C. Bailey, a 32-year Army veteran.

"Women who were willing out of patriotism to come into the armed forces became suspect. We've spent 30 years trying to reverse this," she said in a recent interview.

For Navy Capt. Alice Marshall, who en-

tered the service in 1952, the struggle has not been so visible: "I have always felt my opportunities in the Navy were significantly greater than for most of my college counterparts in civilian occupations."

"You really didn't think in terms of discrimination," says Air Force Col. Billie M. Bobbitt of her 23-year career. "Most of us accepted it as a way of life."

General Bailey, trained as a teacher, came into the Army during World War II and stayed on. Though she has found her work satisfying, she speaks of the "humiliation, the constant proving of oneself, trying to be better than the man."

Most of her career was spent in public relations, she says, although she also did personnel work and served 13 years in intelligence.

General Bailey now is the director of the Women's Army Corps. She is the second WAC officer to reach the rank of brigadier general.

After working in radio and television as a civilian, Captain Marshall received a direct appointment as a Navy ensign in 1952. Her first duty station was as a communications watch officer in San Francisco during the Korean war.

"That was a busy time and I enjoyed it," she recalls.

Most of the rest of her career has been spent in the public relations or personnel fields.

In the late 1950's, she attended the general line officers' school then operated in Monterey, Calif.

"The men helped us with damage control, and we coached them on personnel procedures," she says of the experience.

In the middle 1960's, she served as flag secretary to the U.S. fleet air commander in the Mediterranean. "I also served as inspector general and traveled all over Europe and the Middle East," she says.

She now is head of the services and benefits branch at the Bureau of Naval Personnel in Washington.

In 1951, Colonel Bobbitt received a direct commission in the Air Force based on her civilian experience in education and school counseling.

Her work since has been primarily in personnel. "I've worked for good people and always had challenging jobs," she says.

"I came in at a time when a military career was really not an acceptable alternative for a woman. Now it offers a much more normal life for women," she says.

Two of the more unusual tasks she has been given during her career were the assignment to activate a maintenance and supply group in 1955–56 and a five-year stint as a special agent for the office of special investigations.

[From Time magazine, Aug. 26, 1974]

SKIRTS AND STRIPES

With her short hair, decisive manner, and well-pressed Army greens festooned with ribbons, Colonel Nancy Hopfenspirger, 43, is every inch an officer. As she strides across the U.S. Army base at Würzburg, West Germany, each day, G.I.'s snap to attention and the local employees murmur a respectful *"Guten Morgen."*

As the new deputy commander of Würzburg and of various support units in an area covering nearly one-third of southern West Germany, Hopfenspirger is one of a growing number of women to step into important command assignments. Colonel Frances Weir, 47, issues orders to a mostly male outfit at the support battalion in Fort Jackson, S.C. Colonel Georgia Hill, 49, is head of the sprawling supply depot at Cameron Station, Va.

Until a year ago, female officers could command only other members of the Women's Army Corps (the WAC). The Army, however, is now reassigning women permanently to previously all-male branches. Brigadier General Mildred C. Bailey, chief of the WAC, last month finished turning over all its personnel files to the women's new units. At the same time, the Army has reclassified 136,000 jobs, opening them to women. Thus there have recently been a myriad of female firsts on various bases: the first female parachute rigger, the first turbine-engine maintenance woman, the first female drill sergeant. Actual combat is still barred to women, though that too may change if the Equal Rights Amendment is passed.

Female integration into formerly male units is not easy. As a former battalion commander at Fort Carson, Colo., explains: "A soldier's day doesn't end at 5 p.m. There are assignments like guard duty with a rifle, charge of quarters, and special police handling of burly drunks." Women formerly rose through the ranks only within the WAC. Now they are competing directly with men for promotions. The seeding into various Army branches of senior WAC officers, some of whom have been lieutenant colonels for more than a decade, is especially difficult. Many fear a hostile reception in the regular Army; a few are even retiring rather than make the switch. Younger women, however, seem to welcome the new challenges.

This quiet revolution came about chiefly by necessity. With only volunteers to choose from, the Army needs all the recruits it can get, female as well as male. The response has been excellent: 14,000 women have joined the Army this year up from 5,200 in 1971. In the other armed services, too, women have been given a broader spectrum of jobs. The Air Force now has 17,800 women, compared wth 12,265 five years ago. There are 16,500 women in the Navy, up from 8,636 in 1969. Only in the Marines which needs fewer volunteers, has the number of women remained relatively constant (about 2,700).

Few of the new female recruits are signing on to become commanders. Military life is often the best deal they can get in a tight job market. A high school graduate who enlists as an Army private can get a salary of $326.10 a month, on-the-job training, free room and board and security. Re-enlistment rates are very high, partly because every servicewoman earns the same pay as a male of the same rank—an equality rare in the civilian world.

[From NBC Sunday Night News, Sept. 1, 6:30 p.m.]

U.S. ARMY COED BARRACKS

ROWAN. Women in the United States Army are nothing new as we all know. But women living in the same barracks as men in that same United States Army, well that is something new as we learn in this report from Pat Thompson.

PAT THOMPSON. The military life has always been thought of as the ultimate stronghold of the male. This is part of the new military which the Pentagon is trying to sell to volunteers.

This is D Company at Fort Benjamin Harrison. It's different not only because it's made up of personnel from all services attending the Defense Information School, but it also has both men and women. Even more unusual is the fact that both the men and women live in the same barracks. They're not the same kind of barracks most veterans remember, they're made up of individual rooms like those found in a college dormitory. Men share rooms right next to women.

PFC LANETTE FISCHER. Well my mother's first reaction to—when I told her we were going coed she was under the impression it was one floor has females, one floor has males and this sort of thing. And in a phone call a little while later I had said, well the sergeant next door, the male sergeant next door. And she said, the what, in the phone call and it really threw her for a loop

THOMPSON. The men and women spend a lot of time together. They eat most of their meals close together, then classes together and they relax together. This togetherness has had some predictable results.

This couple Navy Seaman James REATHL and Army Private Lee LONG met in the barracks and now they're going to get married next week. Some old Army types don't like to see this, uniformed personnel holding hands while on duty. But it's all part of the new military.

Seaman REATHL. I think it's a much more realistic way to live. I think it's definitely a good step for the military to take, it shows that they're keeping up with changes, that are taking place in America, I think, today.

THOMPSON. Airman James LEWIS has mixed emotions about the coed life style. He likes it but it also presents a special problem for him.

MAN. Now you are married, how does your wife feel about it?

Airman JAMES LEWIS. Well my wife doesn't really know that this is a coed dorm.

THOMPSON. The Army feels that the experimental program at Fort Benjamin Harrison has worked so well that it will mix the sections in most of the units at the Indiana base in October.

One of the women who will be affected by this says she wants good substantial locks on her door. But she's definitely in the minority.

PAT THOMPSON. NBC News.

[From the Philadelphia Bulletin, Sept. 1, 1974]

ARMY APPLAUDS ITS WOMEN AS "DAMNED GOOD SOLDIERS"

(By Claude Lewis)

A couple of years ago it clearly would have been a matter for laughter. But no more. Today's Army—or at least a part of it—has gone soft.

Over at Ft. Dix in N.J. nearly two dozen women soldiers moved in with the men, last week, filling the air with an odd mixture of after-shaving lotion and hairspray.

Once Army barracks were filled with cheesecake pin-ups of Marilyn Monroe and Jane Russell. That was the real Army, man!

But now the pin-ups are liable to be centerfolds of actor Jim Brown or Burt Reynolds, as women begin fixing up their rooms in the same barracks with the male soldiers. Rules require that men and women stay on separate levels.

But if soldiers are trained to crack the iron curtain what's to stop them from infiltrating a back stairwell and doing what comes naturally?

"We're all adults and everyone knows right from wrong," a sergeant said at Ft. Dix the other day. He didn't even crack a smile.

"Yeah," beamed a GI, eyeing a pretty soldier. With girls as attractive as some of those joining the Army, it's no wonder the military reaches its quotas so often.

Actually, women in the Army are no joke. In many cases they are proving to be superior to men, in education, and in basic training.

Department of Defense policy dictates that all females in the military must be high school graduates. As for men, they merely have to be able to chew gum and walk at the same time.

If women still suffer from discrimination in civilian life, the all-voluntary army promises them equal opportunity.

They are joining the army in unprecedented numbers and, according to army officials, are proving to be "damned good soldiers."

In addition, said Maj. Gen. Charles Hixon, "women have had a tremendous effect on the

male population." The men are said to be trying to keep up with their female counterparts.

"The women . . . in the first week of training, they're all in step," Maj. Gen. Hixon insists. "They're easier to train, oh yes. When we say jump, the question they ask is: 'Is that high enough?' "

There is even a bit of healthy rivalry and snobbishness between male and female recruits, especially since all females must hold high school diplomas and since tests given women are generally more stringent than those taken my men.

A female soldier explained recently:

"The women do better than the men, definitely. For one thing we have to be smarter. We have to be in better physical health . . . we're just more intelligent."

With the new all-volunteer army and no U.S. involvement in a hot engagement, today's war stories will probably read like something out of Romance Magazine. Now that the sergeant may be a female, who's going to bother about signing up for overseas duty?

Army Private Jill Whisker, 22 of Savanna, Ill., said she liked the coed living arrangements. "It's natural," she smiled. Pvt. Whisker, who attended Illinois State University, said the arrangement at the school was pretty much the same as the army's.

"It worked out fine," she said. "It's a brother and sister kind of thing. We look out for each other."

The whole thing sort of makes me yearn for the military life. I understand they've even raised the pay. What a way to go to war!

[From the Baltimore News American, Sept. 3, 1974]

SHE FLIES INTO HURRICANE

JACKSONVILLE, FLA.—Judy Neuffer looks at herself as a woman who has been in the right place at the right time, twice.

The first was when the Navy opened flight training to women.

The second came on Sunday when she was in the pilot's seat of a Navy P3 weather reconnaissance plane which penetrated the eye of Hurricane Carmen, with its winds of 175 miles per hour.

The 25-year-old lieutenant from Wooster, Ohio, thus became the first women pilot in naval history to fly into a hurricane's eye.

"I didn't know what to expect, but I think I can honestly say I didn't feel fear," she said. "I have lots of confidence in the aircraft and in the crew. They know their job and they know it well."

She also was helped by the commanding officer of the four-engine turboprop jet. Cmdr. Dick Sirch, an experienced hurricane hunter who supported her and briefed her on what to expect.

Sirch said she compares well with other new pilots.

"Basically, she did a super job," he said.

"When I found out I was getting a woman pilot, I expected a tomboy or a woman's libber. This is just a young lady who seriously wants to be a pilot. She knows she's being observed as a new breed, so she makes an extra effort to do as well as she can."

Lt. Neuffer has been in the Navy for four years since graduation from Ohio State University. Her first assignment was at a computer center in San Diego.

When the Navy opened its flight program to women, Lt. Neuffer, the daughter of a World War II fighter pilot, rushed to apply.

"I had spent most of my life around airports because my father has worked at or managed airports since the war. Flying's in my blood," she said.

"I was surprised when I got this assignment. But I wanted weather work, so I took the chance, and I made it."

The Navy's five other female pilots are all in the cargo transport division.

She says she didn't begin her flight training "to prove a point, advance women or fight for my rights. I'm in it because I enjoy flying. I looked at myself as a pilot trying to do what I've been trained to do.

"I don't consider myself a women's libber, but I do believe in equal opportunity. I know many people are watching me to see how I do. I won't get up on a soap box and speak out, but I hope my performance as a pilot can speak out for me."

Mr. KENNEDY. Mr. President, I hope that this amendment, which was, as I say, initially submitted by the distinguished Senator from Maine and is now offered by myself and him, will be accepted by the managers of the bill.

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

Mr. KENNEDY. I yield.

Mr. MANSFIELD. Will the Senator include my name as a cosponsor?

Mr. KENNEDY. Mr. President, I ask unanimous consent that the name of the Senator from Montana (Mr. MANSFIELD) be included as a cosponsor of the amendment, as well as the names of the Senator from Maine (Mr. HATHAWAY), the Senator from Ohio (Mr. METZENBAUM), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Delaware (Mr. BIDEN), and the Senator from New York (Mr. JAVITS).

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

Mr. HATHAWAY. Mr. President, today I am joining with Senator KENNEDY in introducing an amendment to the military construction bill. This amendment would authorize the construction funds for the service academies to be used for whatever construction might be necessary to admit women to the academies.

I have already introduced a bill in the Senate that would allow women to be admitted to the service academies. This bill was introduced last summer, and passed the Senate without opposition in December as an amendment to S. 2771, the enlistment bonus bill. The other cosponsors of the amendment to S. 2771 were Senators THURMOND, JAVITS, and MANSFIELD, and the amendment had the active support of Senator JOHN STENNIS, the chairman of the Senate Armed Services Committee. Thus, the amendment had the support of both the chairman and the ranking Republican of that committee. That amendment was deleted from S. 2771 in the House Armed Services Committee by a margin of one vote under circumstances which gave rise to exasperation on the part of some of the members of that committee.

I have more recently introduced a substitute amendment to my original bill which contains some technical changes. This amendment has the support of a large number of Senators, including Senators DOMINICK, JACKSON, GOLDWATER, NUNN, and HUGHES, all of whom are on the Senate Armed Services Committee, as well as the original cosponsors of the amendment to S. 2771.

Mr. President, the best military training in the world takes place at the American Service Academies. This training is available for men, some of whom are not even American citizens. It is not available for American women, no matter how well qualified they may be.

The service academies have never satisfactorily explained the reason for this discriminatory policy. They say it is because the mission of the academies is combat training, but most of the training which takes place at the academies is not combat related, and no reason has ever been advanced as to why women are not allowed to receive academy training for the noncombat roles they have been filling in the services for many years. The Department of Defense made the following statement in its report on S. 2351, my bill in the Senate to allow women to be admitted to the academies:

> There are numerous officer billets in the armed services, other than in combat roles which are necessary to the effectiveness of the military services. Competence in these positions is no less important than in combat roles.

Surely the best training for these noncombat roles is also to be found at the service academies. For the good of morale of the services, as well as because of our own beliefs, that training should be equally available to all.

The second reason most often given for excluding women is the expense of remodeling the facilities to accommodate them, but women have been accommodated in the Regular Army without any particularly burdensome expense. Furthermore, any remodeling expense would be trifling compared to the overall cost of operating the academies.

The purpose of the amendment I am offering today with Senator KENNEDY, however, is to make it clear that there is no longer any economic excuse whatsoever for excluding women from the service academies. We feel it is time to act. We have removed discrimination in many other areas. It is time to remove it in this area as well.

Mr. President, I ask unanimous consent to have printed in the RECORD an article which was published in Newsweek on September 9, 1974.

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

THE ARMY: FALL IN!

It's enough to make an old topkick tear his hair. The Army basic-training center at Fort Dix, N.J., has succumbed to the sexual revolution. Specifically, Building 5406, a three-story, cinderblock structure designed as a 160-man barracks, now houses fifteen men and eighteen women, making it the Army's first permanent coed barracks.

So successful has the experiment been, says the brass at Fort Dix, that by the end of October, all 326 WAC personnel will be reassigned to previously all-male barracks on the post. The cost of converting Building 5406 was "minimal," requiring only strong locks on the doors to the third floor, where the women are billeted, and a 24-hour guard at the stairway to the second-floor, where the men sleep. Mingling of the sexes is confined to the first-floor day room (pool tables, Ping Pong, TV).

So far, all personnel seem to be pleased with the arrangements. "You get more of a feeling of belonging to a unit," says Pvt. Betty Ruiz. The men, predictably, would like expanded visiting rights, but there seems to be little danger of their taking too many liberties. The eighteen tradition-shattering women in Building 5406 belong to the post's military-police battalion.

Mr. SYMINGTON. Mr. President, I have discussed the amendment of the

distinguished senior Senator from Massachusetts and the distinguished junior Senator from Maine with the distinguished senior Senator from South Carolina, the ranking Republican member of the Armed Services Commitee, and we will be glad to take the amendment to conference.

May I say, speaking for myself, that I think it is a constructive amendment, and would look forward to being able to sustain it with the House of Representatives.

Mr. KENNEDY. Mr. President, I appreciate that sentiment. When we have a statement of support by the floor manager, we probably should remain quiet, but I wish to underline one point: that there is nothing compulsory in this amendment whatsoever. It is a reaffirmation by the Members of the Senate of our own belief in the importance of providing this kind of training for young women. There is absolutely nothing compulsory; it is completely discretionary to the military forces, but it is a clear indication of the sentiment and feeling of the Members of Congress on this particular issue.

I appreciate the expression of support on the part of the floor manager, and I yield the floor.

Mr. STENNIS. Mr. President, will the Senator yield to me merely for a question?

Mr. KENNEDY. Yes.

Mr. STENNIS. I have already gone on record as supporting an amendment of this type. But I do want to point out to him that the manager of the bill in the conference, who would be the Senator from Missouri (Mr. SYMINGTON) could well be up against a stone wall in the conference on this matter because the House has heretofore said that it violated their own rules, and maybe these rules of germaneness—I say maybe—and then maybe somebody someday will add up the number of Senate amendments adopted by conference and open a score against the whole committee.

I am not against the amendment of the Senator from Massachusetts. He has been very cooperative and understanding. He has had some good amendments, and we brought back all of them we could. I do think this presents a problem and I thought it just ought to be frankly mentioned here. These military bills that have to pass in one form or another—and this is one of them—are pretty handy things to hang an amendment on. It leads to delay and trouble.

So I thank the Senator for his remarks, and I would support his amendment on its merits.

Mr. KENNEDY. I appreciate the expression of the Senator from Mississippi. I do think there is a difference in this legislation from an amendment that went on the military pay bonus bill last year. Even though that was a clear expression of the Members of the Senate in support of the purposes of that amendment, we are now dealing with military construction, and I think this amendment is entirely appropriate to be attached to this particular proposal. Hopefully, with that distinction which, I think, is an extremely powerful one, and with the clear and persuasive voice of the Senator from Mississippi and the Senator from Missouri in defending the Senate's position, perhaps we will be able to achieve the purposes of this amendment. I appreciate the comments of the Senator from Mississippi.

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

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the consideration of H.R. 16136 it be in order that a separate vote occur on section 612 of the committee substitute prior to the vote on the entire committee substitute.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. I do this, Mr. President, because I think this is a good bill, and I think the committee has been assiduous and exacting in its study of the needs of the Nation in the field of military construction, and I want to show my support—and I am sure the entire Senate will—in the way in which this committee has worked under the chairmanship of the distinguished Senator from Mississippi (Mr. STENNIS), the chairmanship of the distinguished Senator from Missouri (Mr. SYMINGTON) as well as the ranking Republican members, the distinguished Senator from South Carolina (Mr. THURMOND) and the distinguished senior Senator from Texas (Mr. TOWER).

It would be my intention at an appropriate time to ask for the yeas and the nays on this amendment, and also on final passage.

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

AMENDMENT NO. 1854

Mr. ROTH. Mr. President, I would like to call up my amendment No. 1854.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

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

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The amendment is as follows:

On page 93, after line 24, insert a new section as follows:

SEC. 509. None of the funds authorized to be appropriated by this or any other Act may be used for the purpose of installing air-conditioning equipment in any new or existing military family housing unit in the State of Hawaii.

Mr. ROTH. Mr. President, my amendment to the Military Construction Act would prevent the Department of Defense from requiring that central air-conditioning be installed in military family housing in Hawaii. This requirement, which had been opposed by the three military services as unnecessary, is a horrible example of unnecessary Federal spending caused by excessively rigid regulations.

The Department of Defense claims that climatic conditions on Hawaii result in a large number of hours each year during which there are uncomfortable temperatures on the islands. The Department's criterion is based on the number of hours where the wet bulb temperature exceeds 67 degrees Fahrenheit during the 6 warmest months.

But the Navy advised its Washington headquarters that the DOD criterion ignores the prevalence of cooling trade winds on Hawaii which consistently moderate both temperature and humidity conditions. And the National Oceanic and Atmospheric Administration's findings are that in Hawaii "summers are warm but not hot, so that air-conditioning is a luxury rather than a necessity." The Hawaii Department of Planning and Economic Development describes the climate in its pamphlets as "ideal" and "generally warm and pleasant the year round." According to the General Accounting Office Report which recommends termination of the DOD requirement, air-conditioning is not common in Hawaii and is often only available as a luxury option on homes costing from $80,000 to $90,000.

In my judgment, there are two very sound reasons to prohibit the requiring of the installation of central air-conditioning in these military quarters in Hawaii. The first is cost in a tight budget situation. The GAO estimates that the air-conditioning program, excluding any future maintenance changes, could cost as much as $100 million. When we are seeking ways to cut the Federal budget to help control inflation, there can be no justification for spending $100 million on air-conditioning homes where climatic conditions are close to ideal.

The second sound reason is that the air-conditioning program is totally inconsistent with the very necessary effort to continue to conserve energy. Additional air-conditioning on such a widespread basis would create a significant increase in Hawaii's energy consumption. At the moment, most of Hawaii's electric power comes from imported oil. The GAO concluded that the DOD's policy of air-conditioning all military housing on Hawaii would be "a luxury that Hawaii's energy sources, at this point in time, cannot afford."

For these reasons, I urge my colleagues to support this amendment.

Mr. SYMINGTON. Mr. President, I discussed the amendment of the able Senator from Delaware with my colleagues and the ranking member of the full committee and the subcommittee on the other side of the aisle, and we would be glad to accept this amendment and to take it to conference.

If I get the figures straight, we believe it would affect 1,900 housing units at a cost of about $2 million. But we will accept the amendment.

Mr. ROTH. Mr. President, I am happy that the committee will accept this amendment. All I can say on the figures is that a study made by the Comptroller General of the United States put the cost at up to $100 million.

I think one also has to face the fact that there would be expensive maintenance costs, not only initial construction costs. Most American families today are paying for their own air-conditioning, and it would just be unconscionable, whatever the cost, to spend this money for this purpose at this time.

I am happy that the committee is accepting this amendment and I will say that I will be following this matter very carefully.

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

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on a separate vote on section 612 of the committee substitute. That is what I mentioned before.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

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

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The amendment is as follows:

Insert at the appropriate place in the bill, the following new section to read as follows:

"SEC. —. None of the funds authorized to be appropriated by this or any other Act may be used for site acquisition or construction of the CONUS Over-The-Horizon radar system receiver antenna during the period after the date of enactment of this Act and prior to May 31, 1975."

Mr. MUSKIE. Mr. President, I have taken this amendment up with the distinguished manager of the bill.

The amendment which I have called up today has a simple and limited purpose: that of obtaining sufficient time to resolve a number of questions which have been raised concerning the proposed site of the receiver antenna for the Over-the-Horizon Backscatter radar system in Washington County, Maine.

For several years, the U.S. Air Force has been investigating possible sites in Maine for the radar system. However, it was not until June 25—after Senate passage of the Military Procurement Authorization bill—that the Air Force announced the selection of a "preferred" transmitter site in western Maine and a receiver site in eastern Maine.

The receiver site, including 1,000 acres of valuable farmland, has generated the most concern among Maine citizens. The land in question produced 6 percent of Maine's total blueberry crop, with an estimated annual cash value of $347,000.

As a result, Maine citizens and State officials seek adequate opportunity both to point out to the Air Force the adverse economic impact of the selected site and to solicit from the Air Force information as to the availability and cost of alternative sites which would still meet the technical requirements of the system.

Public hearings on the Draft Environmental Impact Statement are being held this week in Maine, and the Air Force has encouraged public comment. At the same time, however, there are indications that development of the proposed site is proceeding apace. Therefore, the hearings may not provide an adequate opportunity for Maine citizens to convince the Air Force of the importance of the land in question to our economy. The purchase of land options on some tracts involved in the system are scheduled to take place prior to the hearing. Also, potential contractors were requested on July 25 to submit detailed proposals and cost estimates on site development.

This amendment is intended simply to limit any further action on site acquisition and development for the prototype receiver until additional information on the matter of site selection is obtained. It is not intended to prevent the Air Force from proceeding with development of the radar technology and other research activities associated with the OTH system.

Mr. President, this amendment is very similar to an amendment which I introduced on August 20 to the Defense Procurement Appropriations bill that was accepted by the distinguished Senator from Arkansas (Mr. MCCLELLAN) who floor-managed that bill. This amendment differs from my previous amendment only in that it provides that no moneys authorized in any earlier legislation—as well as in this legislation—shall be used for site acquisition or construction of the over-the-horizon radar system receiver antenna during the period from the date of enactment of this act until May 31, 1975. And the additional language is necessary, for I understand that the Air Force may use within the next few weeks money authorized in the fiscal year 1973 Military Construction Authorizations bill for site acquisition of the radar system receiver antenna.

Mr. President, let me emphasize again that I do not oppose the over-the-horizon radar system. However, I do favor a temporary delay in the funding for its site acquisition and construction in order to assure that Members of Congress and the citizens of Maine have ample opportunity to resolve the questions which have been raised.

Mr. President, I understand the distinguished floor manager has considered this amendment and is willing to accept it for the limited purposes I have described.

Mr. SYMINGTON. I have discussed this amendment with the ranking member of the Military Construction Subcommittee, the distinguished senior Senator from Texas, and we are glad to accept the amendment.

Mr. MUSKIE. I thank my good friend from Missouri.

The PRESIDING OFFICER (Mr. HATHAWAY). The question is on agreeing to the amendment of the Senator from Maine (Mr. MUSKIE).

The amendment was agreed to.

Mr. HOLLINGS. Mr. President, I call the attention of my colleagues to section 611 of the Military Construction Act. This section of the bill is directed toward the continuing problem of our men missing in action as a result of their performance of service in Southeast Asia.

In our obligations to these men, and in our treatment of their brave families, the Government of the United States has been insufficiently forthcoming. The problem is of course a difficult one, and the intransigence of the other side has been responsible for our inability to obtain an adequate accounting of our men. But it is also true that there have been continuing efforts in the executive branch since the signing of the Paris Accords to put the problem on the back burner, and to deprive the American people of a clear idea of what has been done on behalf of our missing men, what is being done, and what is contemplated for the future.

I have met with the families of many of these men, and I know the uncertainty and doubt which plague their every day. They want to know the fate of their loved ones. And they want to know the truth. They have no wish to precipitate world war III over the issue. What they want is honest, straightforward treatment. And, sad to report, they have not been getting it. When they heard the oft-repeated statements of the previous administration that our prisoners have been returned, they were understandably upset.

I cannot understand the unwillingness to level with these families. Their husbands and fathers fought, and many of them died, for their country. We have the most serious kind of obligation to these families, but all they get is a runaround. They deserve better, and it is a shame that they have not received better.

Every family is concerned about the question of status review changes and presumptive findings of death. There are many wives and parents and sons and daughters who feel these changes are unwarranted unless and until it is conclusively demonstrated that the United States has done everything reasonable to obtain an accounting of our missing men. I think the families are entitled to postpone status review changes and presumptive findings of death until such time as their Commander in Chief can assure them that all reasonable action has been taken, and until more satisfactory permanent legislation providing clear-cut procedures for status change reviews has been enacted.

This is just an interim amendment attached to the Military Construction bill—interim treatment to clear the air of all the confusion we have had with the various court decisions and administrative procedures, or lack of them, in the past months and years.

Accordingly, section 6 provides that, first, no status changes concerning our men missing in action as a result of their performance of service in Southeast Asia may be made until the President of the United States notifies the Congress, in writing, that all reasonable efforts have indeed been made to account for our missing men in Indochina and to enforce the provisions of article 8(b) of the Paris Peace Accord.

I would note at this particular point that President Ford while Vice President, met with these families just a couple of months ago. The former President did not. We have been trying to arrange a meeting for the families with Mr. Ford now that he is President, so these families can ascertain the policy as it will be

followed by the new administration, and so they can be assured that this matter is on the front burner with our new President. I have talked to the White House about it, and I realize it is difficult given all the different concerns that confront the new administration. But the White House is trying to arrange such a conference. I think the requirement is that we get in black and white exactly what was done and what is and will be done, to clear our minds and consciences as the people's representatives that something is being done, and what it is.

Obtaining a full accounting of our men is admittedly difficult. Every action has a reaction, and the consequences have to be taken into consideration. Dr. Kissinger tells us that the Soviets are being pressured to use their influence in Hanoi. I hope the pressure is maximum, but I have no conclusive evidence that it is. It would seem to me, for instance, that the measure proposed by the distinguished Senator from Florida (Mr. GURNEY) to use our control over trade with the Communist countries to force pressure on Hanoi is eminently reasonable when we are talking about the possibility of American men still being held in prison in Southeast Asia.

Section 611, which has the support of 27 cosponsors, provides simple legal procedure for the next-of-kin to stop what they feel are unwarranted status changes. It provides a clear procedure, where there is only uncertainty and confusion now. I have yet to talk to one person, in government or out, who can tell me just what the policy is, in light of Defense Department regulations, past practice, judicial interpretations and orders, and all the rest. Small wonder that the distraught wives and families are confused about how the system works. To overcome this confusion section 611 substitutes the following procedures: The Service Secretary concerned would notify the next-of-kin, in writing, of the proposed status change. The next-of-kin would then have a period of 60 days to file an objection to such change. The objection being filed, no status change would be allowed.

There are, then, two integral parts to this measure. One would require the Presidential assurance that all reasonable efforts have been made. And the second would provide the families with the mechanism to block what they consider unwarranted changes in status.

Mr. President, section 611 of the bill is not intended to set policy for all time to come. Efforts are being made in the Congress to change the permanent legislation under which status reviews are conducted, specifically sections 555 and 556 of title 37 of the U.S. Code. This permanent legislation has proved inadequate to the current situation. Indeed it seems that sections 555 and 556 were initially enacted for the purpose of continuing pay and allowances—and not for the more serious purpose of making death determinations. A new law, addressed to the procedures of status review changes for the purpose of death findings, is long overdue. Such legislation should include specific guidelines and procedures. It should provide more access to the facts for the families of the missing men. It should include clear-cut determinations of such terms as "next of kin." It should protect more fully the rights of the servicemen and the rights of the families.

While efforts to formulate more adequate permanent legislation go forward, it is imperative that we have interim procedures which will protect the rights in question and which can be easily understood by all parties concerned. That is the purpose of section 611.

Once the Presidential determination has been made in accordance with section 611, the families have the option available to them. Those families who feel that more evidence is needed—who feel that a status change at that particular time is unwarranted—are given the legislative tool to prevent the change. Those who wish to proceed with the determination, satisfied with the available evidence, may do so.

This is the only equitable approach. I have studied this matter long and hard and tried to look at it from every possible perspective. I believe that section 611 provides the best method for carrying us through this difficult period until more satisfactory permanent methods are provided. It recognizes our continuing obligation to our missing men, and it provides their families with the flexibility they need, and deserve, in dealing with this all-important matter.

Mr. President, I thank the distinguished manager of the bill for his cooperation, and particularly his leadership on the Committee on Armed Services. The families of the missing in action are really indebted and grateful to him, for his leadership, and willingness on a military construction bill to try to include this as an interim measure. We know it is legislation. We know it could conceivably be questioned in the other body. But we hope the urgency of the matter will really outweigh the parliamentary problems. We are deeply indebted to the senior Senator from Missouri.

I ask unanimous consent that there be printed in the RECORD an editorial from the Buffalo Evening News on this particular point, which really clarifies the dilemma we are in on this score.

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

[From the Buffalo Evening News, August 19, 1974]

MIA PROBLEM BLAMED ON HANOI

"Noteworthy among the foreign policy guideposts in President Ford's address to Congress was his avowed determination to see 'the observance of the Paris Agreement on Vietnam.'

"Though this general statement did not single out any specific evasion of Hanoi's commitments, the wives and families of the 1100 men still carried as missing in action must hope that it implies a presidential concern for the anguish they have suffered and a fresh resolution to bring to an end as promptly as possible the plaguing uncertainty about their fate.

"The bitterness felt by some relatives of the MIAs is tinged with suspicion that the government has not done all that it might or ought to have done to secure an accounting as provided for in the Paris cease-fire. . . .

"Yet the hard fact is that, short of some new diplomatic stroke gaining Hanoi's and Viet Cong compliance with their humanitarian obligations, the outlook for either recovering those who may still be alive or for finding proof of their deaths is tragically dim. Even under the best of Communist cooperation, the task of finding the remains of men missing as long as six years ago is exceedingly difficult. The U.S. never recovered the bodies of some 78,000 men who died in World War II. And now in the Vietnam aftermath, search operations, having been hampered by Communist refusal to permit teams access to disputed areas in the south as well as in the north, have had to be suspended since an ambush last December of an American search team.

"These obstacles pose dilemmas for responsible Defense Department officials as well as for MIA families. For families still clinging to a hope that husbands or fathers might still be alive, any haste to reclassify them as officially dead in the absence of fresh information can seem cruelly insensitive—if indeed not a yielding to temptation to dispose of a problem with expedient record changes in lieu of harder and persistent diplomatic pressures.

"A federal court panel ruled last February that the Pentagon can no longer declare dead those servicemen still listed as missing without notifying next-of-kin and giving them a chance to be heard. While upholding claimants' contentions that death findings without pursuing a diligent search would deny them due process, the court acknowledged that some families want a dead-or-alive determination so that they can get over their grief and start life anew.

"To all of this, to be sure, there is no easy answer unless a new administration can persuade the Communists to live up to their obligations. What possible diplomatic leverage Washington might exert to insure an accounting for the missing and repatriation of the dead, we cannot guess. But surely, so long as any hope still flickers that any of these missing may still be alive and captive, the government should withhold writing them off as dead unless either new evidence or the expressed wishes of their families so warrants."

Mr. SYMINGTON. Speaking for the committee, we are very grateful for the remarks made by the distinguished Senator from South Carolina. As we know, he is supporting the bill. We appreciate that.

Mr. ALLEN. Mr. President, I call up my amendment, which is at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 57, line 20, strike the figure $5,388,000 and insert in lieu thereof the figure $7,648,000.

Mr. ALLEN. Mr. President, I ask unanimous consent that the name of the Senator from Alabama (Mr. SPARKMAN) be added as a cosponsor.

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

Mr. ALLEN. Mr. President, first I wish to commend the distinguished Senator from Missouri, the manager of the bill, the ranking member of the Committee on Armed Services, and the distinguished chairman (Mr. STENNIS). I also commend the distinguished Republican member (Mr. TOWER). I commend them for the fine work that they always do on the military procurement bill, the military construction bill, and the various military

authorization bills that come before their committee.

I commend them for their determination that we shall always have a strong defense posture in this country. Certainly, providing for a strong national defense should be our No. 1 priority. If we do not provide for the defense of our country, it will not be long before we do not have any country to defend.

At the same time, Mr. President, I support their efforts to save funds in such areas as they are able to save, in areas where construction is not necessary, where armament is not necessary, where economies can be effected.

It is somewhat unusual for the Senator from Alabama to be suggesting an increase in an authorization or an appropriation. I am somewhat hesitant in making this request for this increase because I respect the dedication, the ability, and expertise of those leaders of the committee and the full membership of the committee that has these matters come before them.

The fact of the matter is that this amount suggested in the amendment, and I shall be more specific in a moment, was suggested by the Army. This comes under the appropriations for the Army Materiel Command.

The request was made in the House. The House committee approved the figure that is contained in the amendment. The House voted the amendment. But the Senate committee, in its wisdom, saw fit to make a reduction.

What is involved here is the construction of a headquarters building at the Anniston Army Depot near Anniston, Ala. The amount involved is $2,260,000.

What is the Anniston Army Depot? It is a tremendous installation we are proud to have in our State. I might say that this installation and the employees there have the full support of the community. It is an installation that is important to the economy of the entire area. As a matter of fact, some 4,200 persons are employed at this installation.

What does it do? Several hundred acres of this reservation contain literally thousands of concrete reinforced igloos where shells are stored. The other phase of its mission is that it is a tremendous factory or repair shop, you might say, for all manner of military armament, going from small weapons on up to 50-ton tanks. It is a busy installation.

They have no headquarters building there, even though they have a tremendous operation. For the last 30 years they have been in a renovated warehouse. That is what they have had for a headquarters building.

Since it is doing such an important service for the Army and for the Nation, and so many people are involved there—as I stated, some 4,200 people—various dignitaries come from all over the world to see the operation there at Anniston. High-ranking military officials, high-ranking officials in the Government, visit there, and they have no adequate headquarters building.

So the Army saw fit to request this building and the House approved it. Now it is before the Senate.

I have inquired of Senator SYMINGTON, Senator STENNIS, and Senator TOWER if they felt that the public interest would be served if this amendment be accepted here on the floor of the Senate, and that this installation would be allowed to go ahead.

Mr. SYMINGTON. Mr. President, the able and distinguished Senator from Alabama knows of our respect for him and our respect for his knowledge of military matters. We have discussed this question among ourselves. It is a fact that the money requested for this addition was considered a matter of lower priority by the Army. Nevertheless, because of the able presentation of the distinguished Senator from Alabama I would request that, rather than introduce the amendment at this time, he withdraw it and, inasmuch as it has already been passed in the House bill, that we take it to conference, with his thinking on the matter.

Mr. TOWER. Will the Senator from Missouri yield?

Mr. SYMINGTON. I yield.

Mr. TOWER. I would like to associate myself with the remarks of the Senator from Missouri. I am sympathetically inclined toward the proposal made by the Senator from Alabama. I feel that perhaps we should maintain the current integrity of the bill, so to speak, and look with some favor on this matter when we get to conference.

As the saying goes, we would like to have a little head room in the conference.

Mr. ALLEN. I thank the generosity of the distinguished Senators in their comments. I appreciate their attitude. I recognize that they would want to support the action of the committee.

As I have stated, I hate to go against their recommendations. But I do not believe that this is an unreasonable request.

I might state that my distinguished senior colleague, Mr. SPARKMAN, joins me in this effort. He is not able to be in the Chamber at this time because he is chairing an important hearing of his committee, but he thoroughly endorses the amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Mr. Ralph W. Callahan, dated September 3, 1974, and a letter from Mr. Harvey C. Norton, dated September 4, 1974.

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

THE ANNISTON STAR,
Anniston, Ala., September 3, 1974.

Hon. JAMES B. ALLEN,
New Senate Office Building,
Washington, D.C.

DEAR JIM: We have been much distressed at the news that the Senate has deleted from the military construction bill the $2.6 million item for a headquarters at Anniston Army Depot at Bynum.

It is my understanding that this item was in House Bill No. 16136 and, of course, it very shortly will go to conference.

For over thirty years now the Depot has been using a converted warehouse for its headquarters and at present has approximately 180 people working in the headquarters building while it is forced to disperse some 75 other headquarters' personnel in seven outposts on the installation.

I'm sure you realize how much more efficient the operation could be if the Depot could centralize its operation with all its people in one modern headquarters building.

I do not have to tell you how important the Depot is to this area since it is the largest employer within the seven counties surrounding the installation, nor do I have to tell you what a top job they are doing for the Defense Department. Incidentally, some 3,000 visitors (including high-ranking U.S. military and civilian and foreign nationals) visit the Depot each year, and I sometimes wonder about their reaction when they are greeted in this old warehouse.

On behalf of the Military Affairs Committee and the Greater Anniston Area Chamber of Commerce I earnestly solicit your assistance in seeing that this item is restored in conference.

Sincerely yours,

RALPH W. CALLAHAN.

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES,
Bynum, Ala., September 4, 1974.

Hon. Senator JAMES ALLEN,
New Senate Building,
Washington, D.C.

DEAR SENATOR: I have been informed that a project passed in the House to provide the Anniston Army Depot with a much needed and desired Headquarters and Administration Building has been deleted in the Senate.

Senator, as you know, the Anniston Army Depot is one of the largest and most productive organizations in the defense of our country. Our great depot located in the great State of Alabama is being called on to produce more and more tanks, just one of the things we do so well and more efficiently than any other Department of Defense activity. The Depot has in some skill areas as much as three generations and we are extremely proud of this heritage in the rebuild of many items of defense from small weapons to 50 ton tanks.

For over thirty years now, a converted warehouse has been used as a Headquarters Building at the Depot. While some depots and other defense establishments have boasted of modern Headquarters Buildings, the proud people at Anniston have improvised with available facilities within the converted warehouse and hoped for better facilities in the future.

The Anniston Army Depot is a top depot and should have a top Headquarters Building. The Depot is the largest employer within the seven counties surrounding the installation and is known throughout the world for their responsiveness to produce, and supply our troops as well as our foreign allies.

Approximately 3,000 visitors including high ranking U.S. Military and Civilians and foreign nationals observe this great Department of Defense activity each year.

Our depot needs this Headquarters Building, which I understand will be an item for discussion in the Senate-House conference on Military Construction. Therefore I strongly urge you to use your support and influence in our plight for this project.

On behalf of some 42 hundred Depot Employees and union members, I earnestly request your assistance in this matter.

Sincerely,

HARVEY C. NORTON,
President.

Mr. ALLEN. I recognize that no commitment has been made by the distinguished Senators who will be conferees on the bill; but with the understanding that they will check into the matter and

discuss the matter with the House conferees, and with the understanding that some consideration will be given by the conferees to the subject involved in the amendment, I do withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. HASKELL. Mr. President, I should like to mention and make a record concerning an acquisition of real estate in the State of Colorado described in the committee report as the "Fort Carson land acquisition request," on page 5.

I realize why the distinguished floor manager of the bill could not accept an amendment to delete this authorization, particularly in view of the fact that the House bill does not have it, and it will be taken to conference.

I should like to mention that when the appropriation bill comes up, if this item is in it, I will seek to have it removed.

I merely take this occasion to state the background of the problem, and in the hope that the distinguished floor manager of the bill, the distinguished chairman of the committee, and the distinguished ranking minority member of the committee, will bear the facts in mind when they go to conference and possibly decide to accede to the position of the House.

Basically, they only wanted a three-phase acquisition of land near Fort Carson, which lies between the city of Colorado Springs and the city of Pueblo. Phase 1 was for 17,500 acres and was adjacent to the southern boundary of Fort Carson. In phase 2, they only would acquire 45,400 acres adjoining the southeastern corner of Fort Carson. Phase 3 would permit the acquisition of 11,200 acres on the eastern edge of Fort Carson.

The purpose of the acquisition—that is, the Army's purpose, and it was so stated—was to provide additional maneuver room for mechanized units and to "simulate" the NATO environment.

I should mention, Mr. President, that the last expansion of Fort Carson was in 1965. At that time, the Army told the people of my State that there would be no further expansion.

The subcommittee very graciously held special hearings on this Fort Carson matter, and I thank the distinguished chairman of the subcommittee for so doing. After those hearings, a so-called compromise was proposed. The compromise was to permit the acquisition of phase 3—in other words, skipping over phases 1 and 2—and the bill authorizes $7.2 million to purchase these 11,000 acres.

The compromise is not acceptable to the people who live immediately adjacent to the area, nor to the people of Pueblo, nor to a great many people in Colorado Springs, although those people do not feel quite as strongly about it.

One has to look at the problem of this entire acquisition as a totality; because, quite obviously, the acquisition of merely 11,000 acres is not going to be sufficient to do what the Army wants, which is to have a reservation big enough to deploy a division, as opposed to a brigade, in maneuvers. So the totality of the acquisition would effectively prohibit any expansion of the city of Pueblo, and the local citizens are vehemently opposed to the acquisition.

Furthermore, it seems to me that an authorization at this time is premature. The reason I say that is that the Army has published a draft environmental impact statement, as required by law. This was done in the middle of July of this year. But this impact statement has not been reviewed by the Environmental Protection Agency, it has not been reviewed by the Council on Environmental Quality, and—this is most important—it has not been opened and subject to public hearings.

Whether one is considering the environmental impact statement or is merely considering—I think this is of overriding importance—any expansion, I think the local people should be heard at hearings as to their feelings and opinions; because unless this is done, quite obviously, resentments build up that are not desirable.

Therefore, I stress that because of the absence of public hearings, either on the environmental segment or otherwise, and because we cannot look at phase 3 without looking at phases 1 and 2—because if you go into phase 3 to get the Army its purpose, you have to acquire phase 1 and phase 2—and because of the adverse effect that the total acquisition would have on the city of Pueblo, which has approximately 1,000 people, I hope that at the time of the conference the distinguished floor manager of the bill and the other Senate conferees would consider my position.

I point out that the committee report states this:

> The major portion of the Army's justification for the land acquisition at Fort Carson was to support the training requirement of a mechanized division; a division that trains to fight primarily in the NATO area. While the committee is authorizing the funds necessary to acquire the Phase III land, it believes a mechanized division might better simulate the NATO ground environment at some other location.

In other words, the committee, itself, realizes that this terrain in Colorado is not comparable to NATO terrain and would not really be suitable to simulate NATO environment.

Therefore, in summary, I hope that in conference this matter will be reconsidered. I will try to prevent the appropriation because, frankly, this partial land acquisition will not do what the Army wants, No. 1. No. 2, the total land acquisition, according to the committee's language, would not do what the Army wants. No. 3, the people in the immediate area affected by this are violently opposed.

I thank the distinguished floor manager of the bill.

Mr. SYMINGTON. Mr. President, I am interested in and impressed by what the able Senator from Colorado has stated. His position is clear. We have had correspondence in the committee on this matter.

This matter was not approved by the House, and the language of the committee report is as follows:

> The committee notes that the major portion of the Army's justification for the land acquisition at Fort Carson was to support the training requirement of a mechanized division; a division that trains to fight primarily in the NATO area. While the committee is authorizing the funds necessary to acquire the Phase III land, it believes a mechanized division might better simulate the NATO ground environment at some other location. Therefore, future fund requests, especially for the Phase I or II area, must be justified on the basis that other adequate training sites for mechanized units within the continental limits of the United States that simulate the NATO environment are not available.

I thought that the Senator from Colorado would be interested in that part of the committee report.

Mr. HASKELL. I appreciate the senior Senator from Missouri underscoring that, and under these circumstances, I hope that the distinguished Senator will at least consider whether it is right at this moment to authorize phase III if, really, the totality is not going to be desirable.

I thank the distinguished Senator.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. STENNIS. Mr. President, I shall not detain the Senate more than a few minutes. I want to make some additional remarks about the bill, particularly this Diego Garcia aspect.

Mr. President, the Director of the CIA, Mr. Colby, testified before our subcommittee on this matter, and I notice that certain segments of the press undertook to play up what they called a rift, or a dissension, or a great disagreement between the military part of the Government and Mr. Colby. That is unmistakably the meaning of what some of them said. But, Mr. President, that is a great disservice to the military segment of our Government and to Mr. Colby.

What he said and what happened just do not justify, I submit, any such conclusion. Even though as late as this morning and until an hour ago, they were calling me, wanting me to comment upon this alleged rift between the CIA's Mr. Colby and the military. There is just nothing to it, Mr. President. There is no such animal as that running around in Washington now. There are a lot of different things running around, but certainly that is not one of them.

I want to say with all the emphasis that I can that Mr. Colby was trying to testify and did testify truthfully. He gave some of his estimations, and maybe some of them verged on military matters. With all deference to him, and I am friendly to him, my estimation that some of them verged on military matters may not be worth a great deal. They are somewhat out of our field. But at the same time, he is not taking any licks at the military, and they were not taking any licks at him, so far as I know. I just wanted to comment on that, Mr. President.

I wish to say one other thing too, about this whole concept of the Indian Ocean. I think it is a broad policy question and it has some military aspects. I shall be glad when the Congress has fully disposed of the matter. I think we ought to proceed and dispose of it. But, Mr. President, there are important aspects of this Indian Ocean problem aside from any military concern about it. They are spelled out in one short, three-letter word, a very short word, o-i-l, oil.

Out of this area north of the Indian Ocean at the Persian Gulf comes more than 80 percent of the oil that supplies Japan, certainly an ally of ours. Through the same Indian Ocean comes about 50 percent of the oil that supplies Western Europe and England, certainly, overall, a major ally of ours. Through this same Indian Ocean is going to come, by 1985, according to the estimates, about 20 percent of our own oil supply. It is around 10 percent now from the Middle East.

So, entirely apart from any so-called military significance—immediate military significance—I am thoroughly convinced—and I did not let the Navy come and brief me on this matter until I had looked into it some myself—that we had better be alert to be sure that we not get caught short in the whole vast area of the world there. We have to have better facilities for the operation of our Navy, the Navy we already have in that vast area of the world, and will have as long as we continue to be internationalists, so-called, as is our policy.

I have never been a fanatic on it, but we cannot withdraw into a shell. Our economy is so dependent on exports and imports, we are not going to be withdrawing into a shell any time soon. We are not going to solve our own energy sources problem in a few years. I am on an appropriations subcommittee with the Senator from Nebraska (Mr. BIBLE), who is here in the Chamber and compliments me by listening to me. He and I know that we are not going to solve this energy sources matter in 3 or 4 or 5 or 6 years. We are going to have it with us, at the very best, for a good number of years.

We heard all of this on the Committee on Appropriations. I should not advocate that we use up all our oil just to be independent of the Middle East anyway, unless we have to.

So, I am vitally concerned that we have the facilities there—a pier and oil storage, fuel storage, and the things that have to go into operating a Navy—that might be needed to protect our oil supply lines.

This is the route that they will come, no mistake about that, these huge oil tankers. They will never be able to use the Suez Canal.

At present fuel and repairs and supplies and everything to this Indian Ocean area have to come all the way from the Philippines. It is over 3,000 miles, anyway, to keep supply ships going back and forth.

If a carrier over there has to be replaced, or go in for repairs or for rest of the crew, there is all this distance involved. Therefore, I am convinced that if we fix up the facility there on Diego Garcia, we can far better utilize the Navy we presently have.

We read a lot about that this is going to cause us to have to build more carriers, more supply ships for the carriers, and other carrier forces. I do not believe there is a word of truth in that. There may be other reasons that will cause us to have to do that, but I am sure we can better utilize the carriers, supply ships, and carrier forces that we already have—utilize and operate them better—by having something out there in the middle of the Indian Ocean.

The island is a thousand miles or more from any shoreline. I hope we can get some kind of reasonable agreement from Great Britain, and I believe we will, and proceed on with the elemental needs for this naval installation there. I believe that is the course that we will follow, and that we will obtain an agreement. I had thought we ought to have it by now, but matters came up that they could not do it. We will thus, as I say, be augmenting, reinforcing, and making more operative the Navy we already have.

I wish we could have this oil problem go away, but it is not going away. We will have to deal with it.

So far as the money is concerned, we have reduced this appropriation to $18.1 million, rather than the $32.3 million that was requested by the Defense Department, and I commend the Senator from Missouri on that figure. The Navy has assured me over and over that they are not planning and do not expect to make any further requests above the $29 million, except for about $5 million additional that will be necessary to properly round out this matter and provide something more in the nature of adequate quarters, and so forth.

We can go on to talk about what is going to happen with reference to the Soviet Navy, and all, but these are the fundamentals. I think that we are on the right track to get an agreement and then go on with financing these matters with reference to Diego Garcia.

I support the proposal on that basis, Mr. President.

The Defense Department has, from time to time, requested the construction of a support facility at Diego Garcia. During the past few years Congress has approved over $20 million in military construction funds for an austere communications facility at Diego Garcia.

Of this year's $29 million Navy request, $14.8 million was approved for construction of a new pier, extension of the existing runway from 8,000 feet to 12,000 feet, oil storage facilities, powerplant expansion, and substation and subsistence building addition. The full $3.3 million request was approved for the Air Force to provide additional ramp space, oil storage, and open munitions storage.

The committee approval of a total of $18.1 million represents a 44 percent reduction in the Defense request of $32.3 million. The authorization of these funds will allow the Navy to construct a modest support facility for a carrier task force and naval air reconnaissance operations. The facilities are strictly logistical in nature, permitting limited inport upkeep and resupply.

U.S. INTERESTS IN THE INDIAN OCEAN

The United States has long had substantial interests in the Indian Ocean. We have been dedicated to the economic growth and well-being of the countries in the area. For many years the presence of the U.S. Navy in the Indian Ocean has been a visible source of support to our friends there and represented a U.S. commitment to deter aggressive activities by outsiders.

The United States also has a substantial interest in the petroleum resources of the Middle East. The increasing importance of energy sources to the world's economies and the embargo of the recent Middle East war have highlighted the value of the Middle East petroleum reserves. These reserves constitute over 60 percent of the world's proven crude oil reserves. It has been estimated that Europe depends on the Middle East for 50 percent of its oil supply; Japan depends on the Middle East for over 80 percent of its oil supply. This severe reliance of our allies on uninhibited access to the Middle East petroleum resources makes the support facility of Diego Garcia particularly critical.

The Arab countries themselves should view the expansion at Diego Garcia as a friendly move which could help protect their product—oil. Iran and Saudi Arabia have not objected to the proposed expansion.

The demand on Middle East oil will continue to accelerate in the foreseeable future. The United States presently receives about 10 percent of its oil from the Middle East. If the present trend in U.S. energy demand continues and U.S. oil production continues to decline as it has since 1970, the United States may well have to depend on the Middle East for 20 percent of its oil supply by 1985, or approximately 129 million barrels per month.

The routes for transporting oil from the Middle East will remain through the Indian Ocean. The opening of the Suez Canal will not eliminate the necessity to transport oil through the Indian Ocean since the canal cannot accommodate some 70 percent of the tonnage of all modern oil tankers.

At the present time the U.S. Navy must depend on the Subic Bay as its supply station for Indian Ocean operations. The base is over 5,000 miles from the Persian Gulf. To operate from such a distance puts a severe load on our Navy which has already been spread very thinly.

The expansion of Diego Garcia will underline the U.S. interest in the peaceful development of the Indian Ocean area. At the same time the expansion at Diego Garcia will signal the U.S. determination to assure the access to and transporting of the crucial petroleum resources of the Middle East.

SOVIET ACTIVITY

A wealth of intelligence information on the Indian Ocean area was provided to the Armed Services Committee. As might be expected, intelligence estimates differed on the precise extent of Soviet military activity in the Indian Ocean area. There was unanimity among intelligence estimates, however, that the Soviet military presence has been steadily increasing in the Indian Ocean area and will probably continue to increase. Without going into the technicalities of

how to define and measure military presence or military bases, it is clear that the Soviet Union has a significance entrée and capability for military activity in the Indian Ocean.

JUSTIFICATION FOR DIEGO GARCIA EXPANSION

In noting the steadily increasing Soviet presence in the Indian Ocean, Mr. President, I do not intend that this Soviet activity be the primary justification for expanding our support facility at Diego Garcia. An extended base at Diego Garcia is necessary to protect U.S. interests in the Indian Ocean. It is for our own needs and our own use.

The authorization of the $18.1 million for the proposed facilities at Diego Garcia does not imply a new or expanded role for U.S. forces in the Indian Ocean. Deployment of U.S. forces will depend on future developments. I, for one, hope that the United States never needs to deploy substantial military forces in the Indian Ocean.

The proposed facilities at Diego Garcia will be consistent with a low U.S. military profile in the Indian Ocean. These facilities will be located on a deserted island almost 1,000 miles from the nearest coastal country.

The Soviet Union has its own interests in the Indian Ocean area. They will continue to pursue these interests regardless of what the United States does in the Indian Ocean area. The United States can have no assurance as to Soviet intentions, and should not sacrifice its own interests in anticipation of Soviet behavior. I would like to emphasize Mr. President, that there is nothing in the proposed expansion at Diego Garcia which is provocative toward the Soviet Union. Diego Garcia will not in any way be a base for U.S. strategic operations. Rather it is a support facility which will give the United States a tentative connection to the Indian Ocean area.

In short, the United States has significant interests in the Indian Ocean—particularly since most of the oil of the industrialized free world must pass through this area. A small support station at Diego Garcia would facilitate efforts to protect U.S. interests in the Indian Ocean.

I thank the Senator from Missouri for yielding to me, and I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. PELL. Mr. President, in considering section 612 of H.R. 16136, let me say from the outset that I have been vigorously opposed, and remain so, to any increase in authorized expenditures for expanding our present so-called limited communications facility on Diego Garcia.

Earlier in the year, the Senate was asked in supplemental S. 2999 to authorize $29 million to expand this facility into a naval and air base. I immediately introduced an amendment to strike this item in its entirety from the bill.

Why? Because I was convinced that this comparatively modest request for funds adumbrated a major departure from our established policy of a low military profile in the Indian Ocean.

Because it was not justified by any proven threat from Soviet military forces in the area.

Because it could lead to a costly United States-Soviet arms race in the Indian Ocean at a time when hard-pressed humanity is already staggering under an annual world bill of some $230 billion for military purposes.

Because its raison d'etre appeared chiefly related to establishing a permanent U.S. military presence in the Indian Ocean at what I believe to be an eventual cost of multibillions of dollars to the U.S. taxpayer.

I believe these reasons are as valid now as they were then.

My amendment to S. 2999 never came to a vote because the Armed Services Committee wisely decided to eliminate the $29 million from that supplemental bill and reconsider the issue in connection with the 1975 military construction bill now before us as H.R. 16136.

Section 612 of the bill pertaining to Diego Garcia is represented as a compromise between the pro and con forces on the expansion issue. The original $29 million is essentially cut in half to $14-802,000 for naval construction, plus, however, $3.3 million for work requested by the Air Force.

Before these funds can be obligated, section 612 requires that the President certify that the construction is "essential to the national interest," with such certification subject to approval by both Houses of Congress in a joint resolution.

Since this legislation provides an opportunity "for full debate on the expansion of Diego Garcia as a policy matter, and in the light of the most recent circumstances," I am refraining at this time from introducing an amendment to strike the proposed $18 million for Diego Garcia in 16136.

However, let me state that if the President should certify that the expenditure of this sum for Diego Garcia is essential to the national interest, I will make every effort to persuade the Congress that this Presidential judgment is in error.

At this point, I call attention to a statement in the Armed Services Committee report—page 6, Diego Garcia-naval support facility—stating that the original $29 million "would allow the base at Diego Garcia to become a general support facilitiy for U.S. forces operating in the Indian Ocean and, in particular, would have the capability to support a carrier task force."

I would like to know if the $18 million S. 16136 calls for is considered as the initial step to obtain this same objective? That broad question embraces specific subsidiary questions such as:

Does the administration wish to establish a permanent U.S. carrier task force in the Indian Ocean?

If so, would not this action entail maintaining our aircraft carrier strength at 15 instead of reducing it to 12 as Congress was originally told was the Pentagon intention?

What would be the cost of three new carrier task forces to replace the three that would otherwise be eliminated if the carrier strength were reduced from 15 to 12 as originally planned?

Would not this cost be in the $10 billion range—some $3 billion for each carrier task force?

If this is not our costly intention, why are we pressing for even a limited expansion on Diego Garcia that is bound to arouse Soviet suspicions and antagonize our close friends in the general area—Iran, Pakistan, Australia, and New Zealand?

I raise these questions now since the replies are very pertinent to the ultimate decision made to expand or not to expand on Diego Garcia. Under section 612, the President can decide that the proposed construction is not in the national interest. I believe that the facts and circumstances of this question give him every justification for concluding that it is not. If he does not so decide, then the Congress should by disapproving of his certification under section 612.

Mr. CASE. Mr. President, the Committee on Armed Services has approved H.R. 16136, the military construction authorization bill for 1975 with an amendment providing for congressional approval, by joint resolution, of further expansion of the Diego Garcia naval and air base facility in the Indian Ocean.

As the committee correctly pointed out:

> By increasing logistic flexibility and capability, expansion of the Diego Garcia base is a distinct step in facilitating U.S. operations in the Indian Ocean and thus is directly related to the broader policy questions associated with a U.S. military presence in the Indian Ocean.

It has long been my own view that such policy questions must be resolved by Congress pursuant to its constitutional role in approving treaties. In this respect, there is no conflict in usage between treaties and other international agreements, as the American Society of International Law recently pointed out. The society went on to state that:

> No international agreement which itself assumes significant international obligations or otherwise determines important policy issues should be concluded without congressional participation.

Last year I introduced legislation to the State Department authorization bill requiring approval by Congress of all major military base agreements. The Senate approved this amendment, it was accepted in conference, but unfortunately it was deleted on the House floor on a point of order.

Again this year the Senate approved an amendment I introduced on this year's State Department authorization bill. It would prohibit spending to carry out any agreement between the United States and any foreign country: First, establishing a major military installation for U.S. troops; or second, renewing, extending, or significantly altering the terms of any such agreement, unless Congress approves the

agreement by law, or, if a treaty, the Senate advises and consents.

The Senate also approved, on the same bill, an amendment I proposed requiring congressional approval of any expansion of facilities on Diego Garcia. Earlier that amendment was approved unanimously by the Senate Foreign Relations Committee.

The action taken by the Senate Armed Services Committee is, in all essential respects, identical to the language already approved by the Senate on the State Department authorization bill. It has my full support and, I know, it will have the support of the Foreign Relations Committee.

I urge approval by the full Senate of this most important matter. It is an important step in restoring the authority of Congress.

Mr. KENNEDY. Mr. President, this bill, H.R. 16136, authorizes $18,200,000 for the first increment in the construction of expanded Navy and Air Force facilities on the island of Diego Garcia. Before this money is spent, however, the bill also provides, in section 612, for the President to reevaluate all the military and foreign policy implications involved in establishing these facilities. He must certify in writing that this action is essential to the national interest, and he must submit this certification to the Congress for approval by both Houses. Although I remain firmly opposed to the establishment, at this time, of a logistic support base on Diego Garcia—without first exploring every avenue of possible negotiation with the Soviet Union—I recognize that the committee has taken note of the serious long-term foreign policy issues involved in this action, and deferred a final congressional decision.

For some time I have been deeply concerned by the possible emergence of yet another arms race with the Soviet Union, this time in the area of the Indian Ocean. In March, I introduced, with Senator PELL, Senate Concurrent Resolution 76, asking the President to seek direct negotiations with the Soviet Union, regarding an agreement on mutual limitation of forces in the Indian Ocean. I am pleased that the Armed Services Committee, in its report on H.R. 16136, has expressed its hope that the President will explore this possibility.

Traditionally, the position of the United States toward the Indian Ocean has been to maintain the sound policy of caution, restraint, and minimal military involvement. In authorizing these funds, we would be clearly committing ourselves to expanded deployments of our military forces in the Indian Ocean. We would be establishing the basis for a semipermanent U.S. presence in the area. And we would be signaling that the fledgling arms race with the Soviet Union in the Indian Ocean is about to become a serious affair.

Before committing ourselves to these actions, we should have absolute assurance that all possibilities had been exhausted of reaching a mutual agreement to exercise restraint, in the interests of both countries. At the same time, it is imperative that we carefully examine the facts to determine whether the threat from Soviet presence is serious enough to warrant the steps being taken. To do otherwise is to ignore the lessons which history teaches, concerning the endless cycle of regional power conflicts, and to give up any hope of preserving a relatively low military profile in that area, consistent with the desires of the littoral states as expressed in two U.N. resolutions declaring the region a "zone of peace."

If these reasons alone do not cast sufficient doubt on the wisdom of proceeding with this project at this time—and I believe they do—then the widespread disagreement within our own government about the need for this facility clearly does.

President Ford has already made his views on Diego Garcia clear, in his press conference 2 weeks ago. He stated then that he was in favor of the expansion of facilities on that island, and that he did not view this as any challenge to the Soviet Union because the Russians already had "three major operating bases in the Indian Ocean."

The Soviet news agency Tass suggested 2 days later that perhaps the President had been "misinformed by his staff." They maintained that "there are neither three nor even one Soviet naval base in the Indian Ocean." It was important, therefore, to determine the facts. When the White House was asked to name these "three major operating bases," inquiries were referred to the Pentagon. The Defense Department then disclosed that the Soviet bases the President had referred to were located at Berbera, Somalia, Umm Qasr, Iraq, and Aden in Southern Yemen.

It is apparent that there is some confusion within the executive branch over the extent of these installations and whether or not they should be called bases. In his testimony last July before the Senate Armed Services Committee, on the request for authorization of these funds, Mr. William Colby, Director of the CIA, gave a different interpretation of the significance of these Soviet facilities:

> Berbera: A small installation which will handle two or three ships . . . They have been building an airstrip there for about a year, but have not gotten very far.
>
> Umm Qasr, Iraq: The so-called port is about four, five or six buildings here—a place where you can anchor . . . The Iraqis appear to be a little bit restrictive as to the degree to which they will allow the Soviets free use of this particular port.
>
> Aden, Southern Yemen: The Soviets have not used it very much. They have not done much more than port visits there.

In his testimony before the House Foreign Affairs Committee, Rear Admiral Grojean, Deputy Chief of Naval Operations cautioned us that:

> We have to watch the word "bases" here because the Russians do not have bases per se.

Similarly, an enormous array of statistics have been presented to Congress by the Pentagon, to show that the increased Soviet presence is serious enough to warrant taking actions which have the effect of making our military presence in the area semipermanent. We have seen charts showing that the number of Soviet naval ship-days exceeds American ship-days in the Indian Ocean by more than 4 to 1. But a careful reading of the footnotes discloses that the large proportion of the Soviet ship-days were accumulated by auxiliaries, supply vessels, and minesweepers used for a harbor clearing operations in Bangladesh.

Despite the appearance, according to some observers, of a wide disparity in naval deployment, the Director of the Politico-Military Policy Division of the Navy Department testified in July that:

> The U.S. presence in the past several months has been greater than the Soviet.

At the same hearing, the Deputy Assistant Secretary of Defense for International Security Affairs disclosed that, at that time, both the Soviet Union and the United States had eight combatant vessels operating in the area. The Soviet Union was deploying destroyers, cruisers, and escorts, while the United States was deploying destroyers, escorts, and the aircraft carrier *Kitty Hawk*.

Seymour Weiss, Director of the Bureau of Politico-Military Affairs, Department of State, testified that in terms of port calls during 1973, the Soviet Union made 150 visits to 9 littoral nations, while the U.S. Navy made 184 visits to 17 nations.

As justification for expanding the Diego Garcia facility, we have also heard the Pentagon's judgment that the reopening of the Suez Canal will lead to sharply increased Soviet naval activity in the Indian Ocean, because of improved access for Mediterranean and Black Sea fleets. At the same time, however, Mr. Colby offered the judgment of the CIA that the opening of the canal will "increase the overall flexibility of the Soviet Navy in the Indian Ocean, but not in itself cause a significant increase in the Soviet presence."

Because of these differences of opinion within the administration concerning the Soviet role in the Indian Ocean—present and future—I trust that any Presidential determination pursuant to section 612 will clarify these issues, and bring the true facts before the Congress. We simply must not rush unthinking into another arms race with the Soviet Union.

Mr. President, over the years we have often seen the wisdom in many parts of the world of reaching back to the historical traditions of American military policy. This is a tradition of naval power, which has helped permit projections of power where essential to our security, but also has helped to keep us from becoming involved where that is not in our interests. Ships afloat can perform this dual role. If necessary, they can be involved. But by eschewing fixed bases in a far-flung zone of difficulty, they retain the flexibility of remaining aloof.

I believe that expanding the facility at Diego Garcia would violate the second part of that important dictum. It would permit greater flexibility of naval operations, but at the price of signalling, in advance, that the U.S. Navy is involved. It will increase the chances that we will be drawn into local crisis and conflict. And it will likely stimulate a reaction, both by littoral and outside naval powers. Far better, in my estimation, for us to continue operating whatever naval forces may be required by our national interest at any time, from the existing base at Subic Bay. In particular circum-

stances, this could cost more in the short term. But in the long term, the costs are likely to be far smaller, both in overall involvement, and in the risks of unwanted combat.

Mr. President, for all of these reasons, I have grave doubts that the United States should proceed with expanding the Diego Garcia facility at this time. Therefore, I support the qualification in section 612 of this bill, and trust that the administration will provide us with all the pertinent information we must have, before asking the Congress to give final approval to this venture.

The PRESIDING OFFICER. The question is on agreeing to section 612 of the committee amendment, on the issue of Diego Garcia. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. CHILES), the Senator from Hawaii (Mr. INOUYE), and the Senator from Louisiana (Mr. LONG), are necessarily absent.

I further announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Georgia (Mr. TALMADGE), are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), and the Senator from North Carolina (Mr. HELMS), are necessarily absent.

I also announce that the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), and the Senator from Pennsylvania (Mr. SCHWEIKER) are absent on official business.

I further announce that the Senator from Oklahoma (Mr. BELLMON), is absent due to illness.

I further announce that, if present and voting, the Senator from Arizona (Mr. GOLDWATER), and the Senator from Illinois (Mr. PERCY), would each vote "yea."

The result was announced—yeas 83, nays 0, as follows:

[No. 389 Leg.]

YEAS—83

Abourezk	Domenici	Mathias
Aiken	Eagleton	McClellan
Allen	Eastland	McClure
Bartlett	Ervin	McGee
Beall	Fannin	McGovern
Bennett	Gravel	McIntyre
Bentsen	Griffin	Metcalf
Bible	Gurney	Metzenbaum
Biden	Hansen	Mondale
Brock	Hart	Montoya
Brooke	Hartke	Moss
Buckley	Haskell	Muskie
Burdick	Hatfield	Nelson
Byrd, Harry F., Jr.	Hathaway	Nunn
Byrd, Robert C.	Hollings	Pastore
Cannon	Hruska	Pearson
Case	Huddleston	Pell
Church	Hughes	Proxmire
Clark	Jackson	Randolph
Cotton	Javits	Ribicoff
Cranston	Johnston	Roth
Curtis	Kennedy	Scott, Hugh
Dole	Magnuson	Scott, William L.
	Mansfield	
Sparkman	Symington	Weicker
Stafford	Taft	Williams
Stennis	Thurmond	Young
Stevens	Tower	
Stevenson	Tunney	

NAYS—0

NOT VOTING—17

Baker	Fong	Long
Bayh	Fulbright	Packwood
Bellmon	Goldwater	Percy
Chiles	Helms	Schweiker
Cook	Humphrey	Talmadge
Dominick	Inouye	

So section 612 of the committee amendment was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which section 612 was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I rise today in support of H.R. 16136.

The main thrust of this bill is in the area of housing and other support facilities for military personnel. Also included are projects for upgrading existing medical facilities and for the construction of new facilities.

It is my firm belief that to maintain a strong defense posture and to achieve an all-volunteer force we must supply adequate support facilities for our military personnel.

I would also like to take this opportunity to congratulate the Senator from Mississippi (Mr. STENNIS) and his colleagues on the Armed Services Committee for reporting out a bill which is supportive of the continuation of our defense posture and which is at the same time acceptable in relation to our fight against excessive Government expenditures and inflation.

Accordingly, I intend to vote in the affirmative and I recommend that my colleagues do likewise.

Mr. SYMINGTON. Mr. President, I ask for third reading.

The PRESIDING OFFICER (Mr. HATHAWAY). The bill is open to further amendment to be proposed, the question is on agreeing to the remainder of the committee amendment in the nature of a substitute, as amended.

The remainder of the committee amendment in the nature of a substitute, as amended, were agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment, as amended, and third reading of the bill.

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

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I further announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

I also announce that the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), and the Senator from Pennsylvania (Mr. SCHWEIKER) are absent on official business.

I further announce that the Senator from Oklahoma (Mr. BELLMON) is absent due to illness.

I further announce that, if present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 82, nays 3, as follows:

[No. 390 Leg.]

YEAS—82

Aiken	Fannin	Montoya
Allen	Gravel	Moss
Bartlett	Griffin	Muskie
Beall	Gurney	Nelson
Bennett	Hansen	Nunn
Bentsen	Hart	Pastore
Bible	Hartke	Pearson
Biden	Haskell	Pell
Brock	Hatfield	Proxmire
Brooke	Hathaway	Randolph
Buckley	Hollings	Ribicoff
Burdick	Hruska	Roth
Byrd, Harry F., Jr.	Huddleston	Scott, Hugh
Byrd, Robert C.	Jackson	Scott, William L.
Cannon	Javits	Sparkman
Case	Johnston	Stafford
Chiles	Kennedy	Stennis
Church	Long	Stevens
Clark	Magnuson	Stevenson
Cotton	Mansfield	Symington
Cranston	Mathias	Taft
Curtis	McClellan	Thurmond
Dole	McClure	Tower
Domenici	McGee	Tunney
Eagleton	McGovern	Weicker
Eastland	McIntyre	Williams
Ervin	Metcalf	Young
	Mondale	

NAYS—3

Abourezk	Hughes	Metzenbaum

NOT VOTING—15

Baker	Fong	Inouye
Bayh	Fulbright	Packwood
Bellmon	Goldwater	Percy
Cook	Helms	Schweiker
Dominick	Humphrey	Talmadge

So the bill (H.R. 16136) was passed.

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

Mr. TOWER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SYMINGTON. Mr. President, I move that the Senate insist on its amendment to H.R. 16136 and request a conference with the House of Representatives, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the

Chair appointed Mr. SYMINGTON, Mr. STENNIS, Mr. JACKSON, Mr. ERVIN, Mr. CANNON, Mr. HARRY F. BYRD, JR., Mr. TOWER, Mr. THURMOND, and Mr. DOMINICK, conferees on the part of the Senate.

Mr. SYMINGTON. Mr. President, I should like to express the appreciation of the Military Construction Subcommittee and all its members for the fine work that has been done by Mr. Clark McFadden, who took the place of Mr. Nease, who unfortunately became ill a few days ago. It is only because of Mr. McFadden's hard work and that of other members of the staff that we have been able to present the bill today.

Mr. TOWER. Mr. President, I should like to associate myself with the remarks of the distinguished chairman of the subcommittee.

FEDERAL-AID HIGHWAY AMENDMENTS OF 1974

The PRESIDING OFFICER (Mr. HATHAWAY). Under the previous order, the Senate will now proceed to the consideration of S. 3934, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3934) to authorize appropriations for the construction of certain highways in accordance with Title 23 of the United States Code and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Time for debate on this bill is limited to 2 hours, to be equally divided between and controlled by the Senator from Texas (Mr. BENTSEN) and the Senator from Vermont (Mr. STAFFORD), with 1 hour on any amendment, 30 minutes on an amendment to an amendment, and 20 minutes on any debatable motion or appeal.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—and I hope it will be with the approval of my distinguished senior colleague, Mr. RANDOLPH, and the distinguished Senator from Vermont (Mr. STAFFORD)—that there now be 15 minutes, not to be charged against the time on the bill, to be allotted as follows: 5 minutes to Mr. CRANSTON, 5 minutes to Mr. BROOKE, 5 minutes to myself. This allocation of time would be so that we could speak on a matter that is not germane to the pending measure.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

SENATE RESOLUTION 400—SUBMISSION OF A RESOLUTION RELATING TO THE GRANTING OF EXECUTIVE PARDONS

Mr. CRANSTON. Mr. President, I am going to submit a resolution together with Senator BROOKE, who is joining me in this matter, and I will ask that it be placed on the calendar. Failing in that, I will then ask for its immediate consideration. I want to make clear, however that we have no desire to bring the resolution to a vote until Senators have had an opportunity to familiarize themselves with it.

I hope, Mr. President, we can work out an agreement, when an agreement becomes possible, to vote on the resolution, say, Tuesday of next week.

The resolution reads as follows:

Whereas the United States of America is a nation of laws and all persons in the United States are subject equally to its laws and institutions;

Whereas a public fully informed about events, situations, or ideas of public concern or public interest or which affect the public welfare is essential to the principles as well as the effective operation of a democracy;

Whereas public confidence in and respect for our system of order and justice under law is vital to the maintenance of our free institutions;

Whereas that public confidence and respect depends upon the equal application of our laws to all persons;

Whereas the offenses and alleged offenses known as "Watergate" have constituted an enormous breach of public trust and confidence on the part of officials of Government;

Whereas a part of Watergate is its alleged coverup which has deprived and continues to deprive the American people of the full information they require and to which they are entitled in our democracy;

Whereas "Watergate" will thus continue to pose a grave crisis for the American people and the Government of the United States until there is a reasonable assurance that all of the facts related thereto have been publicly revealed;

Whereas the President of the United States has chosen to pardon Richard M. Nixon for all offenses against the United States which he has committed or may have committed or participated in as President of the United States without a full exposition of his involvement in Watergate and related offenses or prior to the opportunity for the judicial process to be initiated, let alone completed, with respect to the guilt or innocence of the former President of any such offenses against the United States;

Whereas various matters are currently under investigations or in various stages of prosecution by the Special Prosecutor pursuant to regulations of the Attorney General of the United States—including matters related to "Watergate", other alleged offenses arising out of the 1972 Presidential election, and other offenses alleged to have been committed by Presidential appointees or members of the White House staff;

Whereas public confidence in the integrity of the nation's system of order and justice under law will be seriously undermined if the investigation and prosecution of such allegations of illegal acts by officials of Government do not proceed in accordance with the orderly and normal course of the criminal justice system and judicial process; and

Whereas any further action by the President of the United States at this time to pardon any defendant or prospective defendant with respect to such matters could abort the normal and orderly course of the criminal justice system and the judicial process and thereby destroy that public confidence and deprive the American people of the full information they require and to which they are entitled: Now, therefore, be it

Resolved, That it is the sense of the Senate that the grant of a pardon under section 2 of Article II of the Constitution of the United States should not be considered until after the judicial process has been fully completed (including the exhaustion of all rights of appeal with respect to a criminal investigation and prosecution referred to or within the jurisdiction of the Special Prosecutor under Attorney General's Order 517-73 (May 25, 1973) and Attorney General's Order 551-73 (November 2, 1973), 28 C.F.R. 0.37, or with respect to other matters which have been or shall be assigned to him by the Attorney General of the United States.

Mr. CRANSTON. Mr. President, the resolution speaks for itself. The whereas clauses are based on considerations of equal justice under law, and the public's right and need to know, in our democratic society and its free institutions. The reason for our urgency stems from the unprecedented action by the President in regard to the pardon of Richard Nixon without any significant consultation with a broad spectrum of leadership in the Senate.

The resolution stems, furthermore, from the statement yesterday by the White House spokesmen that the President was considering granting a blanket pardon to all the Watergate defendants or people under the cloud of Watergate, and the further statement today that, instead, pardons are being considered on an individual basis. These statements indicate that something may happen rather hastily. For that reason, we feel it appropriate to seek action now.

Therefore, I send this resolution to the desk, and I ask unanimous consent that it be placed on the calendar.

Mr. STAFFORD. Mr. President, I object.

Mr. CRANSTON. Mr. President, I ask unanimous consent for its immediate consideration.

Mr. GRIFFIN. Mr. President, I did not hear the request.

Mr. CRANSTON. There was an objection to the resolution being placed on the calendar. Because of that, I asked unanimous consent for its immediate consideration.

Mr. GRIFFIN. Mr. President, the Senator from Vermont did not object. If it is agreeable with the Senator from California, he will withdraw any reservation.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. STAFFORD. That it be placed on the calendar?

Mr. CRANSTON. Yes.

The PRESIDING OFFICER. The Chair hears none, and the resolution will be placed on the calendar.

Mr. GRIFFIN. Mr. President, may I be recognized for a moment?

The PRESIDING OFFICER. There is a time limitation.

Mr. CRANSTON. I am delighted to yield, if I have time.

Mr. GRIFFIN. For the purpose of clarification, is it the fact that under the unanimous-consent request which was made by the Senator from California, the parliamentary situation is the same as though he had asked for immediate consideration and there had been objection?

The PRESIDING OFFICER. The Senator is essentially correct.

Mr. CRANSTON. Mr. President, I should like to explain again, in case the distinguished Senator from Michigan did not hear me, that I did not want immediate consideration. I think that would be totally unfair. I hope we can work out an agreement for action, perhaps next Tuesday.

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

The Senator from Massachusetts is recognized for 5 minutes.

Mr. BROOKE. Mr. President, the resolution which the distinguished Senator from California (Mr. CRANSTON) and I have introduced is easy to understand. It has been read by the Senator from California. The reason for this resolution is that yesterday the White House informed us that the President was giving serious consideration to pardoning all the Watergate defendants.

We feel very strongly that the Congress has a responsibility to report to the President its feelings relative to a blanket pardon of all Watergate defendants. I personally feel, and I think it is implicit in one of the "whereas" clauses of this resolution, that the President made a serious mistake in granting a pardon to former President Richard Nixon without the full confession of Mr. Nixon of his involvement in Watergate and related incidents. But this particular resolution addresses itself to the other Watergate defendants.

This resolution would make it the sense of the Senate that each defendant could only be considered for a pardon on an individual basis, and only after the judicial process has been fully completed.

For example, in the case of John Dean, he has pleaded guilty, has been sentenced, and is presently serving a jail sentence. Under this resolution, or under the sense of this resolution, the President could pardon John Dean at this time.

But John Ehrlichman, who has been tried and convicted and is on appeal in one case and awaits another trial in a second case, could not be pardoned by the President at this time. He would have to wait until his case has been fully completed and all appeals have been fully exhausted.

We feel very strongly, Mr. President, that the American people are entitled to know the full facts of Watergate. There should be no coverup of the coverup. If there is a blanket pardon given to everyone involved in Watergate, in addition to the blanket pardon which has been given to former President Richard Nixon, the facts of Watergate might never come to light and without the facts Congress would be unable to enact laws which would prevent future Watergates.

I have discussed the basis for this resolution. It is only a sense-of-the-Senate resolution. It has no legal effect. But precedents indicate that the executive branch of the Government does give serious consideration to a sense-of-the-Senate, or a sense-of-the-Congress, resolution. We hope and pray that, by the introduction of this resolution and, hopefully, by the passage of this resolution, the President of the United States will be assisted in his deliberations and in his ultimate decision as to whether he should grant a pardon to the Watergate defendants.

Mr. ROBERT C. BYRD. Mr. President, I congratulate Mr. CRANSTON and Mr. BROOKE on having introduced the resolution to which they have just addressed their remarks. I ask unanimous consent that my name be added as a cosponsor of that resolution.

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

Mr. CRANSTON. I am delighted that the Senator from West Virginia has joined us.

Mr. HART. Will the Senator yield for the purpose of my asking unanimous consent that my name be added, also?

Mr. ROBERT C. BYRD. Yes, I yield.

Mr. CRANSTON. That is a pleasure, too.

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

Mr. CRANSTON. Mr. President, I ask unanimous consent that the names of the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Connecticut (Mr. RIBICOFF) be added as cosponsors of the resolution.

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

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized for 5 minutes.

SENATE RESOLUTION 401—SUBMISSION OF A RESOLUTION RELATING TO THE GRANTS OF PRESIDENTIAL PARDONS OF IN CONNECTION WITH THE PRESIDENTIAL CAMPAIGN AND ELECTION OF 1972

Mr. ROBERT C. BYRD. Mr. President, I have a resolution which I am about to submit. Apparently, a situation arises here because I did not know until a few minutes ago that the two distinguished Senators were preparing a resolution of this kind, and they did not know until then that I was considering the matter.

My resolution reads as follows:

Whereas the truth with respect to criminal offenses committed by individuals during the Presidential campaign and election of 1972 will best be made known to the American people through the trial of individuals accused of committing such offenses;

Whereas criminal proceedings with respect to individuals accused of committing offenses during the Presidential campaign and election of 1972 are underway in the courts of the United States;

Whereas material witnesses may be expected to testify with respect to such offenses during the course of the various criminal proceedings;

Whereas a Presidential pardon to any or all those individuals who stand accused of such criminal offenses would thwart the judicial process; and

Whereas a Presidential pardon for individuals accused of such criminal offenses would effectively conceal the whole truth of what happened during the Presidential campaign and election of 1972 from the American people: Now, therefore, be it

Mr. President, I ask unanimous consent that this resolution be placed on the calendar.

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

Mr. ROBERT C. BYRD. Mr. President, the resolution which I have just introduced speakes for itself. I have already indicated publicly that I regret the granting of a pardon to former President Nixon at this time. I recognize that President Ford has absolute authority to grant that pardon. I merely questioned the timing and the wisdom of it. I feel that the judicial process should have been permited to work its will and that, if, indeed, the former President had been indicted and if, indeed, following such an indictment, he had been convicted, the trial judge could have shown mercy based on the circumstances as he saw them.

It is as repulsive to me as it would be to anyone else to see a former President of the United States in jail. But I do feel that the judicial process should have been permitted to work its will, and then, at the end of the line, if the President were to see fit to grant a pardon, I do not think many people would have quarreled wtih that.

But that is beside the point, to a considerable extent, insofar as this particular resolution is concerned. On yesterday, through press reports, we were made to understand that consideration was being given at the White House—and I understand that such announcement had been authorized by President Ford—to the possible granting of a pardon to all of the persons who stand accused in connection with Watergate and related offenses. I believe that to grant a pardon to the former President and not grant it to all those who worked with him and who may have acted under his approval constitutes a double standard of justice. But in my judgment, even to extend a pardon to those persons does not remove the establishment of a double standard—such double standard being already a fait accompli by virtue of the pardoning of Mr. Nixon.

Where do we stop? Even if a pardon were to be granted to all who stand accused of crimes associated with Watergate, the jails of this country are full of people who have lost their jobs, whose careers have been destroyed, who have suffered and whose families have suffered because of white collar crimes and street crimes having been committed. It could go on and on ad infinitum. The double standard has now been established beyond recall. But I say this: I think it would be a compounding of what I personally consider to have been a mistake, to extend the Presidential pardon—to others who yet stand accused—prior to the time of their trials and convictions, if such convictions should eventually occur.

If, at the end of the judicial process, the President should want to extend the pardon to those persons, that would be a matter to be debated at a later time. But in this particular instance, I think it would absolutely foreclose the judicial process from working its complete will if pardons were now extended to any or all those who still stand accused.

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

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

Mr. ROBERT C. BYRD. Mr. President, I ask for 2 additional minutes.

Mr. GRIFFIN. Mr. President, reserv-

ing the right to object, I ask that the time be extended for 10 minutes, and that I may have 5 minutes.

Mr. ROBERT C. BYRD. Yes; I thank the Senator, and that the time not come out of the time allotted to the pending bill.

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

Mr. ROBERT C. BYRD. Let me just complete my statement. Then I shall be glad to yield.

Mr. BROOKE. Yes.

Mr. ROBERT C. BYRD. I think it would compound, as I say, an error that has already been made, but the President has to answer for himself in that regard.

I think that what the American people expect and what posterity is entitled to is that the full facts be laid upon the record, if they can be so laid, regarding any and all crimes for which various persons stand accused.

The fact that the former President has been pardoned does not yet foreclose this judicial process. If the others who stand accused go forward yet to trial, witnesses will be called, and presumably in the course of the trials, the full facts would still be laid open on the record. This resolution does not constitute any interference with the Executive Branch; the President retains the constitutional power to grant pardons if he so wishes, and there is nothing that Congress can do about that whatsoever; his power is absolute, total, and complete, in this regard, and unless there is a constitutional amendment to modify the present pardon clause, I see nothing that Congress can do.

I do think, howeve, that as the elected representatives of the people in this branch of the Congress, we ought to at least go on record as expressing the sense of the Senate and the Senate's advice that the President not extend pardons to any of those who still stand accused, until the judicial process has at least been exhausted. I am not saying anything about those who have already been convicted, because the judicial process has worked its will in their regard. As to those who have not been acquitted or convicted, in my judgment, the judicial process should be allowed to work to its conclusion, and it is for that purpose that I submit this resolution today.

I now yield to the able Senator from Massachusetts.

Mr. BROOKE. I thank the distinguished Senator. First, I ask unanimous consent that I be added as a cosponsor of the Senator's resolution.

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

Mr. CRANSTON. Mr. President, I make the same request.

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

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

Mr. BROOKE. Mr. President, I think it should be made clear, and I think the distinguished Senator from West Virginia has attempted to do this, that both the resolution offered by the Senator from California (Mr. CRANSTON) and myself, and the resolution offered by the Senator from West Virginia, do not urge that there be an effort to take away the President's pardoning power. Nor do they urge the President not to use his pardoning power. The resolutions only urge the President to use the pardoning power, if he deems it proper, after the judicial process has run its course.

We suggest this, and we do not do anything more than suggest this to the President, because we feel that it is of paramount importance that the American people finally learn all the facts about Watergate and related matters.

Mr. ROBERT C. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. ROBERT C. BYRD. I reserve that 1 minute.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, at the outset I ask unanimous consent that a statement by the President of the United States, which was released this morning at the White House be printed in the RECORD.

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

THE WHITE HOUSE,
September 11, 1974.

STATEMENT BY THE PRESIDENT

The announcement yesterday by Mr. Hushen concerning study of the entire matter of Presidential clemency and pardons was prompted by inquiries to the White House Press Office concerning Mrs. John Dean's reported statement in reference to pardoning of her husband and similar public statements on behalf of others.

Such a study is, of course, made for any request concerning pardon of an individual.

However, no inference should be drawn as to the outcome of such study in any case. Nor is my pardon of the former President, under the unique circumstances stated by me in granting it, related to any other case which is or may be under study.

Mr. GRIFFIN. Mr. President, with all due respect and deference, I would suggest that the discussion I have listened to would have been more appropriate, perhaps, on yesterday afternoon, when the junior Senator from Michigan, along with others, was surprised and shocked by press reports that President Ford was considering the possibility of a blanket pardon for all the Watergate defendants.

However, today it is very clear to me, and to others who attended a meeting with the President this morning at the White House, that no consideration is or has been given to a blanket pardon for all Watergate defendants. That unfortunate interpretation, which emerged yesterday from a White House press briefing, is attributable—as I understand—to a reply given to questions prompted by Mrs. Dean's statement indicating she felt her husband, John Dean, should be pardoned.

I might say in passing that the judicial process in the case of John Dean had run its course. As the Senator from Pennsylvania (Mr. HUGH SCOTT) said when he talked with the press after the meeting with the President this morning—the response given was intended to indicate that a request which goes to the President of that nature would not be thrown in the wastebasket. I do not think anyone would expect him to do that; and, of course, such a request would be studied.

Now, to say that it would be studied does not indicate or justify an inference that, therefore, a pardon would be granted.

Mr. CRANSTON. Mr. President, will the Senator yield for a point of clarification?

Mr. GRIFFIN. And the statement released by the President this morning indicates that such a study, of course, would be made concerning any request of any individual.

If there were grounds yesterday for misunderstanding the intention, I would hope that the whole matter was cleared up this morning.

Mr. CRANSTON. Mr. President, will the Senator yield.

Mr. GRIFFIN. Yes.

Mr. CRANSTON. I think the matter is clearer. I am delighted that the President made the clarification that he made today.

However, the concern that Senator BROOKE, Senator BYRD, and I share is not really concerning a blanket pardon. We are concerned that no individual should be pardoned until that individual's case has run the full judicial course to whatever the end might be, so that the facts may be laid out and we will not have what might be called a prepardon.

Mr. GRIFFIN. Yes, I appreciate that. As long as this explanation is in the record, there is certainly nothing wrong or inappropriate about any Senator offering a sense-of-the-Senate resolution on this subject. Indeed, I may even end up voting for such a resolution. There may be a great deal of merit to such a move. But I believed it was important to put the developments of yesterday and this morning in perspective. I think events this morning do throw an entirely different light on the picture.

Mr. CRANSTON. If the Senator will again yield, I think it is very important that he did clarify that matter. I am delighted that he did so, and I hope very much that he will support the resolution. I am delighted that he thinks he might.

The PRESIDING OFFICER. The Senator from West Virginia has 1 minute remaining.

Mr. ROBERT C. BYRD. Mr. President, just for the record let me say that I was not present at the meeting this morning to which the able Senator from Michigan referred. I was not expected to be at that meeting, and I am not complaining about that, but for the record I was not there, so I do not know what clarification of yesterday's events was expressed there, but I do appreciate the statement that has now been made by the distinguished assistant Republican leader.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore of the Senate, appoints the

Senator from Iowa (Mr. CLARK) to attend the United Nations World Food Conference, to be held in Rome, Italy, November 5–16, 1974.

FEDERAL-AID HIGHWAY AMENDMENTS OF 1974

The Senate continued with the consideration of the bill (S. 3934) to authorize appropriations for the construction of certain highway in accordance with title 23 of the United States Code, and for other purposes.

Mr. BENTSEN. Mr. President, I ask unanimous consent that during consideration of and voting on S. 3934 the following staff members of the Committee on Public Works be granted the privilege of the floor:

M. Barry Meyer, Philip T. Cummings, Leon Billings, Ronald Katz, George N. Fenton, Jr., Richard M. Harris, Bailey Guard, Katherine Cudlipp, Harold Brayman, Richard Herod, Jacqueline Schafer, Richard Kait, Steve Swain, Vic Maerki of Senator Stafford's staff and for the Commerce Committee, Lynn Sutcliffe, Ed Cohen, and Ed Merlis.

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

Mr. BENTSEN. Mr. President, I yield myself such time as I may need.

Last year, Congress passed a landmark Federal Aid Highway Act, a measure that, for the first time, allowed the highway trust fund to be used for transit purposes and substantially increased authorizations for various Federal aid highway programs.

Following the passage of last year's bill, the Subcommittee on Transportation did not anticipate action this year on another highway measure. However, some unfinished matters remained from last year and the energy crisis which hit us last winter gave new impetus to the need for highway, related legislation.

The measure which the committee has reported to the Senate is not a comprehensive one. The committee recognizes that new and broader legislation will have to be considered next year as authorizations for the Federal Highway Act of 1973 near the expiration period. Therefore there are no provisions in this act extending authorizations beyond fiscal 1976.

However, there are sections of the bill directed specifically at our energy problems and other provisions intended to fill in gaps in the 1973 act.

The committee decided to make permanent the 55-mile-per-hour speed limit which is due to expire on June 30 of next year. The Federal Energy Administration has estimated that despite the tendency of drivers to allow their speeds to rise above the national limit we are still experiencing a 200,000 barrel a day savings in crude oil and a considerable saving of lives on our highways. Indications are also that the 55-mile-per-hour limit is popular with the public with some 72 percent of the people in the June Gallup poll expressing a favorable view of it.

Another energy matter, the committee approved a modest increase in permissible truck weights on the Interstate System. Present law restricts single axle weights on interstates to 18,000 pounds, double axle weights to 32,000 pounds, and overall gross weight of 73,280 pounds. These allowable weights date back to the 1956 Highway Act, which established the weight limitations to protect the heavy Federal investment in the Interstate System. A study was ordered in the 1956 act which later resulted in a series of road tests and a recommendation by the Department of Commerce that axle weights be allowed to increase to the levels in the committee bill and that a bridge formula be included in law which would relate the weight of the vehicle to the distance between axles and the number of axles.

These suggestions were made in 1964, yet the old weights still remain in law. The committee debated this question at some length after hearing many witnesses and determined to allow modest permissive increases in truck weights, but to leave the question of truck lengths free of Federal regulation and to leave the allowable widths of trucks at 96 inches.

Questions of safety and economics were considered, as was the fact that the modest increases in the committee bill already exist in approximately half of the States of the Union, as a result of a grandfather clause in the 1956 bill which allowed States permitting heavier weights at that time to maintain those weights.

Other major provisions in the bill include an extension through fiscal 1976 of the Highway Beautification Act with several strengthening amendments designed to encourage alternatives to billboards along our major highways. The beautification program, after a shaky start, is now on firm ground, with all 50 States in compliance. Over 225,000 signs have been removed, and several States have taken advantage of provisions in the act to allow improved information services in the form of official State "logo" signs, better services at rest areas, and sign plazas. The committee bill increases the authorizations for the program and allows Federal participation, for the first time, in the establishment of information centers at safety rest areas and travel information systems within the rights of way of interstate and primary highways.

The committee bill also contains a provision allowing for a new administrative procedure by which highway construction contractors can apply to the Secretary of Transportation for the termination of Federal highway contracts. This could be accomplished only on contracts entered into before November 1, 1973 and only when the contractors anticipated supplier is incapable of delivering essential highway materials at any price.

Other provisions would increase authorizations for the rural bus demonstration program, approved by Congress last year and would allow the funds in the program to be used for operating subsidies. The committee regards this program, initiated by its distinguished chairman, Senator RANDOLPH, as the forerunner of a more ambitious program to meet the urgent needs of rural transportation.

Two sections relating to bridge replacement are included in the bill. One increases the authorization for the generic bridge replacement program. Testimony has revealed that the program, at its present level of funding, would take more than 160 years to replace the dangerous bridges that presently require their repair and replacement. The second provision authorizes some $116 million for the replacement of some severely deteriorating bridges on the overseas highway to Key West, Fla. This highway is a vital defense link, and the bridges deteriorated markedly during the period of the Cuban missile crisis, when large loads of heavy equipment were transported to the South.

The committee took action to allow all parkways, not just those on Federal aid systems, to be financed from the Highway Trust Fund. The committee believes that the national character of these roads make it logical to finance them from the trust fund, and it reiterates this provision, which the Senate approved last year.

An additional $25 million is authorized for the Indian reservation roads and trails program and the bill allows these funds to be used on Federal aid highways leading to Indian reservations.

To improve transportation facilities for the elderly and the handicapped, the committee adopted a provision requiring that in the future planning construction, and operation of transit systems, there must be assurances from grant recipients that the transit facilities can be effectively utilized by elderly and handicapped persons. This provision applies to the Federal Aid Highway Act of 1973 and is prospective only.

Other sections of the bill authorize the Alaska ferry to stop in Canada, provide some $20 million for bikeways in urbanized areas, allow some modifications in the rail highway grade crossing demonstration project in the Northeast Corridor, create a new program for access roads to Federal reservoirs, and extend the carpool demonstration program for 1 year with a $15 million authorization.

I want to express my personal appreciation to the members of the Transportation Subcommittee and the full Public Works Committee for their work on this important measure. Our chairman, Senator RANDOLPH, made significant contributions to this bill and diligently attended most of the hearings and the mark-up sessions, giving the committee the benefit of his extensive knowledge of highway legislation. Senator STAFFORD of Vermont, the ranking minority member of the subcommittee, chaired subcommittee sessions when I was unable to attend and gave the committee wise counsel during executive sessions. My thanks also go to other members of the Transportation Subcommittee for their contributions—Senators MUSKIE, MONTOYA, GRAVEL, BURDICK, WILLIAM L. SCOTT, and DOMENICI.

The staff of the Public Works Committee did their usual effective job counseling the members and assembling the necessary background information. I

would like to pay tribute to Barry Meyer, Bailey Guard, Leon Billings, Phil Cummings, John Yago, Richard Harris, Hal Brayman, Kathy Cudlipp, Ron Katz, Clark Norton, Ric Fenton, and Jackie Schaefer.

Mr. President, I believe we have a realistic piece of legislation before us, which reflects the careful consideration of the Public Works Committee. I urge the Senate to act expeditiously and favorably on it.

I reserve the balance of my time.

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

Mr. BENTSEN. I am delighted to yield to the Senator from Florida.

Mr. CHILES. I commend the distinguished chairman of the Subcommittee on Transportation and the ranking minority member (Mr. STAFFORD) for the work they have done on this bill. I also want to especially thank Senator RANDOLPH for his cooperation and assistance, and to the staff especially, in recognizing for Florida the problem of the Key Bridge, better known as the Overseas Highway.

If it were not for the leadership, my State would be faced at this time with an impossible replacement problem with no real resources, or not enough resources, to meet that need.

As the Senator from West Virginia (Mr. RANDOLPH) is painfully aware, the collapse of the Silver Bridge at Point Pleasant, W. Va., in December 1967 brought to the forefront this Nation's critical problem in the area of bridge inspection and repair. In an effort to eliminate any similar recurrences, the State of Florida has undertaken a major bridge inspection program which has brought to light the very severe problem which currently faces the State with the the Florida Keys bridges.

The Florida Department of Transportation, after several months of investigation, has found that rapid and accelerated rate of deterioration has created a need to replace 37 of the 44 bridges which make up U.S. Highway No. 1, the Overseas Highway, in the Florida Keys. As a result, this tremendous need which represents in excess of $155 million, and due to the shortage of funds which Congress currently authorizes in the Special Bridge Replacement program, a special authorization has been requested in section 119 to provide Federal share of 75 percent in replacing these 37 bridges.

The importance of these bridges can only be measured from the daily role they play providing access to the people who live in the Keys, and to the military installations which are found in the Key West area. U.S. Highway No. 1 provides the only land access, for the approximately 55,000 permanent residents and the 12,000 part-time residents or visitors from the continental United States to the Florida Keys chain.

While the naval air station at Boca Chica is not, of course, dependent solely on the highway for supply of goods. U.S. Highway No. 1 is the only source of local traffic movement. It provides ground access to the military and civilian personnel as they go from their jobs to the naval air station, which would be severely impaired if the bridges cannot be maintained. Recently the Commander in Chief of the U.S. Atlantic Fleet referred to these installations as "a vital interest in insuring that our Navy's ability to train personnel and to operate aircraft from the naval air station is preserved. Key West offers one of the very few areas within the continental United States which combine excellent weather, unencumbered airspace and base capacity. In these features, NAS Key West is unique on the east coast and preservation of unimpaired air operations from this station is considered essential to the readiness of Atlantic Fleet Aviation squadrons."

This lifetime is especially important during hurricane season for evacuation of people and to move in civil defense and emergency services and equipment. The stresses of either hurricane or evacuation would be extremely severe on the already hazardous bridges. Without replacement as soon as possible, a hurricane could turn the bridge conditions from severe economic problem to a human nightmare in a few hours.

Bridges of U.S. Highway No. 1 are most important indirectly in that they carry Florida Keys' only water supply between the mainland and the islands. Three-fourths of all fresh water in the Keys is carried from the mainland in a 18-inch diameter 140-mile-long aqueduct which is dependent at every water crossing on the bridges. Potable water in the Keys has always been both costly and in short supply. At a $2.50 per 1,000 gallon cost, water represents an unprecedented high portion of the cost of living in the Florida Keys.

The economy of the Keys is almost totally dependent on commercial fishing, the naval air station, and retirement and second home development. All of these activities are extremely transportation dependent and virtually all transportation in the Keys is dependent on U.S. Highway No. 1. The only major exceptions being bulk fuel, brought in by barge or tanker, and the two small commercial airlines.

The commercial fishing industry in Key West accounts for 25 percent of the value of all fish landed in Florida, and a significant portion of the Keys' economy is dependent on the highway for both the transportation of the catch to markets and processing plants all over the country, and for the transport of necessary supplies and parts. Small, but growing mariculture operations are similarly situated. While over water transport is available to these industries, speed is the most essential factor in seafood transportation, and U.S. Highway No. 1 is the only available route.

The present condition of the Florida Keys' bridges constitutes an increasing threat to lives and property of those who must use the Overseas Highway. Although severe measures have been taken by the State to avoid a tragedy, it may be only a matter of time before an incident, such as that which occurred in West Virginia, occurs to focus national attention on this urgent problem. Safety alone dictates that corrective measures be taken rather quickly. Commonsense suggests that there is no other alternative.

In an effort to insure the long life of the Florida Keys bridges, the State on April 18 sharply reduced weight limits for all 44 bridges from 72,000 pounds to 50,000 pounds. The Florida Highway Patrol officials have cooperated fully in enforcing the new weight limitations on a 24-hour daily, 7-day per week basis.

In adopting these strict weight reductions and enforcement measures, the Florida Department of Transportation Secretary Revell indicated "we realize the potential economic impact which this measure may have on Key West and other residential areas. It is unfortunate that such action must be taken when only one route provides access to an area; however, we must protect that one route."

Through the efforts of Governor Reubin Askew, the State has also made available from its general funds $10.8 million to assist in providing the necessary maintenance to shore up these facilities during the time which will be required prior to their being replaced.

While the State is taking every action that is currently available to it in responding to this severe problem, it is doing so without understanding that the severity of this situation is such that to effectively and efficiently meet the financial need of replacing the 37 bridges in the Florida Keys that special assistance will have to be forthcoming from the Federal Government. Under the existing special bridge replacement program which provides only $75 million for fiscal years 1974, 1975 and 1976, the State's share would be so minute that it could not in any way meet this huge financial burden.

I especially thank the Senator for his assistance.

Mr. BENTSEN. I thank the distinguished Senator from Florida for his articulation of the concern of the people of Florida.

That buttressed by my own personal visit to see some of these, carried a lot of weight and was most helpful in our arriving at a decision.

Mr. STAFFORD. Mr. President, the Committee on Public Works is reporting a highway bill which I believe, in large part, responsibly deals with issues which have arisen since passage of the landmark Federal-Aid Highway Act of 1973. The bill before us is not intended to be a comprehensive measure. Members of the committee recognize that there are major questions which must soon be addressed: The future of the highway trust fund, the structure of assistance programs for rural and urban transportation, the level of funding for fiscal 1977 and beyond, the means to expedite completion of the Interstate System. These are questions which we believe should be resolved next year, when we have had time to assess changes brought about by the 1973 act and are closer in time to the period for which new funds must be authorized.

I wish to call attention to and indicate my firm support for the committee's po-

sition against increasing Federal-aid authorizations for the period already covered by the 1973 act. Economic conditions at this time are such that restraint in authorizing new Government spending is a necessity. I believe the committee has acted responsibly in recognizing that the national interest in a stabilized economy must be put before the call to compensate for unusually large increases in highway construction costs.

My able colleague from Texas, the chairman of the Transportation Subcommittee (Mr. BENTSEN), has done an admirable job of summing up provisions in the bill. I do not propose to repeat his explanations. Rather, I would like to comment briefly on those measures which I believe merit special mention. A little later I shall move to strike one section of the committee bill dealing with vehicle weight increases and will address that issue at that time.

As a Senator from a predominantly rural State, I welcome the committee's action in modifying and adopting the administration's proposal for increased funding and flexibility in the use of funds for the rural transportation bus demonstration program. The chairman of the full committee, Senator RANDOLPH, has been the driving force behind the creation of this program and its expansion, and is to be applauded for his imaginative response to transportation needs in rural areas. The committee's amendment, by allowing the demonstration funds to be used for operating expenses, makes more likely the success of a program designed to find ways to provide adequate transportation to residents of rural areas.

Another provision in which the Senator from West Virginia and I have a special interest, as chairman and ranking minority members, respectively, of the Subcommittee on the Handicapped, is that section which requires that all mass transit facilities and equipment in which Federal-aid highway funds participate must be accessible to the elderly and handicapped, including persons in wheelchairs. The provision in the committee bill reiterates and clarifies a similar requirement included in the 1973 Highway Act.

I do want to point out, however, that this provision alone will not insure that the bulk of federally funded mass transportation projects will be accessible to the handicapped. By far, the great majority of such projects are funded under the Urban Mass Transportation Act of 1964, as amended, not under mass transit provision of title 23, United States Code.

The Public Works Committee in adopting this provision expressed its hope that the Committee on Banking and Urban Affairs, which has jurisdiction over the UMTA program, would take early action to include identical requirements for that program. Without such parity between the two programs, use of urban highway funds for mass transit may well be discouraged while the needs of the elderly and handicapped go unmet.

One of the major sections in this bill is that dealing with highway beautification. The Senator from Texas has already pointed out the accelerated rate of progress now being made in removing billboards and the need to insure that this momentum is not lost. The committee's bill extends control of billboards to those legible from the main traveled way, that is, to those the message of which—whether pictorial or written—is perceptible to a traveler on an interstate or primary highway.

There was some fear that language requiring removal of signs which are "visible" from the main traveled way could lead to control over billboards which were directed to travelers on a secondary road but the structures of which were incidentally visible to travelers on the primary or Interstate route. This was not the intent of the provision, so the word "legible" was substituted for "visible" to make clear that Federal control extends only to those signs the messages of which reach motorists on the controlled roadway. Any State, of course, may impose more stringent or extensive controls.

Also in regard to highway beautification, the committee wisely rejected a proposal to require that certain signs could not be required to come down until an alternative system of information had been provided. Such a provision, we were informed by the Department of Transportation, could effectively halt the billboard removal program in the States. The committee recognizes that travelers do have a need for certain types of information and has included an amendment to existing law, proposed by the junior Senator from New Mexico (Mr. DOMENICI), to permit Federal funds to participate in the cost of developing and providing alternative information systems such as information plazas or information centers at rest areas.

The committee has included a bill introduced by the senior Senator from Illinois (Mr. PERCY), and cosponsored by Senator RANDOLPH and myself to make permanent the 55 miles per hour limit. Total reduction in traffic fatalities for the first 6 months of 1974 measured against the same period in 1973, is estimated at 6,000, with lower speeds believed to be largely responsible for the decrease.

That is, there are 6,000 more people alive than we believed would be alive today and we kept the 1973 speed limits, with the lower speed limits believed to be largely responsible for the decrease in fatalities.

These figures alone would justify a permanent 55-mile-per-hour speed limit, but as others have pointed out, significant fuel savings are realized when a 55-mile-per-hour limit is observed. It is important to point out that the committee considered whether or not it should include some measure to encourage States to enforce the speed limit, particularly to enforce it uniformly with respect to all vehicles, trucks as well as automobiles. Members have heard from constituents and have ourselves observed that not all drivers observe the posted limits. At this time the committee felt it best to urge States, through report language only, to make every reasonable effort to enforce legal speed limits. Persistent disregard of such limits by drivers and lax State enforcement could, however, cause reconsideration of Federal action.

There are two sections of the bill which deal with bridge replacement: One authorizes $116,250,000, the 75 percent Federal share of an estimated $155,000,000 needed to replace or reconstruct 37 dangerously deteriorated bridges providing the only highway access to the Florida Keys; the other measure increases funds for the national bridge replacement program.

I will not repeat figures showing the extensive and immediate need for bridge replacements across the country; the committee report contains these figures. I do want to note, however, that the committee acted upon the Florida situation separately because of the unique character of the need there: Its magnitude and the geographical setting. The committee did not intend its authorization for the Florida project as a precedent for further specific authorizations for individual bridge projects.

The bridge replacement program created in 1970 was designed to permit the Secretary to review State bridge surveys and to allocate Federal funds on a national priority basis, replacing or reconstructing first those structures which pose the greatest potential hazard or disruption. The Secretary is not constrained by a statutory distributions formula because Congress recognized that priority bridge replacement needs are probably not evenly distributed among the States. Given this flexibility, there is no need for separate authorizations for specific projects.

Finally, I want to mention a provision which the committee hopes will expedite removal of railroad-highway grade crossings along the highspeed Northeast rail corridor. The provision modifies the cost-sharing formula for these projects, removing the required 10 percent contribution from the railroads and providing a uniform 90 percent Federal, 10 percent State share for all public road crossings. This change was recommended by the administration because the railroads' inability to provide their share of the required funds has caused extensive delays in the program. Because highway as well as rail travel will benefit from these projects and because States have the major responsibility for, and receive major benefits from their road systems, it was felt desirable that the States making up the Northeast corridor contribute toward enhancing road and rail safety and efficiency along this corridor.

Mr. President, I will close my remarks by repeating that I believe the bill before us is, in most respects, a modest and desirable package. Extensive hearings on all major issues provided a sound basis for the committee's deliberations and decisions. I wish particularly to pay tribute to the chairman of the Subcommittee on Transportation, Mr. BENTSEN, for his leadership, interest, and diligence in shaping this bill and laying a foundation for future legislation; to the chairman of the full committee, Mr. RANDOLPH, whose initiatives I have already mentioned and whose leadership is so con-

structive; to the ranking Republican, Mr. BAKER, whose creative ideas and reasoned judgments were vital to this bill's development; and to the junior Senator from New Mexico (Mr. DOMENICI) whose participation and perceptive questions during hearings and contributions in both the subcommittee and full committee helped produce what I believe is a bill responsive to current needs.

Of course, I am also grateful to the other Members of the subcommittee and the full committee and the staff of the committee on both sides of the aisle who participated in the work of preparing this bill.

At this time, Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I yield myself such time as I may desire.

Mr. President, it is important that the Federal Foreign Aid Highway Act Amendments of 1974 be enacted into law if we are to continue our constructive roadbuilding program. In the context of the further development of our highway programs, this measure brought here this afternoon, as Senator BENTSEN and Senator STAFFORD has indicated, involves certain unique approaches which are very worthwhile. This measure is being developed, and has been developed to this point, during a year in which major financial authorizations were not expiring and, therefore, it was not necessary to have congressional attention to that aspect of the program.

We have, instead, utilized this opportunity, Mr. President, to make adjustments in various features of our Federal aid program, a program including, of course, the very important concepts of beautification. The bill could, I think, be called a fine tuning effort for our major highway measure which became law in 1973. In the 94th Congress, after we have completed this measure built upon the comprehensive measure of last year, we are naturally going to turn our attention to examining the further needs of the full Federal aid program against the background of the 2 years of experience under the 1973 act.

Without the necessity to consider full financing in our highway program, we have been able, as the Senator from Vermont knows, to bring S. 3934 to this body so that we might properly focus on several problems that have arisen during the past year. The past 12 months have been unique in at least two respects: A rapidly accelerating inflation rate and a changing energy supply situation. These factors, very properly, have forced a reexamination of many facets not only of roadbuilding but also of every aspect and every sector of our national life. This bill, then, responds to situation that demand the immediate attention of the 93d Congress before this session closes.

I am very appreciative of the leadership of Senator LLOYD BENTSEN, the chairman of our Subcommittee on Transportation, in the drafting of this legislation. Early in the year he began a series of hearings that produced considerable information of value to the committee. Senator STAFFORD, the ranking minority member of the Subcommittee on Transportation, made important contributions, as did the other members, Senator MONTOYA, Senator GRAVEL, Senator MUSKIE, Senator BURDICK, Senator BUCKLEY, Senator WILLIAM L. SCOTT, and Senator DOMENICI.

When considered by the full committee, we benefited from the concerned involvement of Senator BAKER, the ranking Republican, and the active participation of Senator CLARK, Senator BIDEN, and Senator MCCLURE.

Mr. President, there are several important features of this bill. I believe, however, that there is none of greater long-term value than that establishing the uniform 55-mile-per-hour speed limit as a permanent feature.

When the national speed limit was enacted last winter it was viewed as an emergency measure brought on by the shortage of fuel in the wake of the Arab oil embargo. This act—Public Law 93-239—was one of the first responses to the energy crisis to be enacted by the Congress.

The results have been apparent and they have been substantial. After many years of often frustrating highway safety programs, the rate of death and injury have declined dramatically. It is important to realize that they have remained low despite a gradual return of vehicle usage to near levels of a year ago. For the first 7 months of this year, highway fatalities are 6,800 below those of 1973.

The same observation also is true of the savings in gasoline. The Federal Energy Administrator, John C. Sawhill, recently reported to the Committee on Public Works that the 55-mile-per-hour speed limit results in a savings of 5 million gallons of gasoline every day by cars alone. If applied to all vehicles—cars, trucks, and buses—the total potential savings amount to over 3 billion gallons a year. This is a significant contribution to the national goal of sustained energy conservation.

The committee felt the evidence was overwhelming after only 7 months that the uniform maximum speed limit should be made permanent.

Mr. President, I harbor no illusions that the new speed limit is uniformly popular. Neither am I unaware that it is violated with some regularity, particularly now that there are adequate gasoline supplies for the time being.

Last winter, when this matter was first under consideration, there were suggestions that a two-speed limit be enacted; one speed for cars and another higher speed for trucks. The committee rejected this approach and settled on a uniform 55-mile-per-hour limit for all vehicles. This is the only fair way.

In reviewing the experience of 7 months under the uniform speed limit, the committee became convinced that strict enforcement is essential. If we are truly committed to bringing energy consumption under control and if we are serious about reducing highway death and injury, the National maximum speed limit must apply to everyone equally. That is why the committee report on this bill emphasizes the necessity of effective enforcement.

Mr. President, there is one other point that I hope will be made by the enactment of the permanent speed limit of 55 miles per hour.

By this action we can send a strong and unmistakable signal to Detroit that the days of the big gas-guzzlers should be numbered. Simple economics as well as the need to reduce automobile pollution seem to me to mandate an emphasis on smaller cars. A 55-mile-per-hour speed limit underscores this need by making unnecessary machines that will cruise at 75, imposing a threat to life, the environment and stable energy supplies.

I have dealt with the statistics which prove the wisdom of continuing the uniform speed limit. There is another, less tangible reason of which every American who has slowed his driving should be aware.

Slower driving is less tense driving. By lifting the foot on the gas pedal we lift some of the tensions that fill our everyday lives. Americans have become obsessed with speed to the extent that we cannot fully enjoy this beautiful land in which we live. Lower speed limits return to us the opportunity to once again enjoy our country and to arrive at our destinations less exhausted from the strain of trying to survive in high-speed traffic. This alone, in my mind, would justify 55-mile-per-hour speed limits.

Mr. President, this bill also refines and extends the program to make our roadways more pleasant to see. The highway beautification program, since its inception in 1965, has been controversial, especially that portion which seeks to control outdoor advertising. It was, in fact, dispute over how to achieve this goal in an equitable manner that kept us from enacting beautification legislation last year.

It has now reached the point where legislation to continue the program must be passed. For more than a year there have been no new fiscal authorizations for highway beautification. The program has existed on unspent funds from previous years, but this is no proper way for an activity to function that has as its mission the visual enhancement of our highways.

The control of outdoor advertising is a key feature of the beautification program. One of our greatest difficulties has been devising a way to restrict the number of billboards along our roadways while assuring that the traveling public receives the information it needs. At the same time, we have not sought to work hardship on any portion of the economy. Outdoor advertising is a legitimate business, and those who depend on it for a livelihood should not be made to suffer because of the prohibition of certain kinds of signs.

As with anything else created by the mind of man, some types of advertising has considerable artistic merit. There are others that have been in use so long that they are virtually a permanent part of the American roadside scene. By longevity and acceptance, they have become a part of our country's folk heritage. I

am thinking particularly of signs painted on the sides of barns and some of those that are particularly suited to be placed on rocks.

It has never been the intention of Congress to control outdoor advertising with a rigid everything-must-go approach. There are obviously some signs worthy of preservation. This bill, therefore, provides that signs of particular artistic or historic merit can be exempted by the Secretary of Transportation from removal. This provision applies to such signs erected before October 22, 1965, and includes those on farm structures and natural surfaces. Any sign so designated by the Secretary could remain in place and be maintained to serve its original purpose.

In the bill, the committee has adopted what I believe to be a realistic and workable approach to highway beautification. Some of the uncertainties and impediments that have become apparent in the existing statute are addressed with the aim of enabling highway beautification to proceed. In addition, the bill authorizes $105 milion a year for beautification programs, thus backing intent with the cash needed to be effective.

There was perhaps no more difficult issue to resolve in the writing of this bill than that dealing with truck weights. This, Mr. President, is another question induced by last winter's fuel shortage, but it has been before the Congress on prior occasions.

The hardship and inconvenience imposed on the trucking industry by fuel shortages and costs, as well as lower speed limits, all were convincing arguments for permitting heavier trucks to use our highways.

Balanced against them, however, were considerations of highway safety and the added maintenance expense heavier trucks would impose on State highway departments. There was, too, a strong and adverse public reaction to proposals for heavier trucks.

Nevertheless, the committee felt there was justification for a modest increase in the weight of trucks permitted to use interstate highways. The bill incorporates this belief in provisions permitting as increase in maximum allowable weights from 73,280 to 80,000 pounds.

It is important to emphasize that these are maximum weights and apply only to the Interstate System. The individual States may set lower limits if they desire and can impose any controls deemed necessary on noninterstate roads.

The committee also made its recommendations with the knowledge that new, stricter standards for truck tires and brakes will become effective by next spring. These plus the 55-mile-per-hour speed limit should offset any potential safety hazards imposed by the slightly heavier trucks.

Perhaps the major beneficiaries of increased truck weights will be the country's farmers. At a time when there is great concern about food supplies and prices, the increase of about 7,000 pounds per truck will have substantial impact in farm areas.

Under the new maximum weight, farmers would be able to transport 20 more hogs per truckload than now; 14 to 18 more feeder calves than at present. The wheat shippers could move an additional 116 bushels per load, and similar improvements would be achieved for other grains.

The fruit and vegetable industry is heavily dependent on motor transport with more than 75 percent of the produce of California and Arizona moving to market by truck. The percentage from Florida is even higher.

It is obvious, then, why most of the general farm organizations and farm commodity organizations throughout the country have gone on record as favoring this type of legislation. But farmers are not the only ones who will profit; consumers also will feel the impact through food availability and perhaps price stability.

Mr. President, I think it is worthwhile that I stress a fact which should be recognized as we debate this measure. Four years ago—and it is not improper to say this—I initiated legislation which is included in this measure dealing with the special bridge replacement program. This section certainly provides a long-overdue emphasis on rebuilding many of the thousands of obsolete and unsafe bridges which cannot accommodate the demands of our modern traffic.

While a total of $250 million was authorized for the program during its first 2 years, only $75 million was authorized for each of the 3 fiscal years 1974, 1975, and 1976. These lower authorizations were not indicative of any decreased congressional concern, but of a realistic reaction within our committee and the Congress, which is understandable, regarding the obligation of funds that, although desirable, may not be absolutely necessary to the continuity of our overall effort.

I do not believe, however, that in this program there should be a skimping from the standpoint of the authorization and the later actual appropriation of dollars. This, clearly, is an activity that was established on a separate basis because of the high cost, as we are aware, of bridge construction throughout the country. We recognize that bridge replacement needs are not evenly distributed from one State to another State or even within States. At the present level of funding—I am saddened to make this statement—it will take 40 years to replace the approximately 24,000 eligible bridges under our Federal-aid system. That is too long. This bill shortens that period of time and accelerates the pace by which we can move forward with a doubling of the effort through a substantial increase in the authorizations.

In a related matter, Mr. President, we are authorizing $116,250,000 as the Federal share of rebuilding bridges on the overseas highway linking Key West with mainland Florida. We have given our attention to it because we know that there has been a serious deterioration during the 64 years since it was brought into being. Originally, it was constructed, as we will recall, not for a highway but as a railroad link. That need for bridge repair has been recognized by both the subcommittee and the full committee.

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

Mr. RANDOLPH. I yield.

Mr. CHILES. Mr. President, the chairman of the committee was not in the Chamber earlier when I had a chance to comment and compliment the committee. At this time, I again want to add my words of thanks and compliments to the distinguished chairman for recognizing this need. We in Florida feel that we could not handle this problem completely by ourselves.

As the Senator knows, the naval base is a very important military installation there, and many people would have to depend on those bridges for safety if there were a hurricane or some other disaster. Over the years, no one realized just how bad that condition was.

I just want to add my thanks again to the distinguished chairman and to Barry Meyer of the staff for helping us to uncover the problem and helping us to find a solution for it.

Mr. RANDOLPH. Mr. President, I am appreciative of the further comment of the knowledgeable Senator from Florida. I only reemphasize what he has said, and that is that the financial capacity of the State of Florida could not take care of this problem.

Mr. CHILES. Our State is putting up $10 million this year for some temporary repairs, but it is beyond our capacity to try to do everything that is needed for the bridge.

Mr. RANDOLPH. That is right. Also the presence of the naval base means that the national interest is involved. We cannot separate the State, county, or local interest from the national interest in any substantial roadbuilding in this country. These roads exist, and they add to the mobility of our people and of the products of farm and factory. We must understand, however, that there will always be differences of opinion at the various government levels over how to proceed with our road system.

This understanding has been tremendously important in bringing about a coordinated effort in building a strong transportation system, thereby strengthening our economy through the years. I appreciate the fact that the Senator has addressed himself to this subject and has kept in touch with the committee and the committee staff. It is very important that I also recognize that the counsel and chief clerk of our committee, Mr Barry Meyer, has carefully studied this situation and has lent his expertise to devising a solution, not only for the Senator from Florida but for the members of our subcommittee and our committee.

Mr. CHILES. Very helpful.

Mr. RANDOLPH. I thank the Senator again for the opportunity not only to have shared his feelings but of having the chance to express my appreciation for them.

This is a separate item in the bill, as I believe I had earlier stated, because we felt that the Florida Keys Overseas Highway deserved the special attention which I have mentioned.

The bill also modifies the operation of the rural highway public transportation

demonstration program. It permits the use of those funds provided from the general Treasury to be used for operating assistance, and it allows projects to provide transportation links between rural areas and larger communities. This aspect of the program is essential, for it is in the cities and towns that the shopping, educational, government, religious, entertainment and medical facilities are available.

What about the person who is elderly? What about the person who is poor? What about the person who lives up the hollow or over the hill or out on the plains? These are the people who need, in many cases, to go to the doctor, to attend the clinic. Frankly, we have believed that these persons, by the tens of millions, live not in the congested areas of our metropolitan cities, but in the less populated regions of the country as well.

Mr. President, without trying to pit the city against the rural area, I want to emphasize that we must have those people enjoying the same mobility as those who live in the cities. I recognize when I say this, that there are deficiencies in the urban transit system which demand correction. I have attempted at every opportunity, to recognize that transportation needs are multifaceted and we must recognize each aspect of them.

I have a special interest, although not provincial, in this program, dealing with rural areas. Only Vermont is more rural than the State of West Virginia. Although many people think of our State as industrially oriented and built around coal mining, manufacture of steel products, glass, and chemicals in tremendous volume, West Virginia is still essentially a rural State.

So our State, along with others rural in character, is interested in increasing funding provisions from $30 million to $75 million, incorporated as an added authorization in S. 3934.

Mr. President, the bill also modifies the operation of the rural highway public transportation demonstration program. We are permitting the use of those moneys provided from the general treasury to be used in operating a system. We are further permitting the projects to provide transportation links between the rural regions and the larger communities of the country. This aspect is essential, for it gives to the rural areas the shopping, the education, the government, the religious activity, the entertainment and the medical facilities that are available, in the cities and towns.

The bill also emphasizes once more, that public transportation services should be usable by the handicapped of the United States as well as by the elderly and the poor. Such a requirement was part of the agreement, as Senator STAFFORD knows, and Senator BENTSEN well knows, in our 1973 act. But we have had some problems of interpretation, some problems of implementation. That is the reason that we believe that we can through this message clarify those uncertainties so that the elderly and the handicapped are not considered in any wise as second-hand citizens of the Republic when it comes to adequate transportation which they need, which they have every right to expect Congress, in its judgment—not just in its compassion—to provide for them.

Under the bill, any public transportation project receiving highway funds must be—and we use this language—planned, designed, constructed and operated so as to allow effective utilization by elderly or handicapped persons. The Senator from Vermont (Mr. STAFFORD), working in our Subcommittee on the Handicapped of the Committee on Labor and Public Welfare is so very cognizant, as there are others who are cognizant, of the hope that a corresponding provision of the Urban Mass Transportation Act can also be amended so that there be no equivocation on this matter, that we will spell it out so that it will be clearly understood.

I do not believe making public transportation usable by the elderly and the handicapped would impose an unacceptable demand on our transport system. I think it is a cost that the people of the United States should willingly assume so as to end the discrimination against a particularly vulnerable segment, though a very important segment, of our American society.

So, Mr. President, there are, of course, additional provisions, many of them, in this bill which I have not discussed because they have been addressed by Senator BENTSEN and Senator STAFFORD. I think, however, that it is important that I reemphasize that this is not a hodgepodge measure, although it embodies a variety of items. It is a fully considered and a carefully-balanced program which we bring here in the bill we are now considering. It is a bill that comes to the Senate with the cost of its provisions examined in detail, because we know the relationship of this program, of course, to its impact on our American society.

I think we want to be very careful to explain the figures. The total cost is $716 million. I believe that is a reasonable figure, because while it does not buy enough, it buys a considerable amount of that which we need at the present time: bridge construction and reconstruction; highway beautification; the roads for Indian reservations; elimination of railway and highway grade crossings; development of the bikeways for the growing number of bicycles that are being used; the access to recreational areas of the country; and, yes, the encouragement of the organization of fuel-saving carpools. All of these are set forth and envisioned in the legislation.

There are, of course, as I have indicated before, diverse activities, but they will provide jobs for many people. They will improve our highway transportation as a whole. I reemphasize that this is an interim measure; it is, however, bringing to us items of immediate concern. I am confident that the Senate, trusting in part to the very careful attention that the Committee on Public Works and the Subcommittee on Transportation have given to this matter, will give its endorsement during this afternoon.

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

Mr. RANDOLPH. I yield.

Mr. THURMOND. Mr. President, I commend the distinguished Senator from West Virginia for his work on this highway bill. For a number of years, I have advocated that we make provisions for bicycles throughout this country. In my opinion, if we will arrange for bicycle ways from coast to coast, we will have thousands of people riding bicycles from one part of the country to another. I do not know of anything that would improve the lives of the people more, and I do not know of anything that would bring more recreational pleasure to people, than to provide for bicycles. So I especially commend the Senator for the portion of this bill that would promote the use of bicycles by the population of this country.

Mr. RANDOLPH. I appreciate the words of our friend from South Carolina. He certainly is an example of a man who, if he does not use a bicycle, is using something in the way of a recreational machine which keeps him looking younger year by year.

I have heard that there are three phases of a person's life: youth, middle age, and "my but you're looking well." I can only say that the Senator from South Carolina, regardless of his age, is indeed looking well.

Development of bikeways for cyclists is an important provision in this bill, and I want to express the tribute which is due the Senator from New York (Mr. BUCKLEY), a member of our committee who is present in the Chamber, who provided leadership and impact in this matter, including the language as it appears in the proposed provision.

Mr. THURMOND. I thank the Senator very much. I would like to express my appreciation to the able Senator from New York (Mr. BUCKLEY) as well, for his assistance in the preparation of this bill.

Mr. BUCKLEY. Mr. President, I thank my colleague for——

The PRESIDING OFFICER. Who yields time?

Mr. STAFFORD. I yield 2 minutes to the Senator from New York.

Mr. BUCKLEY. Mr. President, I just want to thank my friend from South Carolina and my friend from West Virginia for their kind remarks on the bikeways. I believe it will open a new era, where we can get healthy exercise and also save a little fuel, which seems to be one of the objects of our deliberations these days.

I want to say what a fine experience it has been working on this committee, the Committee on Public Works, in connection with this and other legislation, where we see nonpartisanship and an attempt to meet needs in an effective and constructive manner.

Mr. STAFFORD. Mr. President, I ask unanimous consent that Andrew Carron and Jack Lewis, of the staff of Senator EAGLETON, and David Clanton of the staff of Senator GRIFFIN, be accorded the privilege of the floor during the debate and voting on this measure.

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

Mr. McCLURE. Mr. President, I ask unanimous consent that Michael Hath-

away, of my staff, be accorded the same privilege.

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

Mr. CURTIS. Mr. President, will the distinguished Senator yield for a question?

Mr. STAFFORD. I am glad to yield for a question.

Mr. CURTIS. What does this bill do about the speed limit?

Mr. STAFFORD. This bill would make the speed limit of 55 miles an hour permanent.

Mr. CURTIS. Does that mean that, as a permanent matter, the Federal Government is going to enter the field of determining what the speed limit shall be?

Mr. STAFFORD. I would say to the distinguished Senator that the Federal Government has already done that on a temporary basis. This would make it permanent.

Mr. CURTIS. I understand. But I believe that the control of speed on the highways is a part of the police powers, and that it belongs to the States. The States are the entities of government which have the highway patrols and the local police officers to enforce speed limits. The States also issue the drivers' licenses, and therefore, if someone violates the speed law too often, they can take his driver's license away.

It just seems to me as though we are extending the Federal Government into a new field when the Federal Government undertakes to legislate on this subject. I think we can trust the States.

Mr. STAFFORD. I would say to the distinguished Senator from Nebraska that, as I have pointed out, the Federal Government has already entered this field, and there will be an amendment offered by this Senator at the appropriate time which will not raise the 55-mile-an-hour maximum, but will permit the States to impose lower speed limits, below 55 miles per hour, if they wish to do so.

Mr. CURTIS. That would imply they could not raise it?

Mr. STAFFORD. That is right, they could only lower it, not raise it.

Mr. CURTIS. I think that is definitely invading what not only is a State function, but the States are equipped to enforce it, even including revoking drivers' licenses, and the Federal Government is not. Some day someone will be in here asking for means to enforce this law.

Several Senators addressed the Chair.

Mr. STAFFORD. I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I might say to the distinguished Senator from Nebraska that the Senator from Kansas will offer an amendment that speed limits could be raised to not to exceed 60 miles per hour, and this would be determined by the States. I plan to offer that amendment.

Mr. CURTIS. Does this apply to all highways in the States?

Mr. STAFFORD. I would say to the Senator from Nebraska, that it does.

Mr. CURTIS. Even though they are not Federal highways?

Mr. STAFFORD. That is correct.

Mr. President, at this time I yield 5 minutes on the bill to the Senator from Virginia (Mr. WILLIAM L. SCOTT).

Mr. WILLIAM L. SCOTT. Mr. President, I appreciate the Senator's yielding.

I rise in general support of this legislation. There are a number of provisions of the bill with which I am not in complete agreement. However, I believe it is a good bill and do urge that it be passed.

The minority views in the committee report are generally the same as my own. There will be an amendment offered by the Senator from Vermont (Mr. STAFFORD) that would strike the provision with regard to raising the weight limit on trucks. I intend to support this amendment. As indicated in the minority report we are not just talking about the weight of the trucks, we are talking about the size of the trucks, too, regardless of what the language in the bill is; if we have greater weight we will have greater size.

Mr. President, this is a time when people seem to be moving toward smaller passenger cars. It does not seem consistent with safety to have smaller passenger cars and larger trucks on the highways. I would hope the time would come when we can have separate truck lanes.

Certainly the trucking industry is one of our major industries in the country. I see the need to support trucking as one of our major methods of transporting goods throughout the country. I would not want to do anything that would be harmful to the trucking industry.

But I think we have to go further, and consider the general public interest. To me, larger and heavier trucks are not in the public interest. I am told that many bridges will have to be rebuilt if we have heavier trucks on our highways. The distinguished Senator from West Virginia, the chairman of our Public Works Committee (Mr. RANDOLPH), has mentioned that many of our bridges are not in good condition. I have seen material indicating that a high percentage of the bridges that we use are not safe. Certainly the heavier the trucks, the greater the wear on the highways, and the greater the cost of building and preserving our highways.

My mail is very heavy against having larger and heavier trucks on our interstate highways. We do have some mail that came in from a labor organization, and if Members would like to see it, I would be glad to put it in the RECORD. This correspondence indicates that two of our major truckers are giving information to the drivers as to how to avoid the weighing stations between Richmond, Virginia, and Washington, D.C., where to get off, and where to come back on the interstate system, because in Virginia we have one weight for the interstate system and another weight for the other Federal-aid highways.

To me this is teaching the drivers how to avoid the law. It is lawlessness. It seems to be legitimate criticism when two trucking companies see fit to issue instructions as to where to get on and off the highway to avoid the weighing-in system.

Mr. President, I am also going to support an amendment that I understand will be offered by my colleague, the Senator from New York (Mr. BUCKLEY), and I have asked to be a cosponsor of that amendment, which would do away with mandatory seat belt interlock system, the procedure under which we cannot start a new automobile without fastening our seatbelts. Seatbelts are very legitimate safety devices but, in my opinion, it should be left to the driver of the automobile to decide whether or not he should wear a seatbelt.

I expect to talk in, perhaps, some detail with regard to both the big truck and the seatbelt measures when they come before the Senate.

Mr. BENTSEN. Mr. President, before we have other amendments presented to the highway bill, I would like to present some amendments on behalf of the committee that have been discussed with other members of the committee.

I send the first amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

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

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The amendment is as follows:

On page 14, beginning on line 23, strike all through line 25, and insert in lieu thereof the following:

"Trust Fund, $65,000,000 for the fiscal year ending June 30, 1975 and $75,000,000 for the fiscal year ending June 30, 1976:"

On page 15, beginning on line 24, strike "$15,000,000 for the fiscal year ending June 30, 1974,".

On page 16, beginning on line 17, strike "$15,000,000 for the fiscal year ending June 30, 1974,".

On page 17, line 4, strike "$150,000,000" and insert in lieu thereof: "$125,000,000".

On page 17, line 5, strike "$150,000,000" and insert in lieu thereof: "$125,000,000".

On page 19, beginning on line 17, strike all through line 18, and insert in lieu thereof the following:

"$10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976, for".

On page 23, beginning on line 6, strike the period and insert in lieu thereof the following:

"*Provided*, That the funds authorized under this section only $10,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976, can be obligated."

Mr. BENTSEN subsequently said: Mr. President, I ask unanimous consent that a typographical correction be made in the first amendment offered on behalf of the committee this afternoon. It was properly discussed on both sides during the debate.

In the amendment on page 14, beginning on line 23, where it reads "$75,000,000 for the fiscal year ending June 30, 1976," it should read "$65,000,000 for the fiscal year ending June 30, 1976."

The PRESIDING OFFICER. Without objection, the correction will be made.

Mr. BENTSEN. The administration, in commenting on this legislation, expressed general approval of it but indicated dissatisfaction with the total level of funds authorized. Therefore at my initiation

and through discussion with the distinguished chairman, Senator RANDOLPH, the ranking minority member of my subcommittee, Senator STAFFORD, and the other members it has been decided that the committee, which is mindful of the need to control inflation and of our fiscal problems, will recommend to the Senate cuts in the total authorizations in S. 3934 of approximately 25 percent, or $185 million out of a total of $716 million through fiscal year 1976.

That is subsequent to the action we had in the committee. But, again, I think this is showing the President that we want to meet him more than half way. The Senate has already cut approximately $5.5 billion out of the budget bills that have been presented, 7 of the 12 we have received thus far, and it is my belief that we will cut substantially more; that we will go a long way in meeting the President's request on that.

We do this recognizing that as worthwhile as some of these projects are, our current economic situation demands that the Congress exercise prudence and restraint in funding matters and allow projects to be deferred which might, in other times, be funded expeditiously.

Therefore, I am offering this committee amendment for a cut of $185 million in the bill. It is not an across-the-board cut. We have attempted to defer projects which can be deferred and to scale down others.

The cut breaks down as follows: First, we have eliminated the fiscal 1974 funding for the highway beautification program and for junkyard screening and landscaping. We are now well into fiscal 1975 and there is little point in maintaining the 1974 authorization which was placed in the bill because Congress last year failed to agree on beautification language.

Second, we are asking that the $75 million a year for billboard removal and compensation to sign owners for 1975 and 1976 be scaled down to $65 million per year considering the severity of the economic problems.

I am a strong supporter of the highway beautification program; I have been a strong supporter of putting restraints on the construction of billboards. We believe this is a meritorious program, but we are attempting here to bring the authorizations closer to the administration's budget request.

Third, we are asking that the program of access roads to Federal lakes be reduced in authorizations from $15 million a year to $10 million a year.

Fourth, we are asking that the special bridge replacement program be held to an additional $50 million a year rather than the $75 million a year now in the bill.

Mr. President, we do that knowing that there are thousands and thousands of bridges in this country that need replacing. But, again, it is an order of priorities. When the country is in serious trouble from an economic standpoint we think some of these things just have to be deferred.

Finally we ask that the $116 million for repair of bridges leading to the Florida Keys remain in the bill but that only $10 million be available for fiscal 1975 and $15 million for fiscal 1976. As I indicated the full authorization will remain intact. It is the pace of spending that we are controlling. I might also mention that even if the full $116 million were to be made available immediately, it is doubtful that a substantial amount of that money could be spent in the next 2 fiscal years.

Mr. President, we believe these cuts are prudent and fair. They reflect the committee's concern with our economic problems and our desire to cooperate with the administration in meeting them.

I move the adoption of the committee amendment.

Mr. STAFFORD. Mr. President, so far as the minority are concerned, we have concurred in the committee amendments. We are prepared to accept them.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. BENTSEN. We are ready for a vote.

The PRESIDING OFFICER. Do the Senators yield back their time? Does the Senator from Texas yield back his time, as well as the Senator from Vermont?

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

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

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the first amendment offered on behalf of the committee.

The amendment was agreed to.

Mr. BENTSEN. Mr. President, I send to the desk the second amendment on behalf of the committee and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The second assistant legislative clerk proceeded to read the amendment.

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

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The amendment is as follows:

On page 5, beginning on line 13, strike all of section 105 through page 7, line 10 and renumber the subsequent sections accordingly.

Mr. BENTSEN. The thrust of this amendment is to strike section 105 from the committee bill and to renumber all subsequent sections accordingly.

We are asking that the section be struck because subsequent to the committee's inclusion of it in this bill, the President signed into law the housing bill, which has an identical provision. The section deals with charter buses and allows public carriers to engage in charter activities so long as they do not foreclose private carriers from such activities.

As I indicated, the language is no longer needed because it was signed into law. I move the adoption of the committee amendment.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. BENTSEN. Mr. President, I yield back my time.

Mr. STAFFORD. I yield back my time, Mr. President.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the second amendment offered on behalf of the committee. (Putting the question.)

The amendment was agreed to.

AMENDMENT NO. 1849

Mr. STAFFORD. Mr. President, I call up my amendment No. 1849 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 8, beginning with line 22, strike all through line 21 on page 9.

Renumber succeeding sections accordingly.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. STAFFORD. Mr. President, I oppose that section in S. 3934 that would permit an increase in the maximum weights of trucks using the Interstate Highway System. My amendment would delete section 107 of the bill, and would leave the existing Federal size and weight limitations in effect.

My good friends and colleagues on the Public Works Committee who support the weight increase have emphasized what they contend is the modest size of the increase. And, they argue that their amendment does not affect truck widths or lengths.

I agree that the language of the amendment does not speak of any increases in size, but I must stress that the effect of the proposed change could surely be to encourage an increase in the number of bigger trucks on our highways.

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

The yeas and nays were ordered.

Mr. STAFFORD. There seems to be an inexorable push toward longer trucks. In 1958, only 13 percent of the truck trailers produced were more than 40 feet long. By 1972, 85 percent of the trailers produced were 40 feet or longer; and 35 percent were at least 45 feet long. Also in 1972, 27-foot trailers made up 10 percent of the year's production. Those models are often used in combinations of two, which results in a double-trailer with an overall length of more than 54 feet.

In 1963, eight States permitted trucks up to 65 feet long to use their highways. No State permitted trucks longer than 65 feet.

In 1973, 28 States allowed trucks up to 65 feet or longer on their roads, and five States had length limitations up to or greater than 70 feet.

The trucking industry has been experimenting with triple-trailer combinations reaching 105 feet long. In three States this length is already permitted.

Under the existing 55 miles per-hour speed limit, it would take an automobile 10 seconds to pass such a truck-trailer combination traveling at 45 miles-per-hour. In rainy weather, this means 10 dangerous seconds of virtually blind driving for the motorist trying to pass the truck.

States have been pressured to increase

length limitations in spite of the fact that approximately two-thirds of the volume of commodities carried by truck "weigh out" before they "cube out," that is, two-thirds of all truck shipments do not benefit from length increases because they reach State or Federal weight limits before filling a 35-foot trailer.

The portion of truck shipments able to take advantage of the longer trailers does not determine the number of longer trailers on the roads, however.

As we can see from the Truck Trailer Manufacturers' figures, the great bulk of trailers produced in 1972—85 percent of them—were 40 feet long or longer. The maximum length permissible becomes the norm.

Thus, while length increases benefit only a minority of trucking operations—those carrying lighter commodities—a major result of these increases is to put pressure on the Federal Government. The pressure is designed to get the Federal Government to raise its weight limits so that the trucking industry will be able to take advantage of the longer trailers it has purchased, unhampered by weight restrictions.

Once a Federal weight increase is granted, the argument can be turned around to pressure States to increase length limits, in order to permit the lighter commodities to benefit from the new, higher weight limits. In this manner, legislators at the State and Federal level can be whipsawed into permitting even bigger trucks.

Pressure for longer trucks, if we permit a weight increase, will arise from safety as well as economic considerations.

The Public Works Committee heard testimony from the International Brotherhood of Teamsters that, in many cases, a trailer is hitched so close to the truck cab that the front steering axle on the truck tractor is overloaded.

This forward placement of the trailer is made necessary because the overall length of the rig, with twin 27-foot trailers or a 45-foot single trailer would otherwise violate State length limits of 55 feet or 65 feet.

With heavier loads permitted, the argument for another 5 feet in length to decrease the front axle load becomes more compelling.

However, if history is any guide, a length increase in many cases would not be used to improve placement of the so-called "fifth wheel" coupling, but, rather, longer trailers would be produced to haul more payload and the "fifth wheel" would, I submit, remain dangerously far forward.

It was for this reason that the Teamsters argued for Federal safety requirements regarding placement of the "fifth wheel," as well as for Federal requirements regarding horsepower-weight ratios, braking standards and tires.

This brings me to another point which has led me to oppose the effort to permit heavier trucks to use our roads.

Within the next year, two major Federal regulations concerning truck equipment will go into effect. One to establish braking and antiskid standards, and another to set new tire standards.

These requirements will affect only new equipment, however. Drivers, truck manufacturers and the trucking industry generally agree that these standards represent a major safety improvement.

At a time when we know safer trucks will soon be running on our highways, it seems particularly inappropriate to consider weight increases before the required safety improvements have been phased in.

A stand against heavier trucks, unless tied to improvements in truck safety, is consistent with the recommendations of the National Transportation Safety Board; the Professional Drivers Council for Safety and Health, and with the 1964 recommendations growing out of the $27 million Federal-State Illinois road tests.

It is particularly important to note that the 1964 landmark study that provides the technical data for almost all subsequent analyses, and which is so often quoted in support of increases in sizes and weights, recommends those increases only after Federal standards have been prescribed for braking; for ratios of net horsepower to gross vehicle weight, and for linkages between combination components.

The argument for increasing truck weights has, historically, been based on their economic benefits. More recently, the fuel shortage has been invoked as a primary justification for permitting trucks to carry heavier loads, thus, presumably reducing fuel consumption by reducing the total number of truck trips.

A California teamsters official, in testimony before the State department of transportation, estimated that only 7 or 8 percent of the big trucks available could take advantage of fuel savings brought about by weight limit increases. He said that the heavier loads would require increased fuel consumption, cutting into fuel savings realized from reduced truck trips. Apparently, fuel savings resulting from weight increases would be minimal.

As for economic benefits, I must point out that increasing allowable weights will have economic penalties as well. The States, in a 1962 survey, estimated that the proposed increased axle weights would add $100 million per year to road resurfacing costs, and that figure is in 1962 dollars.

To rebuild all Federal-aid road systems currently designed for existing axle limits, to accommodate the higher limits, would cost an estimated $2.4 billion.

Mr. President, in short, I see no compelling reasons for increasing truck weight limits at this time, but I find several powerful arguments against such action.

The Federal weight limitations are the primary inhibition against a new generation of longer, heavier trucks.

Increases at this time—that is, in the period before trucks meeting new, tough safety requirements replace existing vehicles which vary widely in safety features—seem particularly ill-advised.

Fuel savings would be minimal, and the economic benefits to the public not so clear—when the costs are also considered—as to warrant immediate action.

Mr. President, on August 20 the other body decisively rejected a provision to permit heavier trucks to use the Interstate System. The vote against heavier trucks was 252 to 159. The provision of the other body was not defeated because of the specific numbers involved, however, but rather, I believe, because of opposition to any increase in truck weights.

A recent poll conducted at the Ohio State Fair asked citizens whether Congress should permit longer and heavier trucks on the Interstate System. The final tally showed 2,847 respondents opposed the proposition while only 689 were in favor—better than a 4-to-1 margin.

The issue of heavier trucks is an important and visible one to the American public. Because we must be responsible and responsive to that public I urge the adoption of my amendment to strike the weight increases proposed in the committee bill and to leave in effect existing Federal weight limitations on interstate highways.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. BENTSEN. Mr. President, I rise in opposition to the amendment of the distinguished Senator from Vermont, the ranking minority member of the Transportation Subcommittee. In doing so, I wish to stress two or three major issues.

The first point is that this is a modest increase in truck weights and it is permissive. It is not mandatory. It is to be decided by the States, whether they want to do it or not. What we are doing here is raising the ceiling now in the law for the weights of trucks using interstate systems, and we are raising them just a small percentage. But it is going to be up to the States to determine whether they want to adopt the increases. That is as it should be. The States, after all, are responsible for road maintenance. They have the primary responsibility for safety. They should have the final say.

In making a proposal for this increase, we rejected the advice of the administration to make it mandatory on the States. That has never been the case before, and the committee did not feel that it should be the case now. The Federal Government should not be compelling a State to allow heavier trucks on their Interstate System if it does not wish to do so.

The second point I wish to make is that what the committee is proposing is not new. It is less ambitious, in fact, than a measure which passed the Senate by a voice vote in 1968. We are increasing the allowable gross weight by approximately 7,000 pounds. We would allow increased single-axle weights of 20,000 pounds, up from the present 18,000 pounds.

I might say in regard to that, in the State of my distinguished friend, the State of Vermont, where we are talking about raising the weight on single-axles up to 20,000 pounds from 18,000 pounds, the weight in his State for single-axle is 22,400 pounds, or over 10 percent more than what we are proposing in this.

Mr. STAFFORD. Will the distinguished Senator yield for a brief comment?

Mr. BENTSEN. I would like to complete my remarks and then we will get into that, if I may.

This would increase the double-axle weights to 34,000 pounds, up from the present 32,000 pounds.

What are the weights in the State of the distinguished Senator from Vermont?

The weight for the double axle is 36,000 pounds. That is 2,000 pounds over what we are recommending here.

The measure that passed the Senate in 1968 would also have allowed an increase in the width of these trucks. We are not allowing that. We blocked that. That was requested. That measure would have increased the width of those trucks from 96 inches to 102 inches. We did not agree with that at all. That is not in this bill.

The 1968 bill would not have put a ceiling on gross weight. This bill does put a ceiling on gross weight.

This is not a revolutionary proposal. In fact, on the Interstate System, 26 States today have single-axle weights in excess of 18,000 pounds. Eighteen of those States exceeds the 20,000 pounds that this bill allows.

So we are talking about something that is substantially less than is already in effect in many States across this country.

What we are trying to do is to level out some of these economic advantages or disadvantages.

These States were able to exceed present Federal limits because they were grandfathered into the law when the 1956 bill was passed.

That is what happened to the State of the distinguished Senator from Vermont. I am not objecting to it, but I am calling it to mind as we are talking about the equity that we are trying to achieve for all the States.

That is fine for them to have that kind of economic advantage if that is what the people of that State want. But we ought to level these things out across the country if we can.

The result has been that a number of these States, almost half of the States, have been put at an economic disadvantage, and it means that the truck transportation system has a crazy quilt of regulations playing havoc with truck companies.

I ask unanimous consent to have printed in the RECORD the axle and gross weight limits of all of our States so that this can be made clear to those who are following this debate.

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

STATE SINGLE AXLE LOAD LIMITS ON INTERSTATE SYSTEM (INCLUDING TOLERANCES) WITH EXCEPTIONS SHOWN FOR HIGHER LIMITS FOR NONINTERSTATE SYSTEM

State	Legal limit for interstate	Legal limit for noninterstate
Alabama	19,800	18,800
Alaska	(1)	20,000
Arizona	18,000	18,000
Arkansas	18,000	18,000
California	18,000	18,000
Colorado	18,000	18,000
Connecticut	22,848	22,848
Delaware	20,000	20,000
District of Columbia	22,000	22,000
Florida	22,000	22,000
Georgia	20,340	20,340
Hawaii	24,000	24,000
Idaho	18,000	20,000
Illinois	18,000	18,000
Indiana	18,000	18,000
Iowa	18,540	18,540
Kansas	18,000	20,000
Kentucky	18,900	18,900
Louisiana	18,000	18,000
Maine	22,000	22,000
Maryland	22,400	22,400
Massachusetts	22,400	22,400
Michigan	18,000	18,000
Minnesota	18,000	18,000
Mississippi	18,000	18,000
Missouri	18,000	18,000
Montana	18,000	20,000
Nebraska	18,900	20,000
Nevada	18,000	[2] 20,000
New Hampshire	22,400	22,400
New Jersey	23,520	23,520
New Mexico	21,600	21,600
New York	22,400	22,400
North Carolina	19,000	19,000
North Dakota	18,000	20,000
Ohio	19,000	19,000
Oklahoma	18,000	20,000
Oregon	18,000	[3] 20,000
Pennsylvania	23,072	23,072
Rhode Island	22,400	22,400
South Carolina	20,000	20,000
South Dakota	18,000	20,000
Tennessee	18,000	18,000
Texas	18,000	18,000
Utah	18,000	[3] 20,000
Vermont	22,400	23,520
Virginia	18,000	18,000
Washington	18,000	[3] 20,000
West Virginia	18,900	18,900
Wisconsin	19,500	19,500
Wyoming	18,000	20,000

[1] No interstate.
[3] By Long Term Permit.
Note: See summary below:

Summary of interstate single axle weights:

Number of States at 18,000 lb	25
Over 18,000 lb. but less than 20,000 lb	8
20,000 lb. and over	17
Total	50

Summary of States permitting higher single axle weights on noninterstate roads:

Number of States at 20,000 lb	13
Over 20,000 lbs	1
Total	14

STATE TANDEM AXLE LOAD LIMITS FOR INTERSTATE SYSTEM (INCLUDING TOLERANCES) WITH EXCEPTIONS SHOWN FOR HIGHER LIMITS FOR NONINTERSTATE SYSTEM

State	Legal limit for interstate	Legal limit for noninterstate
Alabama	39,600	39,600
Alaska	(1)	34,000
Arizona	32,000	32,000
Arkansas	32,000	32,000
California	32,000	32,000
Colorado	36,000	36,000
Connecticut	36,720	36,720
Delaware	36,000	36,000
District of Columbia	38,000	38,000
Florida	44,000	44,000
Georgia	40,680	40,680
Hawaii	32,000	32,000
Idaho	32,000	34,000
Illinois	32,000	32,000
Indiana	32,000	32,000
Iowa	32,960	32,960
Kansas	32,000	34,000
Kentucky	33,600	33,600
Louisiana	32,000	32,000
Maine	32,000	36,000
Maryland	40,000	40,000
Massachusetts	36,000	36,000
Michigan	[2] 26,000	26,000
Minnesota	32,000	32,000
Mississippi	32,000	32,000
Missouri	32,000	32,000
Montana	32,000	[3] 34,000
Nebraska	33,600	34,000
Nevada	32,000	[3] 34,000
New Hampshire	36,000	36,000
New Jersey	33,600	33,600
New Mexico	34,320	34,320
New York	36,000	36,000
North Carolina	38,000	38,000
North Dakota	32,000	34,000
Ohio	32,000	32,000
Oklahoma	32,000	34,000
Oregon	32,000	[3] 34,000
Pennsylvania	37,080	37,080
Rhode Island	36,000	36,000
South Carolina	32,000	39,600
South Dakota	32,000	34,000
Tennessee	32,000	32,000
Texas	32,000	32,000
Utah	33,000	[3] 34,000
Vermont	36,000	36,000
Virginia	32,000	32,000
Washington	32,000	[3] 34,000
West Virginia	33,600	33,600
Wisconsin	32,000	32,000
Wyoming	36,000	36,000

[1] No interstate.
On designated highways one pair of tandems permitted 32,000 lb.; however, 2 pairs of tandem axles permitted 32,000 lb. on each pair, provided maximum gross combination weight does not exceed 73,280 lb.
[3] By long term permit.
Note: See summary below:

Summary of interstate tandem axle weights:

Number of States at 32,000 lb	27
Over 32,000 lb. but less than 34,000 lb	6
34,000 lb. and over	17
Total	50

Summary of States permitting higher tandem axle weights on noninterstate system roads:

Number of States at 34,000 lb	12
Over 34,000 lb	2
Total	14

MAXIMUM STATE GROSS WEIGHT LIMITS

[In pounds]

State	Interstate system	Noninterstate system
Alabama	73,280	73,280
Alaska	(1)	117,000
Arizona	76,800	76,800
Arkansas	73,280	73,280
California	76,800	76,800
Colorado	76,000	85,000
Connecticut	73,000	73,000
Delaware	73,280	73,280
Florida	73,271	73,271
Georgia	73,280	73,280
Hawaii	80,800	80,800
Idaho	76,800	105,500
Illinois	73,280	73,280
Indiana	73,280	73,280
Iowa	73,280	73,280
Kansas	73,280	85,500
Kentucky	73,280	73,280
Louisiana	73,280	73,280
Maine	73,280	73,280
Maryland	73,280	73,280
Massachusetts	73,000	73,000
Michigan	(2 3)	(2 3)
Minnesota	73,280	73,280
Mississippi	73,280	73,280
Missouri	73,280	73,280
Montana	76,800	[4] 105,500
Nebraska	73,280	95,000
Nevada	76,800	[4] 128,250
New Hampshire	73,280	73,280
New Jersey	73,280	73,280
New Mexico	86,400	86,400
New York	71,000	[4] 80,000
North Carolina	73,280	73,280
North Dakota	73,280	82,000
Ohio	78,000	78,000
Oklahoma	73,280	90,000
Oregon	76,000	[4] 105,500
Pennsylvania	73,280	73,280
Rhode Island	73,280	73,280
South Carolina	73,280	73,280
South Dakota	73,280	95,000
Tennessee	73,280	73,280
Texas	72,000	72,000
Utah	79,900	[4] 125,000
Vermont	73,280	73,280
Virginia	80,000	80,000
Washington	76,000	[4] 105,500
West Virginia	73,280	73,280
Wisconsin	73,000	73,000
Wyoming	73,950	101,000
District of Columbia	73,280	73,280

[1] No Interstate System in Alaska.
[2] Sum of axles.
[3] Michigan law has practical maximum of 73,280 lbs on typical 5 axle tractor semitrailer combination.
[4] Special permit operation.

Mr. BENTSEN. Mr. President, there is one final significant point I would like to make: This is not a bigger truck bill. The object of this bill, as the committee report states, is for trucks to make more efficient use of the space they have.

The minority report states that this is an invitation to larger trucks, but I must disagree because I, too, have strong reservations on that issue.

On that point I am very much in accord with the distinguished Senator from Vermont, my able friend, who represents his State so well.

The reason for the 80,000-pound limit that the committee placed on overall gross weight was to make negligible the chance that trucks would have to be longer. That is simply not enough of an increase to justify longer trucks. In addition, the committee has left untouched the States' absolute power to regulate truck lengths. Truck lengths have never been written into the Federal law, and the committee has no intention of changing that policy.

Once again let me reiterate the weight increases are permissive; they are not mandatory. They are modest. They do not call for bigger trucks.

Our trucking industry is suffering a decline in productivity. That is being passed on to the consumer in higher costs. We are trying to cut down the costs to the consumer today.

The Director of the Federal Highway Administration, Norbert Tiemann, told our committee that this loss of productivity is translated into an 8-percent loss for our highways. An increase of 10 percent in allowable gross weight, as this bill allows, would enable seven trucks to do the work of eight, assuming a high density commodity.

I believe that if we treat this matter realistically rather than emotionally, we will have to accept the logic of this course. I urge the defeat of the Stafford amendment, and I agree with the Senator on a great many subjects.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. STAFFORD. Mr. President, I think this is the first time that the distinguished chairman of this subcommittee and I have disagreed on a matter of any importance. I anticipated the fact that Vermont is one of those States having a higher axle loading limit than many other States was a subject which would be raised.

This Senator wishes to point out that that situation was created in Vermont without the consent or approval of the junior Senator from that State, and not at a time when he was in the executive chamber there.

Furthermore, in our attempt to preserve the present weight limits in the Federal legislation we were endeavoring, one could consider, to give the Nation the benefit of the experience we have had on our Interstate System with trucks that are heavier than the weight limit we are discussing today. So we are simply attempting to pass on the benefit of our experience with heavier trucks.

At this time, Mr. President, may I inquire how much time remains on this side?

The PRESIDING OFFICER. The Senator from Vermont has 17 minutes remaining, and the Senator from Texas has 22 minutes remaining.

Mr. STAFFORD. At this time I will yield 5 minutes to the distinguished Senator from New York (Mr. BUCKLEY).

Mr. BUCKLEY. Mr. President, I would like to thank the distinguished ranking minority subcommittee member.

I rise in support of his amendment.

I believe that, the assertions of the distinguished chairman of the subcommittee notwithstanding, we have to rely on the experience of the past, and understand that if these increases are authorized, there will be the inevitable followup pressures for extending the length of our trucks, adding to the problem of safety on our highways.

Also, although it is currently the responsibility of the States to attend to the repairs of their highways, it is nevertheless true that year by year we are seeing increasing responsibilities for the maintenance of highways—not necessarily the maintenance, but for various aspects of the highway system being transferred to the Federal Government.

So I suggest that it is inevitable that if we accede now to these demands, we will see pressures built in the future for moving toward mammoth cargo trucks that will inflict serious damage on the roads we have already built at great Federal expense and will exacerbate the problem of safety.

I need only remind our colleagues of the history of the dramatic increase in truck trailer length. Nearly all those that are on American roads today exceed 40 feet. Yet, 25 years ago, the majority were less than 26 feet in length. The increase in axle weights will reduce the remaining life of our existing highways by between 20 to 40 percent, according to estimates by State highway officials.

Again, I suggest that this will lead to pressures by State highway departments for further financial assistance from the Federal Government, not merely to build roads but also to maintain them, to repair this excessive damage to them.

I also point out at the National Transportation Safety Board, the National Association of Counties, the American Automobile Association, and the National Society of Professional Engineers oppose the increase.

I commend the Senator from Vermont for having offered the amendment, and I urge all our colleagues to support it.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. Mr. President, I say to the distinguished Senator from New York that we would like to have some of the advantages with respect to weights. I look again at the State of New York, and I see that New York has, on single axle, 22,400 pounds, and on double axle it has 36,000 pounds. Again, that is more than we are asking for in this bill. We are just asking that the other half of these States have a little equity and be able to match some of the weights that we see in the State of New York and in the State of Vermont and some of the weights that have been granted under the old act.

I yield 5 minutes to the distinguished Senator from Idaho.

Mr. McCLURE. I thank the Senator for yielding.

Mr. President, I rise in opposition to this amendment and in support of the position of the Senator from Texas. In addition to his excellent explanation of the need for this provision in the Federal-Aid Highway Amendments of 1974, I would like to specifically discuss the necessity for increased allowable truck weights in the Western States.

Truck transportation is very important to a number of our Western States that depend on long-haul road transportation far more than do more densely populated regions in the East. I recognize also that rail connections are more extensive in many Eastern States. In addition, the nature of industry in some Western States calls for heavy vehicles. The natural resources industries characteristic of Western States—such as mining and timber industries—produce bulky products that require heavier trucks for transport than many processed and manufactured products.

According to information supplied to me, while more than 40 States have adequate single and tandem axles weight limitations, the legislatures of nine Western States have demonstrated during the last several years their need for higher load limits by adopting higher standards for their noninterstate roads. None of these States have adopted noninterstate standards in excess of 20,000 pounds single axle, and 34,000 pounds tandem axle.

There are currently 18 States—mostly in the East—which have single-axle and tandem-axle weight limits on their interstate systems of at least 20,000 pounds and 34,000 pounds, respectively. These States were "grandfathered" in the Federal Highway Act of 1956.

Whereas section 107 of this act would allow an increase to 20,000 pounds on a single axle and 34,000 pounds on a tandem axle, it is interesting to compare these proposed new limits with existing "grandfathered" limits in the East.

For instance, the States of Maine, New York, Vermont, New Hampshire, Massachusetts, New Jersey, Pennsylvania, Maryland—plus others—presently allow single-axle weights above 20,000 pounds. The States of Vermont, New Hampshire, New York, Pennsylvania, Massachusetts, Connecticut, Maryland, Rhode Island—plus others—presently allow tandem-axle weights above 34,000 pounds. In fact, Maryland allows 40,000 pounds and Vermont allows 36,000 pounds.

In other words, the provisions of section 107—while allowing a modest increase in truck weights—would still leave the Western States behind the East. In all fairness, and based on the need for the increased weights, I urge support for section 107 and rejection of the amendment.

As a matter of fact, Mr. President, in the event that the amendment of the Senator from Vermont is agreed to and this modest increase under the bill is stricken, it is my intention to offer an amendment to change the grandfather date, which would have the effect of allowing nine Western States to catch

up partly with his State of Vermont. In the event that that amendment should not be agreed to, it is my intention to do what he has indicated he would have done had he had the opportunity as Governor of his State, and that is to turn down the weight limits now imposed on Vermont. We will roll those limits back.

If it is good for Vermont to have higher limits, it is good for Idaho to have higher limits. If it is good for Idaho to have lower limits, it is good for Vermont to have lower limits.

I would assume that the Senator from Vermont and the junior Senator from New York would join me in that kind of fairness, in safety for the people of this country and for the drivers, in rolling back the limits in their own States to match the limits imposed upon us in some of the other States.

I would suggest, too, that the Senator from Vermont did, indeed, point to one very salient factor, and that is the question of what happens to the safety of the driver and of other drivers on the highway if we increase load limits. It is my understanding that Senator HART will offer an amendment to set a limit on the front axle weights. We have perhaps sketchy or inadequate information concerning the accuracy of the 10,000-pound limit which he proposes to suggest; but it is my intention to support that amendment and to seek further information between now and the time this measure gets to conference, because I think there is a problem which should be addressed, if not in this legislation, in the future.

Could the Senator from Texas indicate what his position might be with respect to the Hart amendment?

Mr. BENTSEN. I say to the distinguished Senator from Idaho that he is quite correct in that we did not have an opportunity to have hearings on that particular issue. What we have been able to find out from a very quick personal survey is that the chairman of the subcommitee, the Senator from Texas is going to support the amendment if it is adopted by the Senate and take it into the conference.

Mr. McCLURE. I thank the Senator from Texas. This does, indeed, if the amendment is adopted——

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

Mr. McCLURE. Will the Senator yield me 1 more minute?

Mr. BENTSEN. I yield 1 more minute to the Senator from Idaho.

Mr. McCLURE. I think this amendment does go a long way toward adopting the very legitimate concerns by the Senator from Vermont with respect to the safety questions. I, therefore, support it.

I wish to read just a couple of paragraphs concerning what happens under a weight increase. The people who benefit from section 107 are the farmers of this country and, indirectly, the consumers. The modest 7,000-pound per truck increase would mean:

First, 116 bushels more of wheat—grain—load;

Second, faster distribution of fruits and vegetables, of which the trucking industry carries 75 percent of the total;

Third, approximately 7 more steers, 20 hogs, 14 to 18 feeder cows per load; plus

Fourth, better movement of chemical sprays, fertilizers, and farm machinery.

I urge the defeat of the amendment.

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

Who yields time?

Mr. STAFFORD. I yield 5 minutes to the Senator from Virginia, Senator SCOTT.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 minutes.

Mr. WILLIAM L. SCOTT. Mr. President, I appreciate the Senator yielding time to me.

I, too, serve on the committee and am very much concerned about the truck weight issue. Of course, the trucking industry is, of course, very important to our country; and we do not want to do anything that will be harmful to the trucking interests. Yet we have to think, at a broader level, about what is in the public interest. I believe that the adoption of this amendment by the distinguished Senator from Vermont is in the public interest. I urge that it be adopted.

I believe the people of the country would favor this amendment by the Senator from Vermont.

A few years ago, this matter was before us. As I recall, the Senate passed by a wide margin, perhaps unanimously, a measure to increase the size of trucks. It came over to the House and the committee favorably reported it. I believe that the Committee on Rules authorized the matter to be brought to the floor of the House, that the leadership in the House thought better of this and, because of the great public outcry against larger and heavier trucks, the leadership would not permit it to be brought up, and the measure died without coming to a vote in the House of Representatives.

In my opinion, the reason that the public is against this, and I want to share a few letters from constituents of mine on this, is they believe it will damage our highways and our bridges. The distinguished chairman of the Subcommittee on Transportation indicated that this was a matter for the States to decide and that this was permissive legislation only. And, of course, he is correct as to its being permissive legislation; but the Federal Government should have an interest in this, since they are providing 90 percent of the funds for the construction of interstate and other highways.

According to the findings contained in House Document 354 in the 88th Congress, the second session, increases from 18,000 pounds per single axle and 32,000 pounds tandem load limitations to 20,000 single axle and 35,000 tandem would decrease existing pavement life by 20 percent.

I am aware that the bill states 54 rather than 35 now, but it would decrease existing pavement life by 20 percent and in the 10-year period following enactment of these higher limits, increase resurfacing and maintenance costs by 30 percent.

Mr. President, I believe we need to think about highway safety, too. The safety ramifications of this proposal are increasingly called into question, especially in light of the recent highway legislation, the Highway Safety Act and the Traffic and Motor Vehicle Act. It would just seem to me to be undoing the effect of highway safety programs by adding to the peril of the roads.

According to the American Automobile Association, 48.3 percent of the fatal or injury-producing accidents involving carriers, trucks, and buses result from collision with an automobile. To every one truckdriver who is killed in such accidents, 38 motorists or passengers die.

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

Mr. WILLIAM L. SCOTT. May I have 2 more minutes, please?

Mr. STAFFORD. I yield 2 more minutes to the Senator from Virginia.

Mr. WILLIAM L. SCOTT. I thank the Senator from Vermont.

For every truck driver injured, 10 others are injured. More than two-thirds of all persons killed in motor vehicle accidents are involved in auto-truck collisions. According to AAA findings, passengers and car and light-truck drivers often experience acute anxiety, tension, discomfort, and even fear when passing, being passed by, or accompanying larger vehicles on the road.

Mr. President, I hope that the time will come when we can have separate highways for trucks, because once again, this is a vital industry, but we are living in a time when we are talking about compact, lighter automobiles. This is not the time to be talking about heavier trucks.

I should like to share, to the extent of the time available, some correspondence from constituents. A real estate agent in Roanoke writes:

> The situation is so dangerous now that I feel the passenger car is being forced from the highway . . . a classmate of mine who is one of the best highway engineers in the East recently told me that one large truck does more damage to the highways than several thousand passenger cars. Also the construction has to be far more costly to accommodate the heavy trucks.

The PRESIDING OFFICER. The Senator's additional 2 minutes have expired.

Mr. WILLIAM L. SCOTT. Mr. President, I do not know how much time we have, but will the Senator yield me 2 additional minutes?

The PRESIDING OFFICER. The Senator from Vermont has 7 minutes remaining.

Mr. STAFFORD. Mr. President, the Senator from Vermont yields 2 more minutes to the Senator from Virginia.

Mr. WILLIAM L. SCOTT. I appreciate that.

The chairman of the board of supervisors of Fluvanna County, Va., writes:

> A bill sponsored by the Department of Transportation to increase the size, length, etc. of trucks on interstate roads is before the Congress. Please vigorously oppose this bill.

The vast majority of these trucks pay no attention to the speed limit. I am a defensive and conservative driver for over 50 years and within the past several weeks I had occasion to go to Virginia Beach and Roanoke, driving 55 MPH and trucks often passed me going from 65–70 mph.

When it is raining these monsters with their 18 tires and arrogant drivers create such a fog that the driver of the car they pass cannot see.

They constantly "tail gate" ten to 20 feet behind the leading vehicle. Their weight is destroying our highways. See what has happener to I-81. I'm tired of subsidizing these vehicles.

Mr. President, I have an editorial from the Virginian-Pilot, dated Monday, August 26, of this year, that is opposed to increasing the truck and weight size. I would like to read a portion of it which states:

The Department of Transportation has figured that it could cost States up to $100 million a year to repair highway wear and tear caused by heavier trucks. Virginia for one is already suffering from a shrinking highway dollar and ballooning construction costs; it doesn't need the doubtful benefits of heavier trucks pounding the roadways.

At this point, Mr. President, I ask unanimous consent that the editorial be included in full in the RECORD.

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

BIGGER TRUCKS

A little-noted casualty of the $11 billion Federal mass-transit bill approved by the House in the past week was a provision to raise by a ton the maximum allowable weight of trucks using Interstate highways.

Motorists will little mourn the loss. However, the issue wasn't killed, only wounded. It will come up again next month when the Senate tackles an omnibus highway bill containing a similar proposal.

The American Automobile Association tends to be jittery on the subject, especially as regards motorist safety. The AAA observes that while trucks are involved in few collisions with cars, motorist fatalities are high in such encounters. Emotion as well as statistics is involved: passing—or being passed by—one of the behemoths could be hard on the nerves.

The Department of Transportation has figured that it could cost states up to $100 million a year to repair highway wear and tear caused by heavier trucks. Virginia for one is already suffering from a shrinking highway dollar and ballooning construction costs; it doesn't need the doubtful benefits of heavier trucks pounding the roadways.

Congress has gotten off to a stumbling start trying to raise Northeastern railroads from the dead. The intent is noble; for long-haul freight-carrying, railroads are four times as fuel-efficient as trucks. The Senators ought to keep factors of safety and economy in mind when the highway bill comes up after their Labor Day vacation.

A Virginia Beach resident writes:

By personal observation, some of our interstate highways are already deteriorating rather early in their life. It stands to reason that increasing the already heavy loads imposed by some trucks on the highways cannot help but increase road wear.

A constituent from Hampton says:

As a voting citizen of the Virginia Tidewater area, I urge you to oppose the bill before Congress proposing the use of longer and heavier trucks on the highways. These larger trucks are dangerous, as shown by statistics of their involvement in fatal accidents. Furthermore, the American Trucking Association figures indicate that the larger trucks would offer very little lessening of the fuel crisis.

The large trucks contribute to faster deterioration of roads and bridges. The problems they create for motorists include the difficulties of passing (especially in wet weather), being followed by them, approaching wide loads at highway speeds and blocked vision.

Mr. WILLIAM L. SCOTT. In conclusion, Mr. President, I urge adoption of this amendment.

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

Mr. WILLIAM L. SCOTT. I urge that the amendment be adopted.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. BENTSEN. Mr. President, the distinguished Senator from Washington (Mr. MAGNUSON) has been seeking recognition. I yield to him.

Mr. MAGNUSON. Mr. President, I merely wanted to ask the manager of the bill a question which I think would clarify some portions of the legislation before us.

As the distinguished chairman knows, at the present time in full conformity with the Federal Highway Act of 1956, as interpreted by the Federal Highway Administration, many States, including my own, now authorize weight limits and dimensions of the Federal interstate highway system that in some respects exceed those provided in this bill.

In view of these facts, my question is as follows:

Is it the intent of the committee that the provisions of this act would in any way lower the gross weights or dimensions that the States presently may legally authorize by law or special permits on the Federal interstate system of highways?

Mr. BENTSEN. The Senator from Texas would say to the Senator from Washington that the bill in no way changes the grandfather clause of the 1956 act, and does not lower any of the limits.

To answer the question specifically, it is not the intent of the committee that this bill would in any way lower the gross weights or dimensions that the States now legally authorize or would legally authorize by statute or special permit in the Federal interstate system of highways.

I would call to the Senator's attention that the distinguished Senator from Idaho says he may propose an amendment.

Mr. MAGNUSON. I understand.

Mr. BENTSEN. If this amendment should carry, then he may propose an amendment to lower the limits in the States which now have them in excess of that.

Mr. STAFFORD. Mr. President, if the Senator will yield very briefly, the amendment offered by the Senator from Vermont would not affect States now grandfathered in. So neither the amendment nor the bill would have any effect.

Mr. MAGNUSON. I thank the Senator for that distinction.

I ask unanimous consent to have printed in the RECORD various material with respect to permissible truck weights on Interstate Highways.

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

MARCH 8, 1974.

To: W. A. Bulley, Deputy Director of Highways.

From: Thomas R. Garlington/Michael A. McKean.

Subject: Permissible truck weights on interstate highways.

During its December 18, 1973, regular meeting, the Washington State Highway Commission authorized the allowance of "Table B" weights on the interstate system by special permit. "Table B" weights are fully authorized in RCW 46.44.095. A copy of RCW 46.44.095 as amended by section 3, chapter 150, Laws of 1973 1st ex. sess. is attached to this opinion.

Prior to granting said permits, the Commission seeks to resolve whether such permits may be issued on interstate highways without violating Title 23, § 126 of the United States Code. If such permits may be granted, the Commission wishes to know the permissible time periods for which such permits may be issued.

After an examination of applicable state and federal statutes, we have concluded that the Commission may issue special permits for "Table B" weights on the interstate highway system. These permits may be granted on a single trip basis or for continuous operation including annual permits.

Title 23, § 127 of the United States Code established certain axle and tandem weight limits on interstate highways:

Vehicle weight and width limitations—Interstate System. No funds authorized to be appropriated for any fiscal year under section 108(b) of the Federal-Aid Highway Act of 1956 shall be apportioned to any State within the boundaries of which the Interstate System may lawfully be used by vehicles with weight in excess of eighteen thousand pounds carried on any one axle, or with a tandem-axle weight in excess of thirty-two thousand pounds, or with an overall gross weight of seventy-three thousand two hundred and eighty pounds, or with a width in excess of ninety-six inches, *or the corresponding maximum weights or maximum widths permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, whichever is the greater.* Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse. This section shall not be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof *that could be lawfully operated within such State on July 1, 1956.* With respect to the State of Hawaii, laws or regulations in effect on February 1, 1960, shall be applicable for the purposes of this section in lieu of those in effect on July 1, 1956. (Emphasis added).

The maximum allowable weight established by § 127 is the greater of 18,000 pounds on a single axle, 32,000 pounds on a tandem axle and 73,280 pounds gross weight *or* the corresponding state maximum weights permitted by state law on July 1, 1966.

A review of the weight laws in effect in Washington State on July 1, 1956 indicates that Washington had maximum weights exceeding those alternate weight maximums set by § 127.

The predecessor of our present RCW 46.44.040 (Maximum Gross Weights—Axle Factor) was section 4, chapter 384, Laws of 1955, which provided in part:

(1) It is unlawful to operate any vehicle upon the public highway with a gross weight including load upon any one axle thereof in excess of eighteen thousand pounds.

It is unlawful to operate any one axle semitrailer upon the public highways with a gross weight including load upon such one axle in excess of eighteen thousand pounds.

It is unlawful to operate any truck or truck tractor upon the public highways of this state supported upon two axles with a gross weight including load in excess of twenty-eight thousand pounds.

It is unlawful to operate any semitrailer or pole trailer upon the public highways supported upon two axles with a gross weight including load in excess of thirty-two thousand pounds. It is unlawful to operate any two axle trailer upon the public highways with a gross weight, including load, in excess of thirty-six thousand pounds.

That statute provided ordinary maximum gross axle weights.

The above language was followed by the predecessor of RCW 46.44.090. (Special permits for oversize or overweight movements) section 34, chapter 269, Laws of 1951, which read:

The director of highways with respect to primary and secondary state highways and local authorities with respect to public highways under their jurisdiction may, upon application in writing and good cause being shown therefore, issue a *special permit* in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle or load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter upon any public highway under the jurisdiction of the authority granting such permit and for the maintenance of which such authority is responsible.

No overweight permit shall be issued to any vehicle or combination of vehicles unless such vehicle or combination of vehicles is licensed for the maximum gross weight allowed by law.

This language allowed the director of highways (later the Commission) to grant special permits for weight above those specified in RCW 46.44.040.

Next came the version of RCW 46.44.090 (Gross Weight Limit) in effect in 1956, section 12, chapter 254, Laws of 1953, which read:

No special permit shall be issued for movement on any primary or secondary state high way or route of state primary or secondary highway within the limits of any city or town *where the gross weight, including load, exceeds twenty-two thousand pounds on a single axle or forty-one thousand pounds on any group of axles having a wheelbase between the first and last axle thereof less than ten feet: Provided, That a tolerance of two thousand pounds may be allowed* on any group of axles having a wheelbase between the first and last axle thereof of less than ten feet when the permit is being issued for the maximum overload permitted under this section: *Provided further,* That the tolerance shall not be allowed unless secifically granted on the face of the permit: *Provided further,* The weight limitations pertaining to single axles may be exceeded to permit the movement of equipment operating upon single pneumatic tires and having a rim width of 20 inches or more and a rim diameter of 24 inches or more or dual pneumatic tires having a rim width of 20 inches or more and a rim diameter of 24 inches or more or dual pneumatic tires having a rim width of 16 inches or more and a rim diameter of 24 inches or more. Application shall be made in writing on special forms provided by the highway commission and shall be submitted at least 36 hours in advance of the proposed movement. (Emphasis added).

This language established maximum axle weight limits under special permits of 22,000 pounds on a single axle or 41,000 pounds on a tandem axle. Since a tolerance of 2000 pounds additional on a tandem axle could be granted on the special permit, the top end tandem axle weight limit in effect was 43,000 pounds, by special permit.

The 1956 version of RCW 46.44.092 (Special permits for oversize or overweight movements—overall width limits—Application for permit) was section 2, chapter 146, Laws of 1955:

No special permit shall be issued for movement on any two lane state highway outside the limits of any city or town where the overall width of load exceeds fourteen feet, on any three lane state highway where the overall width of load exceeds twenty-two feet, or on any four lane state highway where the overall width of load exceeds thirty-two feet: *Provided,* That (1) these width limitations may be exceeded on state highways where the latest available traffic figures show that the highway or section of highway carries less than one hundred vehicles per day; (2) permits may be issued for weights and widths in excess of the preceding limitations on highways, or sections of highways which have been designed and constructed for weights and widths in excess of such limitations; (3) these limitations may be rescinded when certification is made by military officials as to the necessity for such action and when in the opinion of the highway commission, the movement or action is a necessary emergency movement or action: *Provided further,* That the structures and highway surfaces on the routes involved are determined to be capable of sustaining weights in excess of such limitations; (4) these limitations shall not apply to farmers moving farm machinery between farms during daylight hours if the movement does not pass along and upon any primary or secondary state highway for a distance greater than thirty-five miles, if properly patrolled and flagged.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and *whether such permit is requested for a single trip or for continuous operation.* (Emphasis added).

That statute provided that special permits for overweight and over-width could be granted on either a single trip basis or "for continuous operation." The special permit language of RCW 46.44.092 still provides for a continuous operation special permit.

Thus, on July 1, 1956, statutes in effect in Washington authorized the issuance of a special permit for a single trip or continuous operation to any truck carrying an axle load of up to 22,000 pounds for a single axle and up to 43,000 pounds for tandem axles.

Based upon the foregoing discussion, we conclude that permits authorizing Table B weights on interstate highways would not conflict with section 127 of Title 23 U.S. Code, since those weights fall within the legal weights permitted in this state on July 1, 1956. The annual permit provided for by chapter 150, Laws of 1973 1st ex. sess., is within the scope of the "continuous operation" special permit existing on July 1, 1956, and Table B special permits may therefore be granted on a single trip basis or by annual special permit.

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Sec. 3. Section 46.44.095, chapter 12, Laws of 1961 as last amended by section 55, chapter 281, Laws of 1969 ex. sess. and RCW 46.44.095 are each amended to read as follows:

When fully licensed to the maximum gross weight permitted under RCW 46.44.040, a two-axle truck or a three-axle truck operated as a solo unit and not in combination shall be eligible to carry gross weight in excess of that permitted for such a vehicle in RCW 46.44.040 upon the payment to the state highway commission of a fee of thirty dollars for each one thousand pounds of excess weight: *Provided,* That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042 or the wheel base requirements specified in RCW 46.44.044.

When fully licensed to a minimum gross weight of seventy-two thousand pounds a three or more axle truck tractor and a three or more axle dromedary truck tractor, and a three or more axle truck, when operating in combination with another vehicle or vehicles (the licensed gross weight of which, if any, shall be included when computing the minimum gross weights set forth above), shall be eligible under special permits to be issued by the state highway commission to carry additional gross loads beyond the licensed capacity of the combination of vehicles upon the payment of a fee based upon thirty dollars per year for each one thousand pounds of such additional gross weight but not to exceed one hundred and twenty dollars for the total additional weight: *Provided,* That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042: *And provided further,* That the gross weight of a three or more axle truck operated in combination with a two or three-axle trailer shall not exceed seventy-six thousand pounds, and the gross weight for a three or more axle truck tractor operated in combination with a semitrailer shall not exceed seventy-three thousand two hundred eighty pounds except where the semitrailer is eligible to carry a gross load of thirty-six thousand pounds pursuant to the provisions of RCW 46.44.040, in which even the maximum gross weight of the combination shall not exceed seventy-six thousand pounds. The minimum additional tonnage to be purchased pursuant to this paragraph for a three or more axle tractor to be operated in combination with a semitrailer shall not be less than one thousand two hundred and eighty pounds. The permits provided for in the two preceding paragraphs shall be known as class A additional tonnage permits.

In addition to the gross weight purchased pursuant to RCW 46.16.070, 46.16.115, 46.44.037, and the foregoing provisions of this section and where, in the case of combinations of vehicles, the maximum gross weight permitted by law, including the preceding provisions of this section, has been purchased, a special permit for additional gross weight may be issued by the state highway commission upon the payment of thirty-seven dollars and fifty cents per year for each one thousand pounds of such additional gross weight: *Provided,* The tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed twenty thousand pounds and the gross load on any group of axles shall not exceed the following table:

Distance in feet between the extremes of any group of 2 or more consecutive axles:	Maximum load in pounds carried on any group of 2 or more consecutive axles— 2	3	4	5	6	7	8	9
4	34,000							
5	34,000							
6	34,000							
7	34,000							
8	34,000	42,000						
9	39,000	42,500						
10	40,000	43,500						
11		44,000						
12		45,000	50,000					
13		45,500	50,500					
14		46,500	51,500					
15		47,000	52,000					
16		48,000	52,500	58,000				
17		48,500	53,500	58,500				
18		49,500	54,000	59,000				
19		50,000	54,500	60,000				
20		51,000	55,500	60,500	66,000			
21		51,500	56,000	61,000	66,500			
22		52,500	56,500	61,500	67,000			
23		53,000	57,500	62,500	68,000			
24		54,000	58,000	63,000	68,500	74,000		
25		54,500	58,500	64,500	69,000	74,500		
26		55,500	59,500	65,000	69,500	75,000		
27		56,000	60,000	65,000	70,000	75,500		
28		57,000	60,600	65,500	71,000	76,500	82,000	
29		57,500	61,500	66,000	71,500	77,000	82,500	
30		58,500	62,000	66,500	72,000	77,500	83,000	
31		59,000	62,500	67,500	72,500	78,000	83,500	
32		60,000	63,500	68,000	73,000	78,500	84,500	90,000
33			64,000	68,500	74,000	79,000	85,000	90,500
34			64,500	69,000	74,500	80,000	85,500	91,000
35			65,500	70,000	75,000	80,500	86,000	91,500
36			66,000	70,500	75,500	81,000	86,500	92,000
37			66,500	71,000	76,000	81,500	87,000	93,000
38			67,500	72,000	77,000	82,000	87,500	93,500
39			68,000	72,500	77,500	82,500	88,500	94,000
40			68,500	73,000	78,000	83,500	89,000	94,500
41			69,500	73,500	78,500	84,000	89,500	95,000
42			70,000	74,000	79,000	84,500	90,000	95,500
43			70,500	75,000	80,000	55,000	90,500	96,000
44			71,500	75,500	80,500	85,500	91,000	96,500
45			72,000	76,000	81,000	86,000	91,500	97,500
46			72,500	76,500	81,500	87,000	92,500	98,000
47			73,500	77,500	82,000	87,500	93,000	98,500
48			74,000	78,000	83,000	88,000	93,500	99,000
49			74,500	78,500	83,500	88,500	94,000	99,500
50			75,500	79,000	84,000	89,000	94,500	100,000
51			76,000	80,000	84,500	89,500	95,000	100,500
52			76,500	80,500	85,000	90,500	95,000	101,000
53			77,500	81,000	86,000	91,000	96,500	102,000
54			78,000	81,500	86,500	91,500	97,000	102,500
55			78,500	82,500	87,500	92,000	97,500	103,000
56			79,500	83,000	87,500	92,500	98,000	103,500
57			80,000	83,500	88,000	93,000	98,500	104,000
58				84,000	89,000	94,000	99,000	104,500
59				85,000	89,500	94,500	99,500	105,000
60				85,500	90,000	95,000	100,500	105,500

Permits issued pursuant to the foregoing paragraph shall be known as class B additional tonnage permits.

The special permits provided for in this section shall be issued under such rules and regulations and upon such terms and conditions as may be prescribed by the state highway commission. Such special permits shall entitle the permittee to carry such additional load in such an amount and upon such highways or sections of highways as may be determined by the state highway commission to be capable of withstanding such increased gross load without undue injury to the highway: *Provided*, That the permits shall not be valid on any highway where the use of such permits would deprive this state of federal funds for highway purposes.

The annual additional tonnage permits provided for in this section shall commence on the first of January of each year. The permits may be purchased at any time, and if they are purchased for less than a full year, the fee shall be one twelfth of the full fee multiplied by the number of months, including any fraction thereof covered by the permit. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit from one vehicle to another a fee of five dollars shall be charged for each such duplicate issued or each such transfer. The state highway commission shall issue such special permits on a temporary basis for periods not less than ten days at a fee of one dollar per day in the case of class A permits and not less than five days at two dollars per day in the case of class B permits.

The fees levied in RCW 46.44.094 and this section shall not apply to any vehicles owned and operated by the State of Washington, any county within the State or any city or town within the State, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.85 the fees provided for in RCW 46.44.037 and 46.44.095 shall be computed by the state highway commission by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.85 to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

The state highway commission shall prorate the fees provided in RCW 46.44.037 and 46.44.095 only if the name of the operator or owner is submitted on official listings of authorized fleet operators furnished by the department of motor vehicles. Listings furnished shall also include the percentage of mileage operated in Washington, which shall be the same percentage as determined by the department of motor vehicles, for purposes of prorating license fees.

PORTLAND, OREG.,
March 14, 1974.

Permissible Truck Weights on Interstate Highways—Washington.

Assistant Regional Counsel.

Mr. DAVID E. WELLS,
Chief Counsel, Washington, D.C.

Attention: Mr. Hugh T. O'Reilly, Motor Carrier and Highway Safety Law Division.

Attached is a legal opinion of the Chief Counsel, Washington Department of Highways, that the State may issue annual permits for weights above the basic limits set forth in 23 U.S.C. 127 under Washington law in effect on July 1, 1956.

We concur in the Chief Counsel's legal opinion. May we have your comments on the matter prior to our responding to Mr. Garlington's letter.

JAMES F. ZOTTER.

DEPARTMENT OF TRANSPORTATION,
March 20, 1974.

Subject: Special Permits—Washington.

From: Assistant Chief Counsel for Motor Carrier and Highway Safety Law.

To: Mr. Robert B. Rutledge, Regional Counsel.

Attention: Mr. James F. Zotter, Portland, Oreg.

In response to your memorandum of March 14, we have reviewed the opinion of the Attorney General of the State of Washington on the subject of limitations on special permit issuance in that State, in which you concur. The opinion is well reasoned, and we agree that special permits for continuous operation of vehicles within the gross weights specified in table B of RCW 46.44.095 may be issued without contravening 23 U.S.C. 127, as long as the axle weights of 22,000 pounds single and 43,000 pounds tandem mentioned in the opinion are not exceeded.

ISAAC D. BENKIN.

Mr. BENTSEN. I yield the Senator from Florida 5 minutes.

Mr. GURNEY. I thank the Senator from Texas.

Mr. President, I oppose the amendment offered by my good friend from Vermont, and I support the provision now in the bill, and support the position of the manager of the bill, the distinguished Senator from Texas (Mr. BENTSEN).

Section 107 of the bill would raise the Federal limits on axle weights from 18,000 to 20,000 pounds single and from 32,000 to 34,000 pounds tandem. In addition, it would replace the outdated current maximum gross weight limit of 73,280 pounds with bridge formula "B" and a top of 80,000 pounds.

I think perhaps what I may say about this section of the bill has perhaps some importance, because my State of Florida, long a leader in the development of commercial activities, and transportation of goods, presently has a single axle weight limit of 20,000 pounds plus a 10-percent tolerance, allowing a 22,000-pound limitation.

The tandem axle weight limitation is 40,000 pounds with the same 10-percent tolerance, for a total of 44,000 pounds.

In other words, we exceed what is proposed in the bill by a fairly considerable margin.

We are as careful of our highways as any other State, and yet we have not found that there has been an experience in the State of Florida that has shown excessive highway deterioration because of this weight limit that we use which, in the case of a single axle, equals what is proposed in the bill, and exceeds what is proposed in the bill as far as a tandem axle is concerned.

One of the things that I think we have to think about is that a great deal that has been said here about that we should not have heavier trucks, or trucks that are consuming more fuel. The point of the matter is that today we do have the big and heavy trucks. What is hap-

pening is that they are moving along the highways with a good portion of their space unused, because, while they might go out of the State of Florida with 20,000 pounds or even 22,000 pounds on a single axle, with a 10-percent tolerance, and up to 40,000 to 44,000 pounds with a tandem axle, if they move up to, say, New York—and that is where a great many of them go; a good many of our fruit and vegetable products move up to New York City—they have to conform to the lowest weight limits in the intervening States between Florida and New York, and much of the truck space that moves out of Florida is unused for that reason.

The Senator from Idaho (Mr. McCLURE) mentioned a short time ago how important this is to the farmers and consumers of the country. I could not agree more. Let me give an example of what happened last winter.

During the energy crisis that hit the country in January, February, and March, we had a particular problem in the State of Florida, which was getting citrus products out of the State to the markets in New York and the industrial East. They move in large part by truck, and some by train. Trucks, of course, were cut down because of the fact that they could not get the diesel fuel to move, and so the number of trucks going out of Florida was considerably less than normally.

If we could have filled the big trucks with the citrus products and vegetable products we wanted to move from Florida to the Northeast, the Northeast could have gotten a lot more vegetables and citrus products, which they needed, and our farmers could have moved a whole lot of our products which they were not able to move, and which actually deteriorated on the tree or in the ground, and they suffered great losses.

All this could have been avoided if we had had an axle weight limit which more nearly corresponded with what is in the bill.

So again I say, as far as the energy crisis is concerned—and it is still with us, as far as costs are concerned; we are able to get the diesel fuel we want today in the quantities, apparently, that we want it, and gasoline as well, but we have to pay greatly excessive prices for it, twice, perhaps, what we paid a year ago —that all of this is translated into the cost of farm produce that goes to market. If a truck has to move from the State of Florida, which is one of the great fruit- and vegetable-producing States in the Nation, to cities in the Midwest and the North half filled or two-thirds filled because of this axle limitation, of course what we are doing is burning up fuel excessively that we do not need to burn; it is adding to our energy costs and also adding to the price of our produce that moves to market, and is adding to the inflation and hurting a lot of people.

So I think this is a very sensible thing we are doing here, and I do say, as a Senator from a State which presently has these axle limits, and actually exceeds them in the case of the tandem axle, that it has worked out very well. I hope the Senate will reject the amendment, and hold the provision in the bill.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator's 5 minutes has just expired.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the name of the Senator from New Hampshire (Mr. COTTON) be added as a cosponsor of the amendment.

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

Mr. STAFFORD. Mr. President, I have listened with great interest to my distinguished friend the Senator from Florida (Mr. GURNEY), and have noted that his State does permit higher axle loadings than many other States.

I do not necessarily draw any casual connection between that and the fact that this bill contains a $116-million authorization for repair of bridges from Florida down to Key West; but it is quite possible that that additional weight has been a factor in the request for repair of those bridges.

I would like to comment, Mr. President——

Mr. GURNEY. Mr. President, will the Senator yield at that point?

Mr. STAFFORD. Very briefly, because I have but little time remaining. I yield the Senator 1 minute.

Mr. GURNEY. I thank the Senator. I do want to say that as far as that bridge to Key West is concerned, it is about the oldest highway in the State, and is actually built over a railroad trestle. It was erected to go to Key West back in the 1920s, and really has nothing to do with the bill.

Mr. STAFFORD. All I am suggesting to the distinguished Senator is that it may have worn out faster because of the heavy weight of the trucks that use it.

I commend the distinguished Senator from Virginia (Mr. WILLIAM L. SCOTT) for his excellent speech to the Senate this afternoon in connection with the safety considerations involved in increasing the weight of trucks, and I shall not dwell on that further in my closing remarks.

Mr. President, it seems to me that basically we are considering two things. First, safety, the safety of the traveling public. Most of the traveling public on the highways of this country are traveling in private cars.

Then we are talking about economics. Here I would like to say that axle loads of vehicles have a relationship to the useful life of road pavement. The $27 million AASHTO road test revealed that increasing single axle loads from 18,000 pounds to 20,000 pounds, as proposed in this legislation, brings about a 60 percent increase in the wear and tear on the pavement attributable to the movement of heavy loads.

A 2,000-pound increase in tandem axle loads from 32,000 to 34,000 as proposed in this legislation brings about a similar increase of 33 percent.

Testimony of American Association of State Highway and Transportation Officials regarding current proposals reveals that, if enacted, they can result in an average loss of the remaining life of a facility of between 25 and 40 percent.

Now, much has been made this afternoon of the argument that truckers will need greater uniformity among the States with regard to weights. It has to be said that the bill pending before the Senate this afternoon does not achieve uniformity. There would still be 20 States which vary from the national limits in either axle or gross weight requirements by virtue of the grandfather clause.

There has also been comment on the $27 million Illinois road test. Let me point out that the most important feature of that test or those tests, as I said earlier in my opening speech, is the fact that the recommended weight increases were only part of a package of recommendations. The rest of the package called for various safety regulations to be promulgated before weight increases were allowed. Some of those regulations have been issued but will not take effect until next year. Others have never even been proposed.

Finally, Mr. President, I wish to point out that the National Transportation Safety Board, the National Association of Counties, and the National Society of Professional Engineers oppose the increase provided in the committee bill for axle weights because of safety hazards, including damage to existing bridges, and because of accelerated deterioration of highways.

I reserve the remainder of my time.

Mr. BENTSEN. Mr. President, we have been discussing some of these people who have the responsibility for maintaining highways. Let me just say we had them before us in the committee hearings, and they testified at length. We felt that these were very reasonable limits that we were putting in, and substantially less than were asked for by many, many people who testified.

Section 107 of this bill—and that is the section we are referring to when we are talking about weights—has the support of the Department of Transportation, the American Association of State Highway and Transportation Officials.

Those are some of the people who are responsible for the maintenance that we are talking about; and then there are the National Governors' Conference and the National Legislative Conference.

We are not calling for larger trucks. We are talking about using the existing trucks more efficiently. We are talking about raising the weight per axle by 2,000 pounds to a limitation that at least half the States in this Nation already have. Trucks in those States can carry that kind of weight on their axles.

So what we are trying to do is bring about some equity in the transportation system of this country, trying to bring about some uniformity in it, trying to bring about some cost reductions in transportation that can be passed onto the consumers of this country. That is what the crux of this argument is, and that is what was considered by the committee as they were concerned with these weights that were proposed.

So I ask that this body vote against this amendment. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STAFFORD. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from Vermont has 1 minute, and the Senator from Texas has 3 minutes.

Mr. STAFFORD. Mr. President, I conclude by saying that, in the view of the Senator from Vermont, who hopes the Senate will adopt this amendment, we are talking principally about the safety of the American traveling public on the highways of this Nation.

I believe that the experience of the American public with heavy trucks on our Interstate System is such that it would prefer, by the vast majority, that the size and weight of trucks do not grow, and that the present limits on axle weights be left as they are in the present law.

Mr. BENTSEN. The Western Highway Institute, in testifying before the committee, showed that trucks, as a group, have a better highway accident frequency ratio than all other motor vehicles combined.

Mr. President, let me further say if this amendment carries, and it is the majority viewpoint of this body that in the interests of safety these weights should be cut down, then I will look with a great deal of interest on the proposal of the Senator from Idaho because what is sauce for the goose is certainly sauce for the gander. If we are concerned with safety in the State of Texas and the State of Oklahoma, to that extent then we ought to be concerned with that safety in the State of Vermont and the State of New York. I look forward to the offering of that amendment.

Mr. RANDOLPH. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Texas has approximately 2 minutes.

Mr. BENTSEN. I yield the remainder of my time to the distinguished chairman of the committee.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 2 minutes.

Mr. RANDOLPH. Mr. President, what the Senator from Texas, the manager of this measure, has said is true in reference to the opposition of the committee to the amendment offered by the able Senator from Vermont.

I want to add that this was, perhaps, the most difficult issue to resolve as we fashioned the bill and brought it to the floor. We are attempting to cope with the problem of truck weights. But, Mr. President, I think it is very important that we indicate that this is another issue that has been injected by last winter's fuel shortage; but one which has confronted us before. There was hardship, and inconvenience imposed on the trucking industry by the energy crisis. This industry is a vital segment of our transportation network in the United States of America and, as we were convinced of their fuel shortages, costs, and mandated compulsory compliance with low speed limits Mr. President, we are also convinced by their arguments for modest increase in weights.

Balanced against this situation, of course, are the considerations of highway safety. We are conscious of these matters as they have been so ably stated by the Senator from Virginia (Mr. WILLIAM L. SCOTT), a member of our committee. But, here we are attempting to cope with the utilization of a segment of our transportation industry which is vital to agriculture and we recognize that we are not doing something that is comprehensive, but incremental. We are attempting to reach an economic solution without upsetting the delicate balance of safety concerns.

The modest increases suggested in section 107 of S. 3934 are needed to offset some of the economic problems faced by the industry because of the recent energy crisis and the mandating of the 55 miles per hour speed limit.

Truckers are complaining that the cost of diesel fuel has doubled, and that these lower limits have cut productivity by 27 to 28 percent. This is reduction in total truck capacity of approximately 8 percent.

Agricultural producers have noted that due to removal of many railroad cars there are not enough trucks to go around. Since these products are not regulated, the price of carrying them from farm to market has increased considerably. This adds to the economic burden of rural America to which we must be sensitive.

It is an old story, but still factual that many of the States we have heard spoken of today were grandfathered in when the 1956 act was passed; the act has never been properly adjusted for other States which I feel was the intent of the legislation.

The reason for the 80,000-pounds limit the Commission placed on overall gross weight was to make negligible the chance that trucks would be have to be longer. This weight is simply not enough of an increase to justify larger truck sizes.

Again, section 107 has no intention of increasing truck sizes, but is submitted to augment the efficient use of existing equipment.

One final point is that the weight increases proposed will have a minimal effect on highway safety. The committee fully realized that after January 1, 1975, new brake standards will be required by NHTSA and was assured of such by Dr. Gregory, Administrator of that organization. With these points clarified I want to reaffirm the reasonable tone of this provision and lend it my complete support.

I trust that the amendment offered—I am sure in good conscience by our colleague from Vermont—will not be supported sufficiently. The committee gave to this matter very, very careful concern.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Vermont. The yeas and the nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. METZENBAUM (after having voted in the affirmative). I have a live pair with the Senator from Georgia (Mr. TALMADGE). I have already voted "yea." If he were present and voting he would vote "nay." I, therefore, withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Colorado (Mr. HASKELL), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I further announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "nay."

On this vote, the Senator from Colorado (Mr. HASKELL) is paired with the Senator from Indiana (Mr. BAYH). If present and voting, the Senator from Colorado would vote "yea" and the Senator from Indiana would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

I also announce that the Senator from Hawaii (Mr. FONG), the Senator from Illinois (Mr. PERCY), and the Senator from Pennsylvania (Mr. SCHWEIKER) are absent on official business.

I further announce that the Senator from Oklahoma (Mr. BELLMON) is absent due to illness.

On this vote, the Senator from Tennessee (Mr. BAKER) is paired with the Senator from North Carolina (Mr. HELMS). If present and voting, the Senator from Tennessee would vote "yea" and the Senator from North Carolina would vote "nay."

The result was announced—yeas 23, nays 60, as follows:

[No. 391 Leg.]

YEAS—23

Aiken	Ervin	Proxmire
Brock	Jackson	Ribicoff
Brooke	Kennedy	Roth
Buckley	Magnuson	Scott, William L.
Case	McClellan	Stafford
Clark	McIntyre	Taft
Cotton	Nelson	Weicker
Cranston	Pearson	

NAYS—60

Abourezk	Griffin	Montoya
Allen	Gurney	Moss
Bartlett	Hansen	Muskie
Beall	Hart	Nunn
Bentsen	Hartke	Packwood
Bible	Hatfield	Pastore
Biden	Hathaway	Pell
Burdick	Hollings	Randolph
Byrd, Harry F., Jr.	Hruska	Scott, Hugh
Byrd, Robert C.	Huddleston	Sparkman
Cannon	Hughes	Stennis
Chiles	Javits	Stevens
Church	Johnston	Stevenson
Curtis	Long	Symington
Dole	Mansfield	Thurmond
Domenici	Mathias	Tower
Eagleton	McClure	Tunney
Eastland	McGee	Williams
Fannin	McGovern	Young
Gravel	Metcalf	
	Mondale	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Metzenbaum, for.

NOT VOTING—16

Baker	Fong	Inouye
Bayh	Fulbright	Percy
Bellmon	Goldwater	Schweiker
Bennett	Haskell	Talmadge
Cook	Helms	
Dominick	Humphrey	

So Mr. STAFFORD's amendment was rejected.

Mr. BENTSEN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. HART. Mr. President, I have an amendment at the desk, and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 9, line 5, after "tolerances;", add "ten thousand pounds on the steering axle, including all enforcement tolerances;".

Mr. HART. Mr. President, this amendment would make uniform the rationale of the proposed axle weights contained in the bill.

The reason is this: Generally when reference is made to axle weights, one usually thinks of the traditional four-tire axle supporting a load. Under section 107 of the bill, such an axle would be loaded to a maximum of 20,000 pounds.

Under this amendment, the two-tire axle, which is the front axle, could only be loaded to a maximum of 10,000 pounds, and like the bill this would include all enforcement tolerances.

Besides a "rounding out" of the limitations contained in the bill, this amendment would also resolve a major concern in the area of truck driver safety.

This concern deals with the placement of the coupling device on a tractor-trailer assemblage. This device, popularly known as the "fifth wheel," plays a crucial role in the distribution of weight on over-the-road trucking equipment.

If the fifth wheel is placed too far forward of the tractor axle, the front axle, with its two tires, becomes overloaded, resulting in reduced steering efficiency and an increased probability of front tire blowouts. The safety benefits of properly loaded front axle then becomes obvious.

The U.S. Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, recently found tire failures to be the second leading cause of mechanical-defect-related accidents—and front-tire-failure accidents account for two-thirds of these accidents.

The same report stated that overloading the front tires was a major factor in these accidents and that approximately 13 percent of the trucks sampled had front axle loads exceeding 10,000 pounds.

With the adoption of this amendment, the front axle cannot for all practical purposes be overloaded.

Although certain changes will be necessitated as a result of this amendment, I believe they will be far outweighed by the benefits to be derived.

First, some fifth wheels will have to be refitted, but the expense involved is relatively slight. According to testimony of the representative from the Teamsters Union, this refitting process would amount to only about 4 hours of labor.

Second, in some cases the fifth wheel's backward adjustment on the chassis will result in a lengthening of an overall unit, thus raising the possibility of increasing the overall length.

However, I am informed that in most instances this would only be a matter of 2 to 18 inches. With proper legislative history, however, this problem can be overcome. That is, in those States in which the refitting would be the sole cause of a length variation by our action here we would permit a variance.

In addition, there may be some concern raised regarding this amendment because the regulations of the Department of Transportation already cover this area.

The present regulation of the Department of Transportation, however, is too vague, as is witnessed by the concerns voiced by truck drivers.

Basically, all that is required under the present regulation, 49 Code of Federal Regulations Section 393.70(b)(3) is that the relation of the kingpin and the real axle—or axles—of the towing vehicle will "properly distribute" overall weight; not "unduly interfere" with the steering, braking or maneuvering of the tractor; and will not otherwise contribute to "unsafe operation" of the assemblage.

The adoption of this amendment will spell out the "proper" distribution of weight to the steering axle, which now has no specific guidelines as do all other axles.

Moreover, it may be maintained that the current DOT proposal to require proper inflating and loading of tires will satisfy any concern which may arise as a result of fifth wheel problems. Under the DOT proposal, however, the front axle could still be overloaded simply by placing heavy duty tires on it.

Why 10,000 pounds? This figure is derived directly from the 20,000 pound limit on the weight-bearing four tire axles called for in the bill itself.

These four-tire axles are not the axles which are used to steer the truck. Their purpose is to carry the payload. And if one of these tires blows out, there is another next to it to keep rolling in the emergency. Such is not the case with the front, steering tire. When it blows, control is lost and an accident may result.

The four-tire axles carry 5,000 pounds per tire. Does it not seem proper to limit the two front tires, whose job it is to keep the vehicle under control, to that same 5,000 pounds per tire? That is why the 10,000 pound limit of this amendment is not only wise, but necessary.

Mr. President, I urge my colleagues to support this very important proposal so that drivers will have some added measure of relief.

Mr. President, this amendment has been discussed with the able manager of the bill, the Senator from Texas. I believe that it has been reviewed by the minority manager, the Senator from Vermont. It simply rounds out the limitations contained in the bill and responds to a major concern in the area of safety.

I hope very much that the amendment will be agreed to and that it might survive the conference.

Mr. BENTSEN. Mr. President, I say to the Senator from Michigan that I share his deep concern with safety on the highways. If this makes the major contribution to safety that he believes it does, in putting the 10,000-pound limit on the front axle, I would be delighted to accept the amendment, as chairman of the subcommittee, and take it to conference, if it is the will of the majority of the Senate.

Mr. STAFFORD. Mr. President, on behalf of the minority side, we also have discussed this amendment with the distinguished Senator from Michigan, and we are prepared to join in the act of the chairman of the subcommittee in accepting it.

Mr. McCLURE. Mr. President, will the Senator from Michigan consider a language refinement or an addition to the amendment?

The amendment reads: "add 'ten thousand pounds on the steering axle.'"

I wonder, in order to avoid a possible ambiguity, whether we might add "of any truck tractor," so that we would avoid the possibility of interference with our over-the-highway buses and specialized trucks such as the cement mixers that are running around town.

Mr. HART. It seems to me that the addition of this language would be useful and would further clarify our purpose. I would be glad to accept it.

Mr. McCLURE. Mr. President will the Senator from Texas speak to that point?

Mr. BENTSEN. The Senator from Texas has no objection to the clarification of the amendment, if it is acceptable to the Senator from Michigan.

Mr. HART. It is.

Mr. McCLURE. Mr. President, is it understood that the Senator from Michigan asks for that change in the amendment? I think he has that right.

Mr. HART. I believe I have that right, and I now change the amendment to incorporate that language.

The PRESIDING OFFICER. The amendment is so modified.

The modified amendment reads as follows:

On page 9, line 5, after "tolerances;", add "ten thousand pounds on the steering axle of any truck tractor, including enforcement tolerances;".

Mr. BENTSEN. Mr. President, I yield back the remainder of my time.

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

Mr. HART. I yield.

Mr. RANDOLPH. Mr. President, I wish to reaffirm what has been said by Senators BENTSEN and STAFFORD in reference to the approval of both the majority and the minority in our committee—the subcommittee, especially—in reference to the well-reasoned amendment offered by the able Senator from Michigan (Mr. HART), and further strengthened by the clarification offered by a member of the Committee on Public Works, the Senator from Idaho (Mr. McCLURE).

We had very much in mind, when we opposed the Stafford amendment, that we were not in any way lessening the im-

pact of what, hopefully, is the concept of this bill. This, of course, is to give the highest priority to the safety measures involving all types of traffic. What the Senator has said is implicit and has been agreed to by others. I just add these words to indicate our complete agreement on these matters.

Mr. HART. I am grateful to the Senator from West Virginia for his concurrence and support of this amendment, which is consistent with his long record of safety-minded legislative work.

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

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan, as modified.

The amendment, as modified, was agreed to.

Mr. ABOUREZK. Mr. President, I call up my amendment at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 3 between lines 11 and 12, insert the following new subsection:

(d) no funds appropriated under the expanded definition of this Section shall be expended without the formal consent of the governing body of the tribe band or group of Indians or Alaskan Natives for whose use the Indian reservation roads and bridges are intended.

Mr. ABOUREZK. I yield myself 10 minutes.

Mr. President, section 102 of S. 3934 expands the use of funds appropriated for the construction of roads and bridges on Indian reservations to allow such funds to be used for the construction of Federal and State highways on reservation or providing access to reservations. The problem that we are attempting to solve is to prevent groups or interest, other than the interest of the tribe, of possibly manipulating funds to build roads which, although they are on the reservations, may not serve the needs and priorities of the Indian People. Our amendment will insure that Indian Tribes will have an opportunity to be heard on funds appropriated for their benefit. This is very much in keeping with the concept of self-determination. This amendment merely provides that the tribes provide their consent for the use of any such funds.

Mr. President, we have discussed this amendment with the majority and minority managers of the bill. So far as I know, it is agreeable to them.

Mr. BENTSEN. Mr. President, I have discussed the amendment with a number of members of the committee and the subcommittee, particularly those concerned with Indian affairs, and I have found no objection to the amendment.

Mr. ABOUREZK. Mr. President, I yield to the Senator from New Mexico (Mr. DOMENICI).

Mr. DOMENICI. Mr. President, the section of the bill to which the amendment is offered is adequately explained on pages 4 and 5 of the report. Its purposes are quite clear. It is not intended to take away from our Indian people their right to have a significant say as to how the funds provided in this section are used. In its original concept, as I sponsored it in committee, we had some very specific projects in which, if we did not create some flexibility as to how these funds could be used, some projects very beneficial to the Indian people in my State could not be the subject matter of this fund.

As I understand the amendment, what it really says is that the flexibility is there, but if you are going to use this source for funding, then you must have the formal consent and approval of the Indian tribe or the Indian people intended to be benefitted by it.

It is my understanding—and I ask the Senator whether this is correct—that basically, heretofore, we have relied upon the Bureau of Indian Affairs to have regulations or rules whereby they went to the Indian people and sought their consent or approval on some occasions. By this amendment the Senator is trying to make it statutory law that as to this fund, an affected Indian tribe will have to concur in the project, whether it be a single project or a composite project such as contemplated in the report for the Four Corners area of New Mexico. To the extent it does that, it is a good amendment. It will keep the Indian people in the decisionmaking process. If those projects are intended to benefit them, it seems to me that their consent should be sought. That is what I understand the Senator is asking in the amendment. On that basis, I think it is a good addition to the Indian roads and bridges provision of the bill we reported.

Mr. ABOUREZK. I thank the Senator. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Texas yield back the remainder of his time?

Mr. BENTSEN. The Senator from Texas yields back the remainder of his time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from South Dakota.

The amendment was agreed to.

Mr. STAFFORD. Mr. President, I call up amendment No. 1848 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 17, line 19, beginning with the word "or", strike everything through the semicolon in line 1, page 18.

On page 18, line 1, change "(3)" to "(2)".

On page 18, lines 9 and 10, strike "clauses (2) and (3)" and insert in lieu thereof "clause (2)".

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. STAFFORD. Mr. President, the purpose of this amendment is quite simple.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. STAFFORD. The amendment I offer is for a very simple purpose. It is to permit States which may wish, in their discretion, to have speed limits of less than 55 miles per hour on highways of four or more lanes. The committee, frankly, did not intend, in the bill which is before the Senate, to restrain States permanently from imposing speed limits lower than 55 miles per hour if that were the wish of any particular State.

All this amendment does is leave the State free to lower speed limits where it might find it desirable to do so. I am hopeful, Mr. President, that the chairman of the subcommittee, the manager of the bill, will accept this amendment.

Mr. BENTSEN. Mr. President, the manager of the bill is pleased to accept this clarification and supports the amendment. It gives the States some flexibility.

The PRESIDING OFFICER. Is all time yielded back?

Mr. STAFFORD. I yield back my time.

Mr. BENTSEN. The chairman of the subcommittee yields back the remainder of his time.

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

The amendment was agreed to.

Mr. BUCKLEY. Mr. President, I call up amendment No. 1851 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

AUTOMOBILE SAFETY STANDARDS

SEC. 123. Section 103(a) of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by inserting "(1)" after "SEC. 103. (a)" and by adding at the end thereof the following new paragraph:

"(2)(A) Effective with respect to motor vehicles manufactured after the date of enactment of this paragraph, Federal motor vehicle safety standards may not (except as otherwise provided in subparagraph (B)) require that any such vehicle be equipped (i) with a safety belt interlock system, (ii) with any warning device other than a warning light designed to indicate that safety belts should be fastened, or (iii) with any occupant restraint system other than integrated lap and shoulder safety belts for front outboard occupants and lapbelts for other occupants.

"(B) Effective with respect to motor vehicles manufactured after the date of enactment of this paragraph, the Secretary shall not promulgate any Federal motor vehicle safety standard requiring any occupant restraint system, or warning system in connection therewith, except as authorized in subparagraph (A), until after public hearings with respect thereto and approval of the proposed standard by resolution of the Committee on Commerce of the United States Senate and the Committee on Interstate and Foreign Commerce of the United States House of Representatives.

"(C) Notwithstanding any provision of Federal law to the contrary, any safety belt interlock system or audible warning device in connection with safety belts may be rendered inoperative to the extent such system or device was required by a Federal motor vehicle safety standard promulgated prior to enactment of this paragraph.".

Mr. BUCKLEY. Mr. President, I ask unanimous consent that Mr. Frank Maguire and Mr. Leonard Saffir of my staff be extended the privilege of the floor during debate on this matter.

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

Mr. BENTSEN. Will the Senator from New York yield me 2 minutes?

Mr. BUCKLEY. Certainly, I yield.

Mr. BENTSEN. Mr. President, I have reviewed the amendment proposed by Senators BUCKLEY and EAGLETON.

I should make clear at the outset that this is not a matter before the Committee on Public Works. The subject matter of the amendment is within the province of the Committee on Commerce, and I want to give the members of that committee who may be on the floor the bulk of my time to discuss it.

Therefore, there is no Public Works position on the amendment, and I do not speak for the committee in this instance.

My personal view is that the Senator's amendment is a reasonable one. It retains the warning light which will signal when a seatbelt is not on. It does not preclude the air bag, but suggests congressional review of regulations affecting it. It makes optional the interlock and buzzer system now required on present automobiles.

The House has overwhelmingly supported a measure more stringent than this one, and the administration has indicated that it is rethinking the interlock question.

As I indicated, I will support the amendment, which puts the Senate on record on this issue, but I will yield to any member of the Committee on Commerce who wishes to speak in opposition to it.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. BUCKLEY. Mr. President, as the distinguished Senator from Texas has stated, the purpose of this amendment is to eliminate the mandatory ignition interlock and buzzer system, while leaving a warning light on the dashboard to indicate that safety belts should be fastened. Concerning the issue of air bags, the language of the amendment is such that prior to air bags being mandated by the Department of Transportation, it would be necessary for the Senate and House Commerce Committee to hold public hearings; and lastly the mandating of such safety standards would then be subject to approval by both committees.

Mr. President, I feel very strongly that as a rule, it is not in the public interest to place the Congress in a position of legislating specific automobile safety standards. In this particular instance, however, I feel that the public has clearly expressed its desire to have the mandate of an interlock and buzzer revoked.

Mr. President, I ask unanimous consent to add the names of the following cosponsors to this amendment: Mr. DOMINICK, Mr. HELMS, Mr. ABOUREZK, Mr. BENNETT, Mr. GURNEY, Mr. DOMENICI, Mr. HRUSKA, and Mr. THURMOND.

Mr. EAGLETON. Will the Senator yield at that point?

Mr. BUCKLEY. I gladly yield.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors to the pending amendment: Mr. STENNIS, Mr. HOLLINGS, and Mr. ERVIN.

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

Mr. BENTSEN. Mr. President, the manager of the bill yields the remainder of his time on this amendment to the Senator from Indiana (Mr. HARTKE) of the Committee on Commerce.

Mr. BUCKLEY. Mr. President, so that this amendment may be clearly understood, I should like to summarize its salient provisions.

First. Upon enactment of the provision it would repeal the Department of Transportation standard requiring a safety belt interlock system and buzzer system as mandatory equipment on new automobiles.

Second. It would continue the standard which requires that seat belts be provided in every new car and would permit the Department to also require a warning light to indicate that seat belts should be fastened.

Third. It would require that any new standard would have to be approved by the House and Senate Commerce Committees after public hearings had been held.

Fourth. It would authorize owners of automobiles already equipped with interlock and buzzer systems to disconnect these systems.

Mr. President, it should be made clear that we are considering here today the merits of devices that compel the fastening of seat belts—ignition interlocks and buzzers—as well as those of occupant restraint systems; namely, passive restraints, air bags.

I do not mean to belabor my point but I do feel that for the sake of understanding what the amendment will and will not do, it is important to make the distinction between standards that have become mandates such as the interlock and buzzer and those standards that are still in draft form such as the passive restraint, air bag standards.

Mr. President, I will first present my criticism of the interlock and buzzer and then proceed to the question of air bags. In so doing, I would like to begin by briefly summarizing the role that the Federal Government has played in the area of motor vehicle safety.

The second session of the 89th Congress passed the National Traffic and Motor Vehicle Safety Act of 1966—Public Law 89-563—which authorized the establishment of Federal safety standards for motor vehicles and their component parts. This legislation greatly accelerated the Federal Government's activities concerning automotive safety resulting in the Department of Transportation administratively determining specific safety standards rather than Congress legislating such standards.

There is general agreement that such standards are appropriately matters for regulatory action by the Department of Transportation.

Federal Motor Vehicle Standard No. 208 currently requires motor vehicle manufacturers to provide a seat belt ignition interlock system in all cars manufactured after August 15, 1973—a device that prevents the engine from being started until both the driver's and front passenger's seatbelts and shoulder belts are fastened. I might add parenthetically that because of the inevitable mechanical failures in these systems, often the driver has strapped himself in and still cannot start his engine. I know of no single intervention by Government into the lives of its citizens that is more universally resented than this requirement for 1974 model cars, one that dictates that we shall not start our engines until we strap ourselves in.

While most Americans tend to agree that the Federal Government has an appropriate role in insuring the manufacture of automobiles that are safe, there is an equally strong consensus that the Federal role is pushed too far in both cases where the ignition interlock and the buzzer are mandated as standard equipment on a car. These safety standards are devised to force an individual to take certain precautions even though those precautions affect only that individual and not the safety or health of third parties.

I state emphatically that I have no intention of minimizing the importance of safety, nor the importance of seatbelts and torso restraints, but neither do I believe that we can promote automotive measures that would eliminate all freedom of choice in areas that do not effect the public safety.

I recommend the use of seatbelts but I strongly condemn the administrative mandate of an interlock which forces us to use them. I view such coercive measures as the interlock as an intolerable usurpation by Government of an individual's rights under the guise of self-protection. One should also be aware of the recent research performed by the Insurance Institute for Highway Safety which has confirmed that buzzer-light systems do not substantially increase belt use. The driver use rate was 25 percent in 1972 cars with warning systems and 23 percent in those without the system.

New Insurance Institute for Highway Safety research also found that even though belt use in ignition interlock equipped 1974 models increased significantly over usage in 1973 and earlier cars, roughly 47 percent of the drivers of ignition interlock equipped cars still did not use the available safety belts.

When one weighs the results of these studies along with the overwhelming and recently well publicized consumer criticism of the interlock and buzzer, it is clear that the Congress should act now to revoke the mandate of an interlock and buzzer system.

Mr. President, I should now like to address the rather controversial issue of airbags. I realize that many of my colleagues may wonder why we should be discussing the airbag question in the midst of an exercise that was originally undertaken for the stated purpose of ridding the consumer of the nuisance interlock and buzzer gadgetry. To provide an answer to that question, one must first indulge in Washington's favorite pastime—second guessing. If, through adoption of this amendment, the Congress eliminates the mandatory ignition interlock and buzzer systems, we will create pressures for the early adoption by the

Department of Transportation of mandatory airbags to satisfy their occupant restraint standards. Members of the Congress have already attempted to second-guess DOT by legislating standards in anticipation of the Department's mandating of airbags, as witness the House action last month. I am of the opinion, however that crash protection systems such as the airbag should be proven and must be accepted by the American consumer prior to forced installation whether by DOT or Congress.

I feel that the requirement of full public hearing and congressional review as is provided for by the language of our amendment will provide assurance that airbag advocates will not force their installation—at great cost to the consumer—until their effectiveness and desirability are fully and openly demonstrated.

I am far from satisfied that the case for the airbag has yet been proven. By the same token, I would not preclude further research and development.

Installation of air bags will cost the consumer anywhere from $200 to $300. Yet, there is still no evidence to show that air bags approach the known life-saving capabilities of properly worn belt-harness systems.

I, therefore, do not want to see Congress placed in the position of forcing upon the consumer an air bag whose estimated cost runs from $200 to $300 per vehicle as a substitute for interlock and buzzer systems that cost between $50 and $100 per vehicle. Thus, I feel that there is a very real need to assure the holding of public hearings before air bags are mandated by regulatory fiat.

In short, I do not feel that the consumer should be left holding the bag.

Congress should not place itself in the position of writing safety standards with respect to air bags. I feel that it would be premature for Congress to go on record for or against air bags given the fact that four major U.S. manufacturers have already stated that at least 3 additional years will be needed to meet the specification's for passive restraints. I feel that the state of the arts with respect to air bags is such that it would be impractical, unreasonable, and inappropriate for Congress to assert itself at this time by legislating standards. Such technical problems as now exist with the air bag system should more appropriately be explored jointly by both DOT and the auto manufacturer.

Given that experts claim that the air bag system is expected to cost the consumer between $3 to $5 billion, and considering the fact that research and development are not far enough advanced realistically for DOT to mandate their installation in all size vehicles, I feel that in this instance final congressional review and approval of such regulations prior to enactment is not only warranted but extremely desirable.

I believe, Mr. President, that there is no single bureaucratic excess in recent years that has so aggravated the American people, and I believe that there is no reasonable and proper way for Congress to extend a proper concern for the safety of third parties to such an overweening concern for the safety of an adult entitled to drive a motor vehicle, as to force that adult to install the safety interlock as a condition to using his automobile.

I would also like to move onto another aspect of this legislation, namely, that of the air bag.

The air bag is still a controversial matter. It is still far from proven as to its effectiveness and as to whether it is a more desirable alternative than seatbelts, and I believe that under the circumstances, and also because if we succeed in the adoption of this amendment it would create pressure on the Department of Transportation to move quickly to the air bag, I believe for the same reasons already cited that we should provide a mechanism that will make sure that we do not precipitately move to an air bag system that would cost $300 or more per copy until the reasons justifying its installation are fully aired, and until Congress has had the opportunity to voice its approval or disapproval of the proposed measure.

Mr. President, I reserve the remainder of my time.

Mr. EAGLETON. Mr. President, will the Senator yield me 12 minutes?

Mr. BUCKLEY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New York has 23 minutes remaining. He has used 7 of his 30 minutes.

Mr. BUCKLEY. I yield.

Mr. EAGLETON. Mr. President, I am pleased to join the Senator from New York (Mr. BUCKLEY) in the advocay of this amendment No. 1851, which is similar to a bill (S. 3840) introduced by the distinguished Senator from New York and myself a month ago, with a host of cosponsors, and which has been expanded further today.

The other body of Congress already has passed by an overwhelming margin of 339 to 49 an amendment by Representative WYMAN, which was intended to accomplish the same result as the Buckley-Eagleton amendment.

Briefly stated, the measure proposed by Senator BUCKLEY and myself would revoke the existing requirement for seatbelt-ignition interlock and buzzer systems on new cars, and would provide the means whereby the public could ask the appropriate questions before future costly devices are foisted on the buying public.

Over the month since we introduced our bill, I have received an overwhelming and gratifying response from the citizens of my State, and from many other States as well. The comments have almost unanimously opposed the ignition interlock which has been required on all new cars beginning with the 1974 model year. This system prevents the car from being started until the occupants have strapped themselves into the car in a precise sequence. Interlocks and buzzers have shown themselves to be a gross nuisance, expensive, and ineffective. Moreover, they often encourage opposite behavior from that which is intended because many people put an end to the nuisance by disabling the system, seatbelts and all. Any one of these reasons should be sufficient for the Congress to repeal what the Department of Transportation has done by administrative decision. Taken together, they present a compelling case for immediate consideration and approval of this measure.

Mr. President, the nuisance factor of these devices is well documented. I would refer my colleagues to my comments in the CONGRESSIONAL RECORD of August 13, 1974, wherein are printed more than a dozen letters referring to problems with interlocks. Since that time, both Senator BUCKLEY and I have received hundreds more like them.

I personally believe every driver should use seatbelts, and I believe they should be encouraged to do so. Their use clearly helps minimize injuries sustained in accidents and it is in the self-interest of every driver and passenger to wear them. Yet every driver of a new car must now contend with "big brother" sitting on the seat next to him—preventing the car from starting, sounding raucous buzzers, and flashing red lights.

From the area of completely voluntary use of safety belts we moved to lights and buzzers on January 1, 1972. It soon became clear that simple buzzer-light systems did not increase safety belt use very much, if at all.

The next step was the move to interlocks on the 1974 model cars.

These cars include what are called sequential logic systems. They require occupants first to sit down, completing the first half of the operation, and then buckle up to complete the sequence. These are less susceptible to circumvention, and more people are buckling up.

But DOD pushed the matter even further and added the "no-start" feature, which interferes with operation of the car and has aroused the anger and frustration of millions of people.

I am quite certain that most people are not against safety belts, but they vehemently object to the no-start feature and the buzzer.

Mr. President, these interlocks are not wanted. In addition to the mail that has been received, I would like to cite a recent survey by the Chicago Motor Club. Out of more than a thousand interviews, only 15.7 percent said they approved of seatbelt interlocks. I wonder how many of that small group would in fact purchase cars with interlocks as optional equipment, had they known the additional cost of these devices.

The cost is not inconsequential. The complete passenger restraint system—which includes belts, buckles, retractors, lights, and buzzers in addition to the interlock circuitry—is estimated by the major American manufacturers and the U.S. Department of Transportation to cost between $90 and $110 per vehicle. They further estimate that at least a third of this cost, probably around $35, represents the interlock while the rest is for the seatbelts and related hardware. Multiply that figure by the 10 million or so automobiles which are produced each year and you are soon talking about decisions involving billions of dollars.

Mr. President, the 1975 model cars are already on the street. A million of them have entered the production line since our bill was introduced. As the days go by, the manufacturers continue to produce the interlock systems for installation on new cars. I am told that interlocks could be disabled on the production line within 10 days of a decision to do so. Cars already produced could have the systems disconnected by dealers which cannot now be done. While these cars would continue to carry the useless electronics until the engineering changes are made down the line, at some point they would no longer be installed at all. The savings, which are substantial, could then be passed on to the car buyer. This would undoubtedly take time, since manufacturers have long-term contracts with their suppliers. So we must act quickly if we are to save consumer money as well as further aggravation.

The third issue is effectiveness. The very few letters I have received in opposition to my bill start with the assumption that buzzers and interlocks will lead to near-universal seatbelt usage, thus reducing auto accident deaths and injuries.

The fact is that considerable question has been raised about the effectiveness of these systems by several recent studies. In research conducted for the Insurance Institute for Highway Safety, Drs. Leon S. Robertson and William Haddon, Jr., found that seatbelt use had increased significantly in cars equipped with an interlock device. Fully 41 percent of the drivers, however, were not wearing seatbelts at the time of observation. Another 11 percent were wearing lap belts only.

Apparently, more than half of the drivers had found ways to disconnect or circumvent the system, leaving themselves unprotected or only partially protected in the event of an accident. It bears noting also that the interlock system was mandatory equipment was less than a year old when the study was performed. If half of the owners of such cars had already found a way around the system, one has cause to wonder what the studies will show a year hence.

On automobiles equipped with seatbelt buzzers and lights only, 18 percent of the drivers observed were found to be wearing seatbelts. That compares with 16 percent of the drivers operating vehicles without a buzzer system—a difference which the researchers found was not statistically significant. Thus, according to the authors:

> The buzzer-light system can only be described as a public health failure. It is unlikely that it will contribute to a reduction in overall frequency or severity of injuries associated with motor vehicle crashes, which was its purpose under the statute providing for motor vehicle standards.

Mr. President, I think these results are highly significant. Again, I would refer to my remarks of August 13, where the conclusions from these two institute studies are reprinted.

The Department of Transportation has estimated seatbelt usage at roughly the same rates as the Insurance Institute for Highway Safety. They estimate that belt usage would stabilize at about 50 percent for lap and shoulder belts together.

In a report to the National Highway Traffic Safety Administration of DOT, Opinion Research Corp. concluded that usage of belts in cars with interlock systems was statistically no more significant than usage in cars equipped with either sequential or simple buzzer and light warning devices. This study was conducted on rental cars in Canada last spring.

Experience to date with these various warning systems has been discouraging.

Mr. President, I would now like to discuss how our amendment will seek to remedy the problems already created and to avoid those which might occur in the future.

This amendment would do the following:

Eliminate the existing requirement for ignition interlock and buzzer systems;

Permit manufacturers, dealers, and others to disconnect such systems on cars which already have them;

Continue the existing requirement for safety belts alone in passenger vehicles; and

Require the Department of Transportation to submit any future regulations dealing with occupant restraint systems to public hearings before implementation.

This amendment is not intended to supersede either the judicial review procedure of the Safety Act nor is it intened in any way to dilute the rights of interested parties seeking judicial review of the Secretary's actions taken pursuant to section 103 on the criteria that such actions must be reasonable, practicable, and stated in objective terms. It is the intent of our amendment that the Congress and the public merely oversee the Secretary's actions and that the criteria for judicial review of the actions of DOT remain in full force.

The issue of what constitutes the ideal restraint system is far from settled. During the time that these bills have been under discussion, a number of questions have been raised regarding the effectiveness of the cost of various systems. We certainly have more data now about seat belts and ignition interlocks and buzzers than we had 2 years ago. The information we have today shows the errors made in previous decisions. So far those errors have cost a moderate amount of money—and I use the word "moderate" only in a relative sense—and they have caused a great deal of annoyance and probably some harm.

The last requirement in our amendment will, I hope, bring to light whatever questions people may have in the future before new devices are hung on cars. Their true costs and benefits should be known and discussed, before decisions are made that involve billions of dollars, not to mention the safety of individuals. I certainly expect the Department of Transportation to think long and hard about its next proposal for an occupant restraint system, and that they will consider all of the possibilities. The final part of our amendment would encourage them to seek out all of the facts.

Any discussion of occupant restraint systems today must touch on the air bag which is now mandated for the 1977 model year. While the air bag has many good features, and has shown its worth in many tests, a number of individuals have raised questions about its effectiveness and cost which should be answered before it is mandated.

A major factor is cost. Compared with $100 or so for current belt and interlock systems, a mandatory air bag would cost $210 to $225 per car in today's prices.

If air bags were to add up to $300—in 1977 prices—to the cost of cars, and if they burden the consumer with additional hidden costs—higher interest costs on auto loans, larger maintenance bills, increased Federal and State excise, sales, and personal property taxes—I think we would be imposing a very substantial financial burden on our constituents whose purposes already are under assault from all sides. It would be an unconscionable imposition, even greater than the interlock.

Another question that has been raised regards the applicability of the air bag to today's small cars. In a subcompact, a passenger might strike the dashboard before the bag had time to inflate. It is estimated that by 1977, the proposed date for implementation of the air bag, some 30 percent of the new-car market would consist of compact and smaller cars. Certainly this issue must be addressed.

Further complications that have been suggested regard drivers who smoke pipes or wear eyeglasses. I have been told that a rapidly inflating air bag might cause injury to these drivers, which would not be the case with a belt system. Finally, in rollover and side collisions, even the proponents of air bags state that they are no more effective than a properly worn safety belt, and in certain cases may be even less so.

I do not raise these points to cast judgment on the air bag. I believe that testing and development on this and other systems should continue. Personally, I will continue to wear my seatbelt while these studies go on, and until their results can be analyzed by the National Highway Traffic Safety Administration, translated into proposed standards by the Department of Transportation, and reviewed by the public.

I think it might make sense also to explore ways of improving safety belts and encouraging their use. We can look at the experience of Australia, where passage of laws requiring the use of seatbelts was dramatically effective, despite the admittedly impossibility of real enforcement. Without imposing any financial burden on the population seatbelt use has risen to between 80 and 85 percent, occupant deaths have been reduced 25 percent, and serious injuries are down 35 percent. And these results have been achieved without interlocks, or buzzers, or lights.

Safety belt use laws have spread to several other countries, and last year between 25 and 30 State legislatures were asked to entertain their passage.

Alternatively, the Department of Transportation may choose to propose a more sensible reminder device that would not interfere with the starting of

the vehicle. For example, they should firmly resolve to attach any such a reminder device only to the driver and not the passenger. That would permit a bag of groceries or a favorite pet to ride unharnessed without annoyance on the right-hand seat.

I believe we can make a reasonable effort to induce greater use of safety belts without forcing them unduly on our people.

The proposed amendment would prohibit starter interlocks on cars, as well as other warning devices except an instrument panel light. I think this must be done, if we are to be responsible to the desires of our constituents.

It also provides that the Department of Transportation may propose new regulations for occupant restraints and warning devices, but only after public hearings. We want to avoid a similar situation in the future, particularly when much higher stakes are involved.

And third, it would make legal the disconnecting of any interlock or warning device currently in cars that are on the highways today.

This amendment would give the Department of Transportation substantial leeway in its efforts to improve motor vehicle occupant safety. And it would give the public an opportunity to review the Department's efforts before there is any chance of imposing ridiculous, irresponsible, or costly and inefficient systems on the American public.

In no way would this proposal interfere with the rulemaking or standards-writing authority of the Department of Transportation. If anything, it would enhance the Department's ability to achieve its mission, with the additional input of public concern and thinking on what ought to be offered them.

Mr. President, I think our mission is clear. We must grant relief to the motorists who cannot abide the interlocks.

We must assure that the public in the future will have some voice in what is imposed on the people.

And we must take steps to assure that progress in highway safety endeavors is not impeded.

This proposal will accomplish these objectives.

Mr. President, I think the case on the buzzer-interlock system has been abundantly made, both in previous discussions on this floor between the Senator from New York and myself, and by the correspondence that practically every Member of the U.S. Senate has received. This is a grotesque example of bureaucracy run amok. It is one of the most ludicrous concoctions ever devised by mortal man. To be buzzed to death as you get into your car, to be interlocked when it sometimes does not work, to have to unstrap yourself to open your garage door, to have to strap yourself up again to move the car into the garage once the door is open, and then unstrap yourself to close the door, is a veritable nightmare.

The cases are legion, Mr. President, of how nonsensical this system is. The distinguished Senator from Vermont (Mr. STAFFORD) and I exchanged some experiences on this subject on the Senate floor a few weeks ago. He told me of a personal experience in a rental car in his home State on a weekend visit. When he put his hand on the seat next to the driver's seat, the thing went berserk, and he had difficulty stopping it.

I responded by telling him about my hapless constituent who, on instructions of his wife, was sent to the supermarket to buy a turkey. He then had to strap in the turkey to drive home. As the poor constituent observed, it was the safest ride a turkey ever had on the way to the oven.

Then the distinguished Senator from Texas (Mr. TOWER) happened into the Chamber. He has a dachshund. He puts his dachshund on the seat. It is hard to strap in a human being, Mr. President, but a dachshund is damnably hard to strap into one of these seat belts.

It is just asinine. It is one of the things people resent most about offensive, stupid big brotherism.

I had thought that our vote on AM-FM radio was the most blatant example of big brotherism I had encountered, until we came to this seat belt interlock situation.

I do not know of anyone who defends it in terms of its safety. Some seem to defend it in terms of its inconvenience.

I ask the Senator from New York if he will yield for a question.

Mr. BUCKLEY. I am glad to yield.

Mr. EAGLETON. As the Senator from New York knows, the chairman of the Senate Commerce Committee (Mr. MAGNUSON) and others on the Commerce Committee object to certain provisions and procedures with regard to the Buckley-Eagleton amendment. While we do not agree with him, we are willing to make a few changes, which I shall suggest to the Senator from New York.

The first of these changes involves a change in language, as follows:

On page 2, line 13 of the amendment, strike all after the word "thereto" through line 16, and insert in lieu thereof a period.

That is technical language which I might submit later, if I have the permission of the Senator from New York.

In essence, what that language would do would be to amend our provision requiring the approval of appropriate committees, and would maintain the requirement for public hearings in advance of setting final rules.

Second, we would make clear our intentions. The Senator from Washington (Mr. MAGNUSON) has raised the point that two different conference committees might be considering seat belt standards concurrently. I would suggest, if the Senator from New York were willing to accept it, that perhaps, after proper debate, we could have a rollcall vote on this amendment and hope that it would pass, hopefully resoundingly so. We then might reconsider the vote on the amendment.

The Senate thus having spoken, and spoken with clarity, the conference that is currently going on between the respective Commerce Committees of Congress could continue its work and, in a sense, by a record vote of this body, would be instructed as to the Senate position.

Mr. BUCKLEY. It would be the understanding of the Senator from New York that the purpose of the adjustments in the procedure that he describes is to eliminate possible objection by point of order of the distinguished chairman of the Commerce Committee so that we may, in fact, record positively the view of the Senate and that would, in effect, be the equivalent of instruction to the Senate conferees to consider the House position.

Mr. EAGLETON. That is basically correct, although it goes a shade beyond the parliamentary question.

The amendment I propose—and I would hope he accepts—would modify substantively the language with respect to the required review of the air bag situation by the Commerce Committees of both the Senate and the House.

Mr. BUCKLEY. I understand that, and I was about to address myself to that second part.

In all candor, I believe the Congress ought to maintain control over the situation so that the air bag is not mandated until the appropriate committees of Congress are made fully aware of that by being required to assume responsibility of exactly what is involved to protect the public.

On the other hand, understanding the parliamentary situation, I will accede to that request and, of course, we will be at liberty at a later date to reintroduce in appropriate legislation the same safeguards.

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

Mr. BUCKLEY. I would be glad to yield. I believe that the Senator from Missouri has the floor.

Mr. EAGLETON. I am pleased to be able to yield to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. Has my distinguished chairman of the Commerce Committee (Mr. MAGNUSON) on the floor or privately to either the Senator from Missouri or the Senator from New York interposed any objection to this amendment, or asked for any other action in order not trespass upon the Commerce Committee's jurisdiction?

Mr. EAGLETON. If I may respond to the Senator from New Hampshire, the discussion we are going through on procedure meets the approval of the chairman of the Commerce Committee (Mr. MAGNUSON) and, I understand, meets with the approval of his designee, the distinguished Senator from Indiana (Mr. HARTKE).

Mr. COTTON. Well, speaking as another member of the Commerce Committee, I just want to say most emphatically that I would hope that the Senator would not pull his punches one single bit. I hope he makes this amendment just as strong as possible.

Although I have the greatest respect for my friends on the Commerce Committee, if any one of them has attempted to manipulate a car with these devices, I cannot imagine that they would want to stand on ceremony or delay in any way the full force and effect of the

amendment of the Senator from New York.

I think that the stronger this amendment is, the better. Never in my life have I seen a greater demonstration of what Government can do to individual liberties, and what Government can do to impose upon the public, not only costly, but asinine mechanisms which no one can operate without profound disgust.

I tried to get my car started——

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

Mr. COTTON. All right, I just want to say that I hope the Senator will not hold his punches.

Mr. BUCKLEY. I yield the Senator 2 more minutes.

The PRESIDING OFFICER. The Senator yields 2 more minutes.

Mr. COTTON. I thank the Senator for a few more minutes.

The other day, I spent a half hour trying to get my car started simply because I had laid a pound of cheese and a loaf of bread on the seat next to me. [Laughter.]

Then, showing how annoying it can be to those of us who do not happen to be auto mechanics, I finally walked about half a mile to get someone from the garage to come and tell me how to start my car.

He said, "That is your trouble. You have got a bundle there on the seat." [Laughter.]

Government regulation giving rise to this sort of thing is utterly absurd.

I do not know how the Senator from Indiana feels, I do not know what the attitude of the Senator from Indiana is. He is chairman of the subcommittee that handled this. But, speaking as one member of the Commerce Committee, for heaven's sake, do not change a word that would weaken or delay or in any way affect this very necessary amendment. Make it stronger, if possible.

Mr. BUCKLEY. Mr. President, I thank the Senator from New Hampshire for his typically well-intentioned and pertinent remarks.

There was nothing, no change, which has been proposed to this amendment that would weaken its effect vis-a-vis the interlock system and the buzzers, I assure him of that.

We will vote on a procedure for having a vote on this matter, but we will then rescind it so as not to have the same matter going through two separate conferences. This is merely a procedural way of accommodating the Commerce Committee.

Mr. President, I ask unanimous consent to add the name of the distinguished Senator from Virginia (Mr. WILLIAM L. SCOTT) as a cosponsor. I yield to the Senator 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Virginia is recognized for 2 minutes.

Mr. WILLIAM L. SCOTT. I would ask if the ranking member of the committee might grant me an extra 4 minutes.

Mr. STAFFORD. Mr. President, I am very glad to yield an additional 4 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is yielded 6 minutes.

Mr. WILLIAM L. SCOTT. Mr. President, I appreciate the Senator's yielding me time. I rise in support of the amendment. I enjoyed the comment of the distinguished senior Senator from New Hampshire (Mr. COTTON) on the words he used in defining this action of doing away with regulations that do not permit a person to start his automobile without having his seatbelt fastened.

Certainly, we all believe in safety. I think seatbelts are very beneficial. But I, too, have had an experience with regard to fastening the seatbelt which I related to the Senate previously.

My wife and I were down in Danville. We stopped for gas, and, of course, turned the motor off and could not start the car again, a new car with 2,000 miles on it. It took us over 30 minutes to figure out how to get it started.

We read the manual, it said that we could move the gearshift lever back and forth a few times and that might correct it. It did, and we got home. Coming from Danville back to Fairfax, I did not turn the motor off, I was afraid if I did—and it was nighttime—that I would not be able to get it started again.

This, to me, is ridiculous.

It just seems that some of our public officials feel that citizens do not have the intelligence to decide for themselves whether or not they want to wear their seatbelts.

Mr. President, I would like to comment on a series of editorials and some constituent letters on this subject and ask at this point that they be included in full in the RECORD.

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

[From the Washington Star-News, Aug. 15, 1974]

INSUFFERABLE HOOKUP

The federal regulators, with their uncanny knack for overdoing everything, still haven't gotten into our homes with enforceable rules for living the better life. But they surely are in our cars, with raucous buzzers that will not be quiet until we've buckled up for safety. This is all right—we are used to it, finally, and the lifesaving benefit of seat belts is undeniable. But the regulators have gone one step too far with their new "ignition interlock" system that prevents a car from being started until the belt is fastened.

This annoyance, from all indications, simply will not be tolerated by the driving public. There are, after all, occasions when a car must be started very quickly (to avoid a parking-lot mugging, for example), or when the family dog riding in the front seat refuses to be belted in so that the car can start. Other aggravations come readily to mind, but in any case the message has gotten through to Congress that the homefolks are fed up with this invention. So the House passed an amendment the other day to make the interlock optional rather than mandatory on new cars.

The Senate would do well to concur with that, we think, and also with a House provision revoking the mandatory installation of air bags ("passive restraint systems") on 1977-model cars. These, too, would be optional—at an estimated cost of some $700—under the House-approved plan. It seems apparent that few people, given a choice, would be in a buying mood as regards either the ignition interlock or the air bag, which would inflate voluminously to pin a driver to his seat upon collision impact.

What's needed is some passive restraint upon the regulators, who would convert the family car into something resembling a little jail on wheels.

[From the Washington Star-News, August 21, 1974]

FREEDOM FROM INTERLOCKS

(By James J. Kilpatrick)

The House of Representatives caught the bicentennial spirit last week. In a burst of overflowing resentment, the House turned upon the Department of Transportation just as the colonists turned on old King George. It was a new American Revolution, and it was wonderfully welcome.

Taken by itself, the House action may seem trivial. By a vote of 337 to 49, the House ordered an end to the DOT's maddening requirement that new automobiles come equipped with a seat belt-ignition interlock system. On any scale of values, seat belts rank somewhere down the line from the Magna Carta.

Yet the House vote has much symbolic value. The DOT's interlock decree is a classic manifestation of Big Brother government at work. Because some citizens may not yet have encountered the decree in action, perhaps it should be explained that the interlock was invented by the same devilish genius that in times past contrived thumbscrews, the iron maiden, and the rack. The infernal device prevents a motorist from starting his car until a precise sequence of actions has been completed. The device is expensive; it is subject to constant malfunction; it is universally despised.

Why has a benevolent government saddled this imposition upon the people? It is because a benevolent government believes it knows what is best for the people. The government will compel the people to be good. Big Brother is watching over us.

What the House said last week, in language Secretary Claude S. Brinegar cannot misunderstand, was: To hell with Big Brother! The House action, taken as an amendment to an omnibus motor vehicle bill, also would prohibit the airbag, or passive restraint device, now scheduled for mandatory installation in the 1977 model year.

Because of the parliamentary situation, the House amendment may not survive a conference committee. But the Senate, happily, is in a mood of similar rebellion. On July 31, New York's Conservative Senator James L. Buckley introduced a bill to accomplish substantially the same purpose. It is part of his continuing effort, he said, "to remove the grasping hand of Big Brother government from the lives of American citizens."

Buckley's principal cosponsor on the bill is Senator Tom Eagleton of Missouri, a practicing liberal who was briefly George McGovern's vice-presidential choice. The two sponsors have been joined by 13 other senators whose philosophies reach across the spectrum. Among those urging that the interlocks be made optional instead of compulsory are such liberal Democrats as Nelson of Wisconsin and Church of Idaho, and such conservative Republicans as Helms of North Carolina and Hruska of Nebraska.

Because of this strong bipartisan support, Buckley and Eagleton intend to offer their bill this month as a floor amendment to a pending public works bill. It will be a popular amendment, commanding the same overwhelming vote in the Senate that Congressman Louis Wyman's amendment commanded in the House last week. If all goes well, motorists may soon regain a measure of personal freedom. Hallelujah!

Both Buckley and Eagleton have made it clear that they do not oppose requirements

having to do with product safety as distinguished from personal safety. In the manufacture and sale of automobiles, as in other fields of interstate commerce, the legislative power of Congress surely extends to the prevention of invisible hazards. Big Brotherism is something else.

"If freedom is to have any meaning in this country," Eagleton said, "it certainly must encompass the right of an individual to lead his life as he sees fit, so long as it does not interfere directly with the similar pursuit by others."

On that vital principle of a free society, conservatives and liberals alike can find many areas of agreement. Wiping out these infuriating interlocks as a compulsory requirement is only a first step. Plenty of other steps remain.

[WAVA editorial No. 37–74, for broadcast, May 8 1974]

THE BUREAUCRATS BELT US AGAIN

(By Arthur W. Arundel)

In the interests of cutting air pollution, the Government has leveled a number of important new standards on the Auto Industry in recent years. But if you are among those who have bought a new car this year. you have run into something called the ignition interlock which Government Safety People require now to keep 1974 models from even starting unless the driver and front passenger have buckled their seat belts. Well, with this they have in the name of safety gone just one too much.

There is, of course, good evidence that seat belts reduce injuries, but I for one rebel at the Contraption, this idea of the Government forcing me to use a seat belt in order to start and drive my car. I want to make the decision, not some government technocrat, whether or not to put on a seat belt for my own safety. And I want to know that if my wife is threatened by some punk or if a child is desperately ill or hurt that she can get in the car and quickly drive way. We have already read and heard of enough horror stories of these situations and others of people with sensitive shoulders or skin conditions who cannot even drive their car.

While this system is designed to foil amateur tinkering, it can be canceled out by a skilled mechanic, and there will be a lot of canceling. But why should people have to go thru this if they can't or don't want to use it, particularly with the fuel situation drastically lowering travel speed everywhere.

It is all more evidence of something public opinion polls are finding in the resentment of a great many Americans feeling as pawns pushed around by forces outside their control. This interlock is just going to increase perceptions of the Government as an oppressor and antagonist. And it just will intensify an already growing disrespect for law.

These devices cost around $50 a car, and a great deal is being paid to mechanics to bypass the system and for repairing breakdowns of the complex apparatus.

If the Government wants to do some constructive things on auto safety, it should do something about dangerous, unclear and badly placed road signs or developing simulators for use in training and licensing drivers, and tougher penalities against drunk drivers.

But these devices to protect us from ourselves are simply government gone berserk with its power.

[From the Charlottesville (Va.) Daily Progress, Apr. 11, 1974]

THE RIGHT TO PERSONAL RISK

Owners of 1974 model automobiles have discovered, to their dismay, a novel and not altogether pleasing addition to their gleaming new land yachts.

This addition is a government mandated contraption called a seat-belt interlock. It has also been called a number of other things, very few of them complimentary.

The interlock is a switching mechanism that prevents the car from being started until the seat belts of front seat passengers are fastened. Any attempt to start automobiles equipped with these devices prior to 'buckling up' will activate just about everything in the vehicle except the motor. A buzzer buzzes indignantly, lights flash a dire warning while the engine remains silent.

Since on large models the system is controlled by three switches located under each section of the front seat, when there are only two passengers, these two must sit well within their own territory lest they activate the switch under the third seat, with nerve-jangling results.

All of this strikes us as being somehow un-American.

We are not opposed to seat belts. Statistics amply document the fact that their use does, indeed, reduce the risk of injury or death in case of an accident.

But the use of seat belts or the choice not to use them is a purely private matter. The choice affects no one except the person making it. Unlike many other safety features, such as adequate lighting and good brakes, the seat belt has no impact on the safety of others using the road. Indeed, there are cases where not being strapped into place saved the lives of accident victims.

In any event, no one except the individual involved is affected in the slightest by that person's decision to use or not to use the seat belt.

There is no objection to a buzzer or warning light passively reminding a driver that his belt has not been fastened. Some people want to be so reminded. If they do not want to be, they can 'defeat' the alarm system by fastening the belt behind them and sitting on it.

But the manufacturers of the interlocks have put their collective electronic genius to work to defeat the defeaters, and have been reasonably successful in doing so.

For the government to assert a right to impose a positive safety requirement on an individual in what amounts to an extension of his own home strikes us as extremely dangerous doctrine.

Will there next be a law requiring hard hats while changing a spare tire? Must insulated boots be worn while changing a light bulb? Will there be government mandated mats in all showers and bath-tubs?

Within the seat-belt interlock law is the seed of government paternalism gone mad, if indeed it has not already done so.

One of the basic American rights, which if not imbedded in the Constitution is certainly imbedded in the National psyche, is the Right To Personal Risk.

It was the unfettered exercise of this inherent, inalienable, and gloriously exciting right that made this Republic great. The propensity of a great people to take risks led to triumphs of technology, finance, industry, arts, politics, sports, learning and even the American Revolution itself.

The west would hardly have been won if our forefathers had been required to strap themselves into their saddles and Conestoga wagons in order to make a government installed buzzer shut up!

While we urge the voluntary use of seat belts, we recognize that the right to personal risk is an exalted right.

It should be honored by the repeal of the law requiring the installation of seat-belt interlocks, the buzzing and flashing of which is repugnant to every red-blooded American.

[From the Richmond News Leader, July 9, 1974]

FIGHTING THE INTERLOCK

The International Association of Chiefs of Police is complaining about the inefficiency that the interlock system, mandatory on all 1974 vehicles, imposes on policemen.

One policeman relates an instance in which he left his patrol car for a routine check on a bank. Returning to his car, he heard a shot and realized that someone in a passing car had shot at a pedestrian. The policeman ran to his car and turned on the ignition. The engine didn't respond; the policeman then remembered that he had to fasten his seat-belt to start his car. He reached for the belt and pulled. And pulled. Nothing happened; the belt jammed. The car wouldn't start, and the car carrying the assailant got away. This sort of problem may lead the National Highway Traffic Safety Administration to exempt police cars from the interlock system on the assembly line.

If policemen are gritting their teeth about interlock malfunction, the average motorist is blowing his stack. In recent years, possibly no other bureaucratic intervention in private life has caused more outrage and frustration. The interlock system requires that anything weighing 25 pounds—a bag of groceries, a person, a dog, or whatever—has to wear a seatbelt or the car won't start. Columnist George Will tells of the time he bought an oversized turkey for a holiday meal; his car wouldn't start until he buckled the turkey in. The accompanying shoulder harness is a distinct danger to anyone shorter than four feet, seven inches. Motorists can put their groceries in the trunk—but their children?

Interlock failure also can be dangerous. It is estimated that a 3 per cent rate of interlock failure exists in the system; this means that as many as 300,000 1974 cars can kill their drivers. The system is unyielding; if the "sit down, fasten seatbelt, start car" sequence is interrupted, the sequence has to be started all over again. This can mean a real challenge to a driver whose car stalls on a railroad track while a train approaches, or to a driver who suddenly stops on a busy interstate highway. It also can have awful consequences for a woman trying to escape a would-be attacker.

Several members of Congress have introduced legislation to repeal the mandatory requirement for an interlock system—but time marches on. Every day Detroit turns out more cars equipped with the interlock system, and motorists who buy them find that they have become slaves to their cars. Moreover, installation of the interlock system costs an average of $50 per car, so buyers of '74 models actually have to pay for their new misery. With the interlock system, as with other bureaucratic meddling the federal government proves itself not the servant of the taxpayer, but his tormentor.

THE INTERLOCK SEQUENCE

(By the Seatbelt System Owner's Guide)

A safety system designed to reduce injuries and save lives. Mandatory on all 1974 cars. (Unless air bag equipped.)

(1) Get in your car.

(2) Fasten your lap/shoulder harness.

(A) If you have a front seat passenger, his seatbelts must be fastened also, or the car will not start.

(B) If you have a package, handbag, briefcase, etc., weighing 25 lbs. or more, and have space only in the front seat, place the object on the front seat, and then *buckle* the passenger-side belt.

(C) If you have a dog weighing 25 lbs. or more occupying the passenger seat, buckle the passenger-side belt *before* attempting to start car.

(D) If the passenger-side belt is already buckled when you add the package, dog, or passenger, unbuckle, then rebuckle the belt *before* attempting to start car.

(3) Start your car.

(A) If your car won't start, try unbuckling and rebuckling your belt (and your passenger's) to be sure the buckle was fully fastened.

(B) If that fails, turn the ignition key to "ON," then get out of your car and raise the hood. Press the bypass switch mounted on the fire wall to "START." Close the hood, get back in your car, buckle up, and turn your ignition all the way in normal starting.

(C) If your car stalls, *do not turn the ignition to* "OFF" position. That way you can keep trying to start your car as often as necessary without leaving the car.

(D) If you accidentally turn the ignition key to "OFF," turn it back to "ON," unbuckle, get out of the car, open the hood, press the bypass switch again for another "free" start. (Incidentally, if the bypass switch is taped down, the action will be detected in the switch and canceled.)

(4) Drive your car.

(A) If your dog is on the floor when you begin driving the car, and then jumps on the seat, and the passenger-side belt is unbuckled, a buzzer will sound. Stop the car and buckle the belt.

(B) In a somewhat rare situation when driving over a very rough road, you may be bounced about in your seat. Should your engine be stopped, remain buckled in your seat and restart your car. A "bounce-time" delay (designed primarily to allow you to straighten your clothing after buckling up) also allows a restart in this situation.

[From the Richmond News Leader August 19, 1974]

A SMALL VICTORY

The fight to regain some ground for individual rights made a strong advance last week when the House voted 337–49 to lift the federal requirement for the installation of the interlock system in 1974 and post-1974 automobiles. The House measure would require only the installation of seatbelts, accompanied by warning dashboard lights.

The House action would nullify one of the most pernicious acts of Big Brotherism that Washington has undertaken yet in its long crusade to protect everyone from himself. The arguments for the compulsory interlock system went something to this effect: Motorists were refusing to buckle up, despite the installation of dashboard warning lights on pre-1974 models. Some motorists may risk their lives by not buckling up. A bureaucracy that considers a citizen—and the citizen's taxes—as part of the nation's resources cannot permit such a situation. So, presto: The fiat goes out to Detroit. If the foolish motorist won't buckle his belt voluntarily, make it impossible for him to start his car until he does.

Thousands of motorists who bought 1974 automobile models have suffered grievous inconvenience as a result of the interlock system. Malfunction of the system, which added at least $50 to the cost of every car, was evident in some 300,000 models. No doubt some drivers have been robbed, and some women accosted, as they struggled to obey the "sit down, fasten seat belts, start car" procedure to flee to safety. A network television program recently focused on the problems of a salesman who travels across the country on his sales route. The salesman rents cars at airport rental units, and sometimes he has to struggle with the different interlock systems as long as a half hour before he finally can start his rented car.

The arguments in favor of a compulsory interlock system pale before the arguments against this gratuitous infringement on individual rights. There are times when individual rights must defer to the rights of society, but a free society has an obligation to give both equal weight. By extension of the pro-interlock system arguments, almost any individual right that might bring harm to the individual exercising it could be usurped by government regulation. Some Americans overeat—and risk heart attacks and high blood pressure. Others drink too much—and risk liver disease. Still others smoke in excess—and risk respiratory disorders. The exercise of the right to overindulge in food, liquor, and tobacco results in as great a risk to the individual as his refusal to buckle his seat belt.

The government already interferes too much in the personal lives of millions. It may be desirable for a motorist and his passengers to use seatbelts for their own good, but they should be spared a government decree interfering with their right to decide that issue for themselves. Whenever a docile populace permits its government to abrogate an individual right of choice without ample justification, it risks losing *all* rights of individual choice. But Americans have not accepted the interlock system docilely. Many an interlock system has undergone a crippling operation at the local garage, restoring the automobile to its owner as an instrument of transportation rather than a buzzing mechanical scold. And voters by the thousand have deluged congressional offices with complaints that the interlock system creates more dangers than it averts.

The weight of public opinion was responsible for the one-sided House action last week. The measure now goes to House-Senate conference for reconciliation with a Senate measure that contains no anti-interlock amendment. There are indications, however, that a number of Senators are willing to lead a fight against the interlock, and the happy result may be a final measure that would put Big Brother in his place. If so, the cause of personal freedom will have won one small victory in a war for individual rights that mostly has been marked by great defeats.

[From the Norfolk Ledger-Star, May 30, 1974]

AIR BAG APPREHENSIONS

The tricking out of automobiles with an assortment of devices designed to do this or that for the well being of the driver and others came in for another potent bit of criticism the other day.

The specific target was the same as it has been for other lay and expert worriers—the inflated air bag as a means of cushioning human impact in a collision. And the critic was a retired Air Force research scientist, Dr. John Paul Stapp, who has been involved in much study of how to protect humans from sudden stops in mechanical conveyances.

He cites several risk areas in the use of the air bags—the most crucial being the uncertainty as to when inflation will occur. It may not happen when needed, and it may happen when not needed and thus actually cause an accident.

This is precisely the point, and it's an encouraging thing to find a knowledgeable individual resisting the trend toward too easy acceptance of automatic safety devices.

Anything mechanical can malfunction, and when the potential malfunction poses serious dangers or problems in itself, it is time to go slow. Ignitions that won't work unless seatbelts are fastened, buzzer systems for the same purpose which create distractions or annoyance, air pollution controls which can impair drivability when things go wrong and which cannot be readily (and legally) removed, all this gadgetry can be building a mass of troubles, including some serious perils for the motoring public. The process calls for a whoa every once in a while.

DEAR BILL: I have just received your latest "Bill Scott Reports" newsletter, Let me lend my full encouragement to your efforts in preventing the Department of Transportation from imposing its insane seat belt-ignition system interlock on us. The limit of my irritation with this Nader-inspired mania was reached the other night when I had to refasten the seat belt on my 12 pound dachshund before I could start the car.

Please help save us from our government.

DEAR SENATOR SCOTT: In your March newsletter, you stated you were cosponsoring a legislative proposal to "prohibit the Department of Transportation from imposing mandatory seatbelt standards in vehicles requiring starter interlock systems."

I'm not exactly sure what that means, but it prompts me to give you my views on the matter of seatbelts and interlock systems in the current crop of late-model cars. Let me start by saying that few matters make me feel as strongly as I do about the ridiculous requirements imposed on citizens in their private automobiles.

As an airplane pilot, I realize the importance of seatbelts in most situations. But to install (or require manufacturers to install) buzzers, pressure sensitive devices and interlock systems so that I will wear seatbelts every time I sit down in the car is, I feel, an infringement on my private rights to choose to protect myself.

I hear stories about people not being able to drive because they have placed a bag of groceries on the car seat. It is this type of nuisance that will keep me from buying a new car for as long as I can. All those devices are cumbersome and along with air bags (which I don't feel have proven worth), add considerable cost to automobiles which are already far too expensive.

Legislate fines for not wearing seats belts—like those found in my 1969 Buick Skylark—but do not force me to wear them. I hope this is the position of your legislation.

DEAR SENATOR SCOTT: Thank you for your newsletter.

Many times I've wanted to write to express an opinion on a subject but like many people never got around to it.

So I must feel pretty strong to finally get to it which is to express very strongly a support of the prohibition from imposing mandatory seat belt standards in vehicles and hopefully do away with starter interlock systems.

This is without a doubt a big brother requirement and the next step would be to do away with cars so we would be even safer, followed with removing all bath tubs because many accidents happen there that injure people. Taking away the freedom of the people for their own good burns me up.

The seat belt arrangement on the present cars had a big factor in my not buying a new car and will be a negative factor until they are removed or I buy one with the intention of installing a jumper wire.

I was pleased that Virginia did not pass a state law requiring seat belts and I wished the Federal law would remove the opportunity of Virginia trying again.

Mr. WILLIAM L. SCOTT. Mr. President, the first of these articles is a Washington Star-News editorial entitled, "Insufferable Hookup." It is an editorial dated August 15, 1974.

We also have a column by James J. Kilpatrick that speaks about "Freedom from Interlocks."

Now, I believe that Mr. Kilpatrick has expressed well the sentiments and thoughts of most of our citizens. He concludes by saying:

On that vital principle of a free society, conservatives and liberals alike can find many areas of agreement. Wiping out these infuriating interlocks as a compulsory requirement is only a first step. Plenty of other steps remain.

Then we have a commentary by a radio station, WAVA, over in Arlington County, appropriately titled, "The Bureaucrats Belt Us Again."

There is also an editorial by the Charlottesville Daily Progress, which is entitled, "The Right to Personal Risk."

Then we have one from the Richmond News Leader that is entitled, "Fighting the Interlock," and is also includes the Seatbelt System Owner's Guide, the Interlock Sequence, with sizable list of instructions on how to operate this device.

The first instruction is: Get in your car.

Now, I have found that if I do not get in my car, I can turn the ignition on by reaching over the seat, and I can start the car without fastening the seatbelt, if I do that then I can get in and operate the car without having the seatbelt fastened.

Then we have another editorial from the News Leader dated August 19, entitled, "A Small Victory," which urges the Senate to eliminate the interlock requirement.

In addition there is another editorial entitled, "Air Bag Apprehensions," from the Norfolk Ledger-Star that also objects to the interlock system being dictated by the Federal Government.

Mr. President, I did ask that these be included in the RECORD, and the Chair did so, because I wanted the Members to see if they do not already know just what the feeling of the editors of Virginia is.

Our office has received a considerable amount of correspondence from constituents with regard to this regulation.

I would like to read from just a few of them.

A Fairfax lawyer writes——

The PRESIDING OFFICER. The Senator's 6 minutes have expired.

Mr. WILLIAM L. SCOTT. Will the Senator yield 2 additional minutes?

Mr. STAFFORD. Mr. President, I yield the distinguished Senator 2 more minutes on the bill.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 2 additional minutes.

Mr. WILLIAM L. SCOTT. Reading:

I have just received your latest "Bill Scott Reports" newsletter. Let me hand my full encouragement to your efforts in preventing the Department of Transportation from imposing its insane seatbelt-ignition system interlock on us. The limit of my irritation with this Nader-inspired mania was reached the other night when I had to refasten the seatbelt on my 12-pound dachshund before I could start the car.

Then there is an excerpt from a letter from an Annandale resident, and he says:

As an airplane pilot, I realize the importance of seat belts in most situations. But to install (or require manufacturers to install) buzzers, pressure sensitive devices and interlock systems so that I will wear seat belts every time I sit down in the car is, I feel, an infringement on my private rights to choose to protect myself.

Then there is one from a real estate man from Norfolk which includes this statement:

This is without a doubt a Big Brother requirement and the next step would be to do away with cars so we would be even safer, followed with removing all bathtubs because many accidents happen there that injure people. Taking away from the freedom of the people for their own good burns me up.

Mr. President, in concluding, let me say that we would like to believe that this is a government in which individuals have some rights, and it just seems reasonable to me that we ought to have the freedom to decide whether we want to wear a seatbelt or not.

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

Mr. WILLIAM L. SCOTT. I hope that the amendment will be adopted in conference between the two bodies.

Mr. EAGLETON. Will the Senator yield 1 minute?

I ask unanimous consent that the name of the distinguished Senator from Illinois (Mr. STEVENSON) be added as a cosponsor to this amendment.

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

Mr. EAGLETON. I address a question to the distinguished Senator from New York, pursuant to our previous exchange with respect to the modification.

I will ask if there would be objection from the distinguished Senator from New York that the following change be made in the Buckley-Eagleton amendment now at the desk, and I will send the changing language to the desk.

The PRESIDING OFFICER. The Senator from New York has a right to modify his amendment, I understand he is prepared to do so.

Mr. EAGLETON. I hope the Senator from New York will accept the modification.

Mr. BUCKLEY. I accept the modification.

The PRESIDING OFFICER. The amendment will be so modified and the clerk will state the modification.

The assistant legislative clerk read as follows:

On page two, line 13 of the amendment, strike all after the word "thereto" through line 16 and insert in lieu thereof a period.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Mr. President, I fasten my own seatbelt. But, it is just silly that I should have to fasten the other for a loaf of bread and some cheese.

It is probably not appropriate, so I will not make this as a serious suggestion, but I think this should be called the "Rube Goldberg" amendment for the idiotic system it seeks to eliminate.

The PRESIDING OFFICER. Who yields time?

Mr. BUCKLEY. We should consider that modification.

I ask unanimous consent to add the name of the Senator from New Hampshire (Mr. COTTON) as a cosponsor.

I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. HARTKE. Mr. President, I would like to address my questions on procedure and interpretation to the Senator from New York (Mr. BUCKLEY) and the Senator from Missouri (Mr. EAGLETON).

The PRESIDING OFFICER. Who yields time?

Mr. HARTKE. Mr. President, I yield myself as much time as I need here. My first question is on procedure and I would like to get a little clarification.

It is my understanding that by this amendment, the Senator is seeking to get the Senate on record with regard to restraint systems.

Is that correct?

Mr. EAGLETON. That is correct. That is, I think, the understanding of both the Senator from New York and myself.

Mr. HARTKE. As you are aware, if this amendment is adopted as part of S. 3934, we will be faced with a difficult procedural problem which would result in this matter being before two different conference committees simultaneously.

To remedy this problem, it is my understanding that if your amendment is adopted by the rollcall vote which now has been ordered, that at such time the Senator from New York or the Senator from Missouri will move to reconsider, and that both Senators in such case would support that motion to reconsider.

Is that correct?

Mr. EAGLETON. That is correct.

Mr. HARTKE. If the motion to reconsider is successful, I further understand that the Senator will then move to table the amendment and that he will also support that motion, or one to withdraw——

Mr. EAGLETON. I do not think it will be a tabling motion, but I understand after it is reconsidered, that the Senator from New York will withdraw his amendment.

Mr. HARTKE. As long as that is perfectly clear, that is all right.

Now, let me ask a question on interpretation of the amendment as it now reads.

The amendment prohibits the Department of Transportation from requiring systems unless public hearings are held.

Now, by the words, "any occupant restraint system," I understand you do not mean to include such things as steering columns, laminated windshields, and dashboard crash padding, is that correct?

Mr. EAGLETON. The Senator's understanding is correct.

Mr. BUCKLEY. That is correct.

Mr. HARTKE. All right, I want to clarify also the effect of the amendment.

Paragraph (2)(A) would prohibit the Secretary of Transportation from promulgating a motor vehicle safety standard requiring the inclusion of an interlock system, except as provided by paragraph (2)(B). Paragraph (2)(B) would require public hearings to be held before any new motor vehicle safety standard may be promulgated requiring any occupant restraint system or warning system in connection therewith.

Is it your understanding that paragraph (2)(B) would allow the Secretary, if he deemed it advisable, to promulgate a motor vehicle safety standard requiring an interlock system accompanied by an override feature if public hearings are held on that proposal?

Mr. EAGLETON. As the language stands, the answer to the Senator's question is a technical yes. I personally would not favor it, and I frankly do not believe that the Department of Trans-

portation would favor it, either. But my answer to the Senator from Indiana is a technical "yes."

Mr. HARTKE. Do I have the same understanding from the Senator from New York?

Mr. BUCKLEY. I am not too sure that I understood the question. Is it that if this amendment is adopted, would the Secretary of the Department of Transportation be able to maintain the interlock system merely by putting an override system in?

Mr. HARTKE. He would be authorized to promulgate a whole new standard regarding the interlock with the override option and have a hearing on that standard.

Mr. BUCKLEY. That would be authorized.

Mr. HARTKE. I understand the Senator from Alaska wanted to be recognized.

How much time does the Senator wish?

Mr. STEVENS. Just a couple of minutes.

Mr. HARTKE. I yield 2 minutes.

Mr. STEVENS. I have a statement and a substitute for the Buckley amendment that I intended to offer.

Mr. President, most of us in the Senate are very concerned about the annoying and irritating buzzers and interlocks that have been forced on millions of people by the Department of Transportation.

I am very sympathetic with the people in Alaska and all around the country who have written and telephoned their displeasure with this imposition by the Federal bureaucracy.

If there is any way to influence the motoring public to take more care in its travels and to use the safety belt restraints that every shred of medical and scientific evidence in the safety community shows are extremely effective in preventing deaths and injuries, surely it is not by driving them to the wall with a loud and distasteful buzzer, and electronic gadgetry that interferes with the starting and operation of the cars.

I am in complete agreement with my colleagues that we should take immediate action to prohibit mandatory interlocks.

I am concerned, however, about the way we accomplish this, for not only do we want to protect our constitutents from future arbitrary regulatory actions, but we also want to continue reaping the benefits from the increased safety belt use that has been observed in the 1974 cars.

I think we should be certain not to overlook what has happened in the last 2 years regarding seatbelts and their use by the motoring public.

In years past it has generally been recognized that only about 20 percent of Americans bother to buckle our lap belts, and fewer than 5 percent of us use both the lap and shoulder belts.

In an attempt to remedy this unfortunate situation, the Department of Transportation beginning in January of 1972 required that safety belts be equipped with buzzers and a light on the instrument panel to indicate when safety belts were not properly fastened.

Unfortunately, the system mandated by DOT was so easily circumvented that there was little effect on belt use. Some studies showed that it increased, others that it remained the same. But in any case, no study showed that seat belt usage rose in a significant manner.

As a recourse, manufacturers were required to install starter interlocks in addition to buzzers and the light—and to make the belt system operate sequentially in 1974 model cars.

Without doubt, something in that system was effective. For a current DOT study of use rates in 19 cities across the country shows tenfold increase in use of lap and shoulder belts in 1974 cars, compared with earlier model years, and a threefold increase in use of lap belts.

Whereas the average use of lap-shoulder belts has been 5 percent or less, it is about 50 percent in 1974 cars. And while only about 20 percent of all people bother with lap belts, the DOT study shows that 67 percent are using them in 1974 cars.

These high use rates can only be regarded as significant achievement in highway safety, because safety belts have been shown time and again to be very effective in preventing deaths and injuries.

Just recently, the highly respected Dr. B. J. Campbell, director of the Highway Safety Research Center at the University of North Carolina, read a paper at a DOT safety conference in San Francisco. His study, based on mass North Carolina accident data, shows a 70-percent overall reduction in death for belted drivers whose cars were involved in crashes. This was the average overall reduction in deaths for five car-size groups: full size, intermediate, compact, subcompact, and imports.

I am convinced that we must make every effort to maintain the use rates observed in 1974 cars. I am persuaded that the most effective element of the belt systems in 1974 cars is not the interlock and its no-start feature, but the sequential operation of the belts.

For this reason, I feel strongly that we should assure that the sequential feature is retained as a requirement when we eliminate interlocks and buzzers.

And I do not think the public will object to a light, prominently and strategically placed on the instrument panel, one not easily ignored by the driver, or another device, that will signal when the appropriate belts are not fastened properly by an occupant.

If we do not make this provision, and safety belt use declines to former low and unacceptable levels, I think there can be one consequence. There will be substantially more pressure brought to bear on DOT and the Congress for mandatory air bags.

I have voiced my concerns about the air bags for several years. In many areas of Alaska, and in many of the lower 48 States, there are temperature extremes for sustained periods of time. No testing of consequence, no real-world documentation of air bag operations in extremely low temperatures over long periods of time has been done. We cannot be assured that the bags will work properly when they are needed, nor can we be certain that they will not misfire or blow up when not required.

There is considerable controversy surrounding the airbags. Conflicting claims are made regarding their cost, with manufacturers stating that prices may be as high as $300. Likewise, claims for their effectiveness range all over the board with experts in the field seriously disagreeing.

For these reasons, I think we must take care to protect consumers against arbitrary imposition of airbags or any other device that cannot be shown conclusively to be better or cost effective.

My amendment gives this protection to the consumer by requiring that any regulation or safety standard for occupant restraints will guarantee that the automobile purchaser has a choice in restraint systems—either the time-tested and proved safety belt system that costs $90 or less, or the new and yet not adequately proved airbag with lap belts, that may cost upwards of $300 ultimately, or a passive belt system.

My proposal also would protect the automobile manufacturer from being forced to try and meet a standard for which the technology has not been developed or adequately tested and proved effective, both from safety and cost standpoints. The passive system must not only meet these criteria within the Department of Transportation, but either House of Congress may disapprove the plan within 30 calendar days.

Mr. President, I intended to urge the Senate to adopt this amendment. It is reasonable, it imposes no financial or other burden on the public, it will maintain high seat belt use rates, and will rid us once and for all of the irritating buzzer and interlock systems. I ask unanimous consent that my amendment be printed in the RECORD immediately following my remarks.

In view of the stated intent to rescind this amendment offered by the Senator from New York, if adopted, I shall not offer my substitute.

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

On page , line , insert the following: Where appropriate.

That section 103(a) of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by inserting "(1)" after "Sec. 103. (a)" and by adding at the end thereof the following new paragraph:

"(2) (A) Effective with respect to any motor vehicle manufactured on or after the date of passage of this section, no vehicle safety standards shall require anything other than such vehicle be equipped with an occupant restraint system consisting of integrated lap and shoulder safety belts for front outboard occupants and lap belts for other occupants combined with a sequential reminder system to indicate when belts for such front outboard occupants are not properly fastened.

"(B) Effective with respect to any motor vehicle manufactured on or after August 15, 1976, such standards shall require that the purchaser have the option of having such vehicle equipped with (i) The occupant restraint and reminder system described in

subparagraph (A) (i) above, or (ii) a passive occupant restraint system such as one consisting of air bags and lap belts capable of operating under extreme climatic conditions, or a belt system provided said system is deemed feasible (both technologically feasible and cost effective) by the Department of Transportation. Passive restraint system is defined as one that requires no specific manual activity on the part of the occupant to make such system operative. Said system will go into effect unless, before the end of the first period of 30 calendar days of continuous session of Congress after the date on which the plan is transmitted, either House adopts a resolution disapproving the plan so recommended and submitted. The continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 30-day period.

(d) Subsections (e)-(k) of this section are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by this section; and they supersede other rules to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(e) If the committee, to which has been referred a resolution disapproving the alternative plan of the President, has not reported the resolution at the end of 10 calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the same plan which has been referred to the committee.

(f) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same recommendation), and debate thereon is limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(g) If the motion to discharge is agreed to, or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same alternative plan.

(h) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to an alternative plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(i) Debate on the resolution is limited to not more than 2 hours, to be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

Mr. STEVENS. Mr. President, as one of the conferees on the pending measure that has the seatbelt provision in it, I want to state that I think this is a rather strange procedure, and I hope that everyone will not be misled.

I would be happy to have the guidance of my colleagues in this matter. Since it is sort of a free vote, I do not, as a conferee, take it as an instruction from the Senate when everyone knows in advance it will be rescinded if passed. Therefore, I wanted to be certain that the record would show the substitute that I would have offered if the motion to table a Buckley amendment had not carried, in order to try to work out an accommodation with what I consider to be the views of those of us who believe that the sequential system should be maintained. The only real annoying feature in this system today is the interlock.

Mr. EAGLETON. And the buzzer.

Mr. STEVENS. The buzzer, if it is not too obtrusive a signal, does not bother me. I have a buzzer that goes off if I leave my lights on. I have a buzzer that goes off if I leave the keys in my car. It does not bother me. But, when you have the interlock and a noisy buzzer, that bothers people.

Mr. EAGLETON. Will the Senator yield for a question?

Mr. STEVENS. I am glad to yield.

Mr. EAGLETON. The Senator from Alaska has driven me home from the Senate, has he not?

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

Mr. HARTKE. I yield 2 additional minutes.

Mr. EAGLETON. Did the Senator not express to me one night when he drives his car, he drives it in an absent-minded state of mind? If that be the case, the buzzer may not be offensive to the distinguished Senator from Alaska. But for one who drives his car in a total state of ready alert, I find it most obnoxious to me.

Mr. STEVENS. As one who does drive absent-mindedly at times, because I am trying to think of ways to answer my good friend, I would admit that the buzzer does not offend me as much as one who drives without his mind wandering.

But I still say it is the interlock that is offensive; the sequential system that brings about a reminder to people to buckle up, is the device we ought to try to preserve.

I have been a pilot for 30 years. I cannot remember getting into an airplane without buckling my belt. I think that was instilled in us when we learned how to fly. What we need to do is instill in future generations the concept of buckling up or having some type of passive restraint. We will reduce the deaths on the road. We will reduce the inflationary impact of this fantastic cost to the country of these injuries and deaths.

That would have been the objective of my substitute for the Buckley amendment had we decided to go the full course. I can accept the fact that the Senate, in effect, is saying to the conferees to work out something that meets the current mood of the country to do away with the interlocks and the annoyances, if there is annoyance, from the signal. But we are not going to abandon all of the safety measures that have been brought about by the Commerce Committee, under the direction of our chairman, the Senator from Indiana and others—safety measures that have accomplished much over these years, and have great promise for real success in the future.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. HARTKE. Mr. President, this amendment still leaves me very uncomfortable. I do not intend to support the amendment although I do not think that will make a major difference on the vote. I am fully cognizant of the great amount of anxiety that the Nation has about the interlock system. I think probably public opinion at this moment is overwhelmingly opposed to the continuation of the system. But that does not leave me without a great deal of personal feeling of responsibility in this field.

I have been concerned with automobile safety now since 1966. I have had more than my share of exposure to public discontent when we move forward with diligence with unpopular safety items.

The simple fact of it is is that while this debate is going on, six people will have lost their lives as a result of automobile accidents.

The fact of it is is that we could probably reduce that by at least one-third if we have effective restraint systems that the public would use.

The fact of it is is that the cost of putting in some type of passive restraint system is not prohibitive when you consider the total cost to the Nation of having some 57,000 lives snuffed out every year on the highway, and an additional 2,100,000 requiring hospitalization.

One company, Allstate Insurance, has been very active—and I pay tribute to them—in promoting the passive restraint system. The ability of the Department of Transportation to promulgate a passive restraint standard is preserved here. That company offers a 30-percent reduction in the cost of their insurance premium in a no-fault insurance State if there is an air bag in the car. That is a substantial saving.

The most important thing is not the dollar sign. That was the big argument we had in the Commerce Committee from the very beginning: Economics versus life and human suffering.

I frankly think it is annoying to have to be strapped into a seat. But it is despairing to see a little baby or person who is strapped to a bed, because they have been injured in an automobile accident. You can go and see the blood; you see the glass; and you see the metal. And that is not a pleasant sight.

All the gaiety that we have heard on this floor about people who have had annoyance disappears very rapidly when you consider what we are talking about. What we are talking about here is some way to try to reduce that death toll.

Truthfully, you can talk about "big brotherism." But "big brotherism" as it is called, is not unique to this situation. Look at any type of disease immunization programs. If we want to make an

immunization program effective, whether we are right or wrong and whether human nature should be that way, we have to make it mandatory.

That is what we did about smallpox. That is what we did about the various childhood diseases, such as diphtheria. And that is also what we do in a manufacturing plant. We require a man to put both hands on a machine now, with a safety device, so he cannot operate the machine with only one hand.

In other words, on the whole field of safety, human nature seems to require something to force us to do what is safe.

What everyone is saying here is that seatbelts are a good idea, but we ought not have them.

It is a paradox. It is not unusual. This Senate floor is paradoxical on a lot of things.

Mr. EAGLETON. Will the Senator yield on that point?

Mr. HARTKE. I will be glad to yield.

Mr. EAGLETON. I do not want a protracted exchange with the Senator, because I do not want to get involved in the blood and gore that is about to spew forth.

May I address a question to the Senator from Indiana? There is nothing in this amendment that outlaws seatbelts. Seatbelts will still remain in the car. All this says is he cannot have the mandatory buzzer and the mandatory interlock. Even the Senator from Indiana was about to offer an amendment to put another button on the dashboard of the car. You would push the magical button and that would emasculate the system.

If the Senator from Indiana is so devout in his advocacy of the buzzer, of the interlock system, why would he even suggest to put a button on that can strip the system out of operation?

Mr. HARTKE. I explained that to the Senator at lunch. The button is trying to defeat the Buckley amendment.

Mr. EAGLETON. I assume the Senator from Indiana is very sincere about this.

Mr. HARTKE. I am very sincere. I told the Senator at lunch about that. I do not intend to vote for this amendment. I may not have voted for the amendment I have suggested, for the very simple reason that I believe we ought to keep the interlock until passive systems are standard equipment.

Australia has mandatory utilization of seatbelts, and it has reduced the death toll. What we are saying is we are not eliminating these seatbelts. The Senator is eliminating the use of them, however.

There are two ways to increase belt usage. One is by an interlock system. The other is to make a criminal penalty for failure to wear it. I would not even be opposed to that.

In other words, I think that we want to go ahead and reduce that death toll, reduce the agony in practically every family in America, because in fact, almost every family will ultimately feel the trauma of an accident. I have had my agony. A member of my family did not get to a hospital. My sister went to the grave. That is the difference. It is not your family that will be immune when you get that telephone call in the middle of the night saying that one of your own was involved in an accident, and the accident was fatal.

Then you ask yourself a question as to whether you put the stamp of fatality on: Did you press the button that killed one of your own?

I have seven childern, and I am concerned about all the other children of America.

I just say, quite honestly, that I think this is the biggest backward step in the field of automobile safety ever taken by the Federal Government. Yet, I know that evidently the public is determined to take it.

I hope and pray that we do not waste too much time moving toward passive restraint. That is why I want to thank the Senator from New York and the Senator from Missouri for modifying their amendment, because we have not closed that door. Ask the people who have seen the air bag work. Ask Mr. DeLorean, a former General Motors executive who is a genius in this field. He demonstrated to us 2 days ago how the air bag can be effective, and how little inconvenience they really are.

Yes, I would prefer the air bags to the interlock system; but I say, first, that the ultimate concern should not be upon the method. Make it as convenient as possible, so that the turkeys and the loaves of bread and the dachshunds can be placed on the seat. Fine. But in the meantime, make sure that your wife, your children, your mother, your relatives, and all the people in America are given an opportunity to live out their lifetimes as they should.

In my judgment, this amendment is costing us more than any single appropriation we make to the National Institutes of Health, and that is a pretty serious charge. I am fully cognizant of what is going to happen.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a description of the override option to which the Senator from Missouri made reference. That was an effort by some of us to try to provide some ameliorating conditions to the situation.

Mr. President, in connection with this override button concept, I ask unanimous consent to put the following statement of the Consumer Federation of America in the RECORD at this point.

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

THE OVERRIDE OPTION—BALANCING THE INTERESTS

The Resolution which I am co-sponsoring would require the consumer to be offered an optional interlock override button. I would like to explain the rationale of this approach.

The Department of Transportation estimates that the interlock system will save 7,000 lives annually and prevent injuries to 340,000 people. With the system, lap and shoulder belt usage has been increased to over 50%. Without the interlock, it will once again fall to below 10%. On the other hand, many find the interlock system to be coercive and annoying and argue that it smacks of "big brotherism."

Our Resolution attempts to strike a balance between individual freedom and public safety. By allowing the consumer to override the system, the coercive aspects of the interlock are bypassed; the consumer can choose not to be protected. But that choice must be made each time he rides in his car rather than by force of habit.

Further, the interlock now has a defeat rate of 41%. I believe many defeat the system permanently because of the annoyance of having to buckle up just to move the car in the driveway or to put it in the garage. If the individual has the opportunity with the override button to selectively defeat the system when use is inconvenient, then perhaps he will buckle up for highway driving. Thus, unlike the Buckley-Eagleton approach where there is no effective reminder to use belt systems, our approach would not have that detrimental effect on public safety.

In short, I cannot in good conscience support a provision which would kill 7,000 people per year and injure 340,000. Our Resolution would have the effect of trying to maintain high rate of belt usage, but would also allow a freedom of choice.

STATEMENT OF CONSUMER FEDERATION OF AMERICA

Consumer Federation of America which represents the interests of over 30 million consumers throughout the Nation, strongly endorses Chairman Magnuson's amendment to create a push-button bypass to seat belt interlock systems, and to require replacement of this system with air bags beginning in 1977.

The benefits of the interlock and air bag systems to the consumer have been amply demonstrated—lives would be saved and insurance rates would drop substantially. These facts remain undisputed. The issue in controversy is whether these safety systems should be required or simply "optional extras", added to the base price of the automobile. As standard equipment they would be produced and utilized on a larger scale, thus lowering the cost per unit and lowering universally for all owners of new cars. As "optional extras" consumers with low incomes would be tempted to reject this safety equipment thus endangering their lives, and the lives of their families and guests.

For years the FAA has required the wearing of seatbelts in airplanes during takeoff and landings. Mindful of the risks involved, consumers have not complained. However, deaths and injuries resulting from automobile accidents far outnumber those resulting from airplane mishaps. How can the Federal justify requiring seat belts in the former case and not in the latter?

One of the most awesome responsibilities of Government is to promote the "health, safety and welfare" of the citizens. Consumer Federation of America views any vote against this important amendment as a grave abdication of a legislator's responsibility.

Mr. HARTKE. If there is a nightmare, as the present interlock system and the seatbelt system have been described, that nightmare is not nearly as bad as a night in a hospital.

The PRESIDING OFFICER. Who yields time?

Mr. BUCKLEY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New York has 5 minutes.

Mr. BUCKLEY. I yield myself 3 minutes.

Mr. President, I am aware of the concern and the sincerity of the concern of the Senator from Indiana. But I believe that a free individual and a free society presuppose the fact that human beings are mature enough to look after their own interests. I believe that the role of Government should be to make sure that

one individual does not harm another. If we are to have Government assume the role of protecting every individual against every risk, then perhaps we will see the Government—and I am not facetious about this—outlawing mountain climbing, outlawing pleasure flying, outlawing Evel Knievel in his idiotic stunt of the past weekend.

I believe that the way we meet the objectives of the Senator from Indiana is to require that those seatbelts be there, require the light which is a reminder, and then educate. I believe that the process of education has done more to get people to understand the need to protect themselves and protect their families with seatbelts than all the gadgetry that so irritates at least 50 percent of the consumers in this country that they find ways of circumventing it.

Mr. President, I ask unanimous consent to add the name of the Senator from Oklahoma (Mr. BARTLETT) as a cosponsor of the amendment.

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

Mr. DOMENICI. Mr. President, will the Senator yield 1 minute?

Mr. BUCKLEY. I yield.

Mr. DOMENICI. Mr. President, I should like to address these remarks to the Senator from Indiana.

Although I have not totally made up my mind with respect to the Senator from Alaska's concern about the buzzer system, let me suggest to the Senator from Indiana, for those of us who have large families and have a genuine concern for the well-being of those who travel in automobiles, that perhaps the Senator is forgetting that if onerous restrictions are imposed of the type we have had explained here today, which are so ridiculous that they become almost something one cannot live with, one might try to figure out what the American people are going to do about it. It appears to me that we are going to get less effective use of seatbelts by the attitude that the Senator from Indiana describes here than a realistic one.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. BUCKLEY. I yield 1 additional minute.

Mr. DOMENICI. Take the case of the farmer in my State who says, "I'm not going to use that system. I'm going to find a way to get rid of it. It's absurd. I'll find some mechanic who will disconnect it." That fellow is apt to use no seatbelt.

The point I make is that those who feel as does the Senator from Indiana have just as good an argument, that to have a ridiculous kind of safety device imposed on the American people is no assurance that they are going to use it. To the contrary, a reasonable device that gives them the incentive to do it themselves, rather than the incentive to find ways to avoid it, is probably, in the long run, far more calculated to have more people use seatbelts than the system that the Senator from New York, and the Senator from Missouri are trying to get out of our cars.

Mr. HARTKE. I understand the irritation. I understand that people are trying to beat the system. That does not make it right. That is all I can say.

In other words, we forced the manufacturers to give them a collapsible steering column. We instituted all these standards. We have forced tire standards to be changed. We have been working on all these things in the field of safety since 1966, and every step of the way there has been the same type of opposition which has been hammered out. But the fact is that if you want to have fewer people killed on the highways, you must have strong legislation of this kind.

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

Mr. HARTKE. How much time does the Senator desire?

Mr. GRIFFIN. Two minutes.

Mr. HARTKE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Indiana has 10 minutes remaining.

Mr. HARTKE. I yield 2 minutes to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, the noted Supreme Court Justice Louis Brandeis once warned that we should be "most on our guard to protect liberty when the Government's purposes are beneficent."

This warning is particularly appropriate in connection with our principal form of transportation, the automobile, which, with the help of the Federal Government, is fast becoming a Rube Goldberg-like contraption available only to the rich.

The best, or perhaps worst, example of Government meddling is the seat-belt interlock system. The driving public is clearly turned off by this Government-mandated device for turning on their cars.

In my own State of Michigan, a survey conducted by Motor News magazine has revealed that an overwhelming 76 percent of the drivers polled are opposed to the interlock system.

Interestingly, during hearings before the Senate Commerce Committee earlier this year, Sydney Terry, a vice president of Chrysler Corp., indicated that consumer concern about the interlock system even exceeded concern about gasoline mileage.

The interlock is more than a nuisance. It adds at least $50 to the price of a new car, and poses a real safety hazard when a car must be started in emergency situations.

Since enactment of the National Motor Vehicle Traffic Safety Act in 1966, the cumulative cost of various Federal safety and emission standards and regulations is over $700, according to spokesmen for the industry. For the medium-priced car, that means that over 20 percent of the cost is now attributable to Government regulation.

I wonder, if you drive the price of an automobile up to the point where your youngster buys a motorcycle instead, whether you are really doing him a favor.

At a time when much attention is being given to the importance of protecting the consumer, it seems to me that the consumer first needs to be protected from the excesses of big government.

Safety, health and environmental protection are important and commendable goals. But in striving to achieve these goals we cannot repeal the fundamental laws of economics or completely ignore the liberties of people. As the Wall Street Journal recently suggested, editorially, the Government ought to treat "drivers as adults."

It is interesting to note that perhaps the greatest degree of driving safety has been achieved solely by lowering the speed limit to 55 miles per hour.

So far in 1974 there have been 6,000 fewer fatalities than for the corresponding period in 1973, or a reduction of about 20 percent. This should tell us something about the wisdom of ever more costly and complex Government regulation of the design and manufacture of automobiles.

Fortunately, the House of Representatives has already responded to commonsense by voting to repeal the interlock standard and by an overwhelming margin of 339 to 49. Hopefully, the Senate will follow suit by approving the pending Buckley-Eagleton amendment.

This amendment also provides for a further review of the proposed Federal standard to require passive restraints—or air bags. Although the Department of Transportation has concluded that air bags could save as many as 15,000 lives per year by 1985, they will also add at least $200 more to the price of new cars. And questions still exist about the protection they would afford small car drivers, not to mention their effectiveness in side and rollover accidents. In fact, the proposed DOT standard would require seat belts plus a sequential warning system—that is, if seat belts are not fastened, a buzzer will be activated if air bags do not provide sufficient protection in such accidents. This latter cost would probably negate any savings achieved from removal of the interlock system.

In a March 21 editorial, the New York Times concluded that—

> Between the law and a belt less chafing than the present cumbersome harness, we might well achieve a reasonable measure of highway safety without compulsory trial of the inadequately tested air bag—especially if the energy crisis continues to keep speeds down and traffic reduced.

At the very least, this matter needs to be investigated further as would be required by the Buckley-Eagleton amendment.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. HARTKE. How much time does the Senator desire?

Mr. PASTORE. Two minutes.

Mr. HARTKE. I yield.

Mr. PASTORE. Mr. President, the question that occurs to me is not so much the irritation or the inconvenience, because, after all, all of us can learn to live with that. To me, it is a question of safety. Do we have any statistics as to whether or not these systems really have saved lives?

Mr. HARTKE. Yes.

Mr. PASTORE. Can we not put them in the RECORD?

Mr. HARTKE. Yes. I shall put them in the RECORD.

Mr. President, I ask unanimous consent to have printed in the RECORD not only these statistics but also other material which supports utilization of the interlock system and other passive restraint systems.

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

ABSTRACT TAKEN FROM A DEPARTMENT OF TRANSPORTATION REPORT ENTITLED "ANALYSIS OF EFFECTS OF PROPOSED CHANGES TO PASSENGER CAR REQUIREMENTS OF MVSS 208", AUGUST 1974

This report analyzes the impact of proposed changes to Motor Vehicle Safety Standard 208 "Occupant Crash Protection" as they apply to passenger cars (Figure 1). The proposal of March 19, 1974, would extend the present 3 options including interlock-belt systems to September 1, 1976, and thereafter would require passive protection supplemented by lap belts with sequential warning if needed for rollover protection in front seats. Lap belts would be required in rear seats.

Interlock-belt system effectiveness was compared with air cushion-lap belt system effectiveness in terms of reduced deaths and injuries (Figures 12 and 13). If the total passenger car population were equipped with the interlock-belt system we could expect 7,000 fewer fatalities and 340,000 fewer injuries annually (Figures 7 and 8). Comparable figures for the air cushion-lap belt system are 15,600 and 1,000,000, respectively (Figures 9 and 10). Using three different techniques for economic analysis, the benefit/cost ratios range from 2.9 to 5.2 for the interlock-belt system and from 3.6 to 6.0 for the air cushion-lap belt system.

In conclusion, results of this study show that the proposed rulemaking, represented by the air cushion-lap belt system, is clearly superior to the interlock-belt system in the reduction of fatalities and injuries. Furthermore, the air cushion-lap belt system is fully justified even from an economic point of view since its benefit/cost ratio and its incremental benefit/cost ratio (incremental benefits/incremental costs) are substantially in excess of 1.0.

STATEMENTS OF SENATOR HARTKE ON PASSIVE RESTRAINTS

WHY PASSIVE PROTECTION?

The Commerce Committee has heard many hours of debate on the relative merits of seat belts and airbags. Some people argue that belts provide better protection in a crash; others contend that the airbag is a superior system. I think that the most salient point that must be made, however, is that regardless of how effective a restraint system is, it will save no lives unless that system has been activated and is being used.

Since 1966, when seat belts were first installed in motor vehicles, we have been trying to get motorists to buckle up. We've tried ad campaigns; we've tried warning lights; we've tried buzzers; and now we've tried interlocks. The interlock has increased lap and shoulder belt usage to over 50%. Without the interlock, belt usage would fall probably to below 10%. Before interlock, the usage rate was 4%.

To increase the usage rate I believe that the Department of Transportation must move as quickly as possible towards passive restraint systems. A passive restraint requires no affirmative action by the vehicle occupant in order to be protected. The system is always "activated" and the occupant is always protected. The usage rate is 100%.

A passive restraint system such as the airbag is much less offensive when a belt system. Vehicle occupants do not become tangled in a spaghetti-type web of belts. The system is comfortable and will not obstruct vision.

The question of relative life-saving potential aside, by moving towards passive restraints we will achieve a much higher level of protection while providing a more comfortable system of protection.

THE AIRBAG: WHY NOT AN OPTION?

There are some who believe that the airbag system ought to be an optional rather than standard equipment. I believe a realistic examination of the economics of the problem will explain why this is not a feasible alternative.

During model year 1974, the General Motors Corporation offered the air cushion restraint system as an option on its luxury cars for the price of $225. GM has now announced that the option price will increase by 33% in 1975—to $300.

If it is one thing that Congress has learned about safety in the past decade, it is that consumers do not anticipate that they will be the object of a calamity. In making their purchasing decisions, consumers infrequently will be willing to pay extra for safety regardless of the probabilities of accident occurrence—it's human nature.

If the airbag system were to be made standard equipment, the economies of scale of the mass production process would decrease substantially the per unit cost of the airbag system. The auto companies estimate it to be $225. The Department of Transportation says $210. John Z. DeLorean, former GM Vice President in charge of car and truck production estimates that the price should be no more than $150.

As a $300 option, few would opt to buy the airbag and we would lose the potential of saving 15,600 lives and preventing 1,000,000 injuries each year. As $150 standard equipment, the benefits of the system would be realized at a reasonable cost to all.

TESTING AND DEVELOPMENT OF AIRBAGS

The airbag system has undergone the most extensive laboratory and field development program of any single safety device. The General Motors Corporation, whose efforts should be applauded in this area, has spent over $60 million in their research and development program. Eaton Corporation has spent over $45 million; Allied Corporation over $25 million; Rocket Research Corporation over $4 million. While we have no data on the expenditures by the other automobile manufacturers, it would be safe to estimate the total R&D budget for airbags to be well over $135 million.

The field testing program of the airbag system is equally impressive. Over 2500 airbag equipped vehicles are now on our nation's highways and they have accumulated over 100,000,000 miles in actual highway driving. There has never been a failure to fire upon demand and there have been 28 deployments to date. There was one inadvertent partial firing during the first months of the field testing program. The accidents to date have produced incredible results. For example, in one accident, a man driving at 67 miles per hour crashed into the rear of a parked police car. The driver walked away from the accident.

I have a summary of each of the airbag accidents for those who wish to examine the record. But I just want to say that the amount of technical development of the airbag system is unmatched by any other safety system.

WHAT IS THE COST OF THE AIRBAG

Some concern has been expressed about the cost of the airbag and I believe we ought to set the record straight on this matter.

Currently, the General Motors Corporation is offering an air cushion restraint option on a few of its luxury cars. In 1975, the cost of that option will be $300. The industry estimate of the cost of the airbag if the system becomes standard equipment is approximately $225, while the Department of Transportation estimates it to be $210.

Two days ago, the Commerce Committee sponsored a briefing conference on the status of airbag technology. Mr. John DeLorean, former GM vice president in charge of car and truck production, offered some insight as to the actual cost of the airbag system. He estimated that the cost of the hardware and labor for the airbag ssytem was under $90. With a reasonable dealer and manufacturer mark-up provision for amortizing research and tooling, the total cost of the system should be less than $150. As the production process becomes perfected, this cost will decrease further.

The cost of the interlock is estimated to be $100. The increase of $50 for the airbag—or even $100 if you accept the Department of Transportation estimates—is not an unreasonable amount. In fact, the Department has recently estimated that the benefits to be derived from an airbag system exceed the costs by 3 to 6 times.

By way of comparison in model year 1973, over 50% of the cars sold were equipped with vinyl roofs at an average cost of $125. The public interest of equipping vehicles with a life saving restraint system versus an attractive vinyl roof are self-evident.

THE SECRETARY OF TRANSPORTATION
Washington, D.C.

Hon. VANCE HARTKE,
Chairman, Subcommittee on Surface Transportation, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR SENATOR HARTKE: This is in response to your request of September 10, 1974, for departmental views concerning a resolution offered by you and Senators Magnuson, Moss, Hart and Stevens.

The resolution would express the sense of the Senate that all new vehicles with interlocks be equipped with a button for bypassing the interlock. The button would enable drivers to decide for themselves whether to use their safety belts. We have not yet had an opportunity to assess fully the merits of the button. We think, however, that the button might reduce the effectiveness of the interlock in inducing safety belt use, while possibly increasing its costs. But, of course, compared to complete elimination of the interlock in inducing safety belt use, while proach is clearly preferable on highway safety grounds.

The resolution also urged that, as soon as practicable, the interlock be eliminated entirely and replaced by passive restraint systems. We are pleased that this resolution, unlike other pending legislation, would neither prohibit us from promulgating a standard requiring the installation of passive restraints nor require us to obtain committee approval before doing so.

We note that a final decision has not yet been made either with respect to making passive restraints mandatory or as to an appropriate effective date if it becomes necessary to set one. We would, of course, appreciate and give weight to an expression of Congressional opinion, but we also believe that such issues should ultimately be left to the administrative rulemaking process.

With regard to the provision urging that passive restraints be required in all new cars as soon as practicable, we note that a final decision has not yet been made either with respect to making passive restraints mandatory or as to an appropriate effective date if it becomes necessary to set one. We believe that such issues should ultimately be left to the administrative rulemaking process.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report to you.

Sincerely,

CLAUDE S. BRINEGAR.

Mr. PASTORE. How many lives did we lose before these systems were installed, and how many lives are we losing today, with the system?

Mr. HARTKE. They save now an average of 7,000 lives a year.

Mr. PASTORE. Does the Senator mean that had we not had these systems, we would have had more than 7,000 people killed who would not have been killed?

Mr. HARTKE. Let me correct that.

I am informed that that statistic assumes 50 percent lap and shoulder belt usage and all cars are equipped with interlocks. The interlock system has not been on very long. It has been on about 1 year. Air bags are now in the field testing stage. Seatbelts, in and of themselves, have been on for a longer period of time.

The best estimates are still that 7,000 lives a year can be saved with the interlock system and with the seatbelts. That is from the Department of Transportation. That is if there is 50 percent utilization. Airbags could save 15,600 lives and 1 million injuries annually once they become standard equipment in all vehicles.

Mr. PASTORE. And these figures are official?

Mr. HARTKE. They are from the Department of Transportation. They will be put in the RECORD.

Mr. PASTORE. I am going to say to my colleagues, I do not think we ought to argue price; I do not think we ought to argue irritation or inconvenience. If we are saving 7,000 lives a year in America, there is some worth to it.

Mr. BUCKLEY. Will the Senator from Vermont yield?

Mr. EAGLETON. Will the Senator from Vermont yield to me 3 minutes on the bill so that I may respond to the Senator from Rhode Island?

Mr. STAFFORD. I yield to the Senator from Missouri 3 minutes.

Mr. EAGLETON. I do not want to prolong this debate, and I think the Senator from Rhode Island is asking what is the gut question: If we are saving lives, dollars become less relevant than lives, to be sure. But I can assure the Senator from Rhode Island that the statistics as quoted by the Senator from Indiana are not quite as applicable to the situation as the discussion might seem to warrant that interpretation. The 7,000 lives that the average Department of Transportation guesstimates is with full utilization of all kinds of safety equipment on every car in the land. There are 100 million cars in this country, plus. The buzzer interlock is on perhaps 10 million, 1 year's model.

These statistics as to the number of lives saved, No. 1, are grandiose guesswork and, No. 2, are tailored to the concept that when all these systems, bags and folding-away steering columns, when they are all on all the cars in existence in this country 10 years from now—because that is how long it takes the cars to turn over, about 10 years—then 7,000 lives might be saved. But there are no 7,000 lives being saved today.

Second, I have some statistics in my prepared speech that show how many people are dismantling this system and they are not being saved at all, and there is a grave dispute as to whether this system saves anything.

Mr. PASTORE. I wish to say to my friend from Missouri that I have two doctors in my family, a son and a son-in-law. I may get in the car and not put on my seat belt, but I have never seen my son or my son-in-law ever get in the car without putting on their seat belts. That has always impressed me, for the simple reason that they have seen these cases come into the emergency room. They have a very strong feeling that without these protections, we shall have a greater loss of lives. I think that is indisputable.

Now, if the statistics can be shown that we are not accomplishing anything, only charging the consumer more money, we ought to do away with it. But on the other hand, if we are arguing that we do not like the noise of the buzzer and we do not like the fact that we have to turn on a switch before we put on the safety apparatus, that is another question, too.

To me, it is a matter of whether these systems are working. If they are working, we have to have them. If they are not working, we ought to cut them out.

Mr. HARTKE. The Senator from Rhode Island raises a point. What I am reading from is "Analysis of Effects of Proposed Changes to Passenger Car Requirements of MVSS 208," prepared by the motor vehicle programs, the National Highway Traffic Safety Administration, and Transportation Systems Center, Department of Transportation, August 1974.

I read here from the section on belt usage, page 7:

> With the interlock-belt system, (Figures 7 and 8) it was estimated that, after belt usage habits ultimately stabilize, the lap and shoulder belts together will be used on the average by about 50% of the front outboard occupants in cars, with an additional 10% using the lap belt only, or a total of 60% lap belt usage.

They say that if the total passenger car population were equipped with interlock systems, we could expect 7,000 fewer fatalities and 340,000 fewer injuries annually.

I think it is only fair to say that they are estimates, but they are the best we have. They have been made by people who are not filled with anything except, in my opinion, devotion to trying to reduce the death toll on the highways. They are not coming from the Congress or from our staff; they are coming from the Department of Transportation.

Mr. BROCK. Mr. President, I very much regret having to oppose the amendment of the Senator from New York (Mr. BUCKLEY), for I do favor its intent. However, I am informed it is to be passed—in order to establish Senate intent—and then withdrawn. Certainly, it has no place in this bill, and under the circumstances I believe this procedure is unfortunate.

For these reasons, as well as some disagreement with the specific language proposed, I shall vote no.

Let the RECORD also show, however, that my commitment to eliminate limitations on personal freedom, such as this shoulder harness interlock, remains undiminished. On the first opportunity to cast an effective vote in this direction, I shall do so.

The PRESIDING OFFICER. Who yields time?

Mr. HARTKE. I am prepared to vote.

Mr. BUCKLEY. I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. Is all time yielded back?

All time having been yielded back, the question is on agreeing to the amendment of the Senator from New York (Mr. BUCKLEY), as modified.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Alaska (Mr. GRAVEL), and the Senator from Colorado (Mr. HASKELL) are necessarily absent.

I further announce that the Senator from Georgia (Mr. TALMADGE), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Minnesota (Mr. HUMPHREY) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

I also announce that the Senator from Hawaii (Mr. FONG) and the Senator from Illinois (Mr. PERCY) are absent on official business.

I further announce that the Senator from Oklahoma (Mr. BELLMON) is absent due to illness.

I further announce that, if present and voting, the Senator from Tennessee (Mr. BAKER) would vote "yea."

The result was announced—yeas 64, nays 21, as follows:

[No. 392 Leg.]

YEAS—64

Abourezk	Eagleton	Muskie
Aiken	Eastland	Nelson
Allen	Ervin	Nunn
Bartlett	Fannin	Packwood
Bayh	Griffin	Pearson
Beall	Gurney	Randolph
Bentsen	Hansen	Ribicoff
Bible	Hart	Roth
Biden	Hatfield	Scott, Hugh
Buckley	Hathaway	Scott, William L.
Burdick	Hollings	Sparkman
Byrd, Harry F., Jr.	Hruska	Stafford
Byrd, Robert C.	Huddleston	Stennis
Cannon	Hughes	Stevenson
Chiles	Jackson	Symington
Church	Johnston	Taft
Cotton	Long	Thurmond
Cranston	McClellan	Tower
Curtis	McClure	Tunney
Dole	McGovern	Weicker
Domenici	Metcalf	Young
	Montoya	

NAYS—21

Brock	Magnuson	Moss
Brooke	Mansfield	Pastore
Case	Mathias	Pell
Clark	McGee	Proxmire
Hartke	McIntyre	Schweiker
Javits	Metzenbaum	Stevens
Kennedy	Mondale	Williams

NOT VOTING—15

Baker	Fong	Helms
Bellmon	Fulbright	Humphrey
Bennett	Goldwater	Inouye
Cook	Gravel	Percy
Dominick	Haskell	Talmadge

So Mr. BUCKLEY's amendment (No. 1851), as modified, was agreed to.

Mr. EAGLETON. Mr. President, I am going to move to reconsider the vote. I do move to reconsider the vote, and I ask 30 seconds to explain that.

The PRESIDING OFFICER. Ten minutes to each side.

Mr. EAGLETON. I hope the Senate will reconsider.

Pursuant to the understanding that Senator BUCKLEY, Senator HARTKE, and I had worked out, this amendment, after it is reconsidered, will be withdrawn by the Senator from New York. But the Senate has gone on record and, in a sense, instructed the conferees in a bill now pending in conference with the conference committee as to our views with respect to the seatbelt interlock system. That matter is the subject of a conference and the bill pending thereat.

So, Mr. President, I am about to move to yield back my time on my motion to reconsider. Have I explained the position that we are in?

Mr. BUCKLEY. Mr. President, may I comment for a few minutes on this matter?

Mr. EAGLETON. I yield such time as the Senator may desire.

Mr. BUCKLEY. For the benefit of those who were not here during the exchange, we run into a procedural problem if we actually append this amendment to the bill. There was then one set of conferees discussing and talking about the Senate version and another set of conferees on the House version. Therefore, in order to solve the procedural problem, we had agreed, in effect, after registering this strong affirmative approval of principle to reconsider. In other words, it requires an affirmative voice vote to proceed with the agreement.

Mr. ERVIN. Mr. President, I just want to be recorded—I understand there will be no rollcall vote on this—against the motion to reconsider.

Mr. HARTKE. Mr. President, the understanding explained by the Senator from Missouri (Mr. EAGLETON) and the Senator from New York (Mr. BUCKLEY) is correct. I do consider it a great favor for them to work out this procedure because this has preserved the flexibility of the Department of Transportation with respect to passive restraints and has not locked the conferees into a situation which would have otherwise been intolerable.

I yield back the remainder of my time.

Mr. EAGLETON. Mr. President, I am prepared to yield back the remainder of my time. I will not request the yeas and nays. I move to reconsider the vote by which the amendment was agreed to.

The PRESIDING OFFICER. The question is on the motion to reconsider. (Putting the question.)

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The Senator from New York.

Mr. BUCKLEY. Mr. President, I ask unanimous consent to withdraw the amendment because we have now, by virtue of the vote on the amendment, served our purpose, and that is to place the Senate clearly on record in opposition to the mandating of the systems and, therefore, in effect, we had instructed the Senate conferees to accede to the House position.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection and it is s~ ordered.

Mr. McCLURE. Mr. President, I have an amendment at the desk which I ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

Let there be order in the Senate.

The assistant legislative clerk read as follows:

On page 26, after line 14, add the following:

"Sec. 123. The first sentence of subsection (c) of section 405 of title 23, United States Code, is amended by striking the word 'and' after 'crossings,' and inserting in lieu thereof the following: 'the correction of high-hazard locations, and'."

The PRESIDING OFFICER. Who yields time?

Mr. McCLURE. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I have discussed this amendment with both the ranking minority member, the Senator from Vermont, and the chairman of the subcommittee, the Senator from Texas, and I have been advised by each that the amendment is acceptable to them.

Just for the benefit of the Senate, let me explain in one sentence what it does.

Mr. ROBERT C. BYRD. Mr. President, we cannot hear the Senator.

The PRESIDING OFFICER. Will the Senators please carry their conversations outside? The Senator is entitled to be heard.

The Senator from Idaho.

Mr. McCLURE. Inadvertently, under the present status of the law, the State may spend money to identify high-hazard locations, but the present law does not permit the use of Federal funds to eliminate these hazards. This amendment would add that as a permissible use of the funds. It does not mandate it.

Mr. President, my amendment is intended to permit the most beneficial use of highway safety funds apportioned to States for the Federal safer roads demonstration program. A problem with existing law was recently brought to my attention by the Idaho Traffic Safety Commission. Currently, States are required to survey potential safety problems on non-Federal-aid roads and establish priorities for their correction.

Federal funds under the safer roads program are available to assist in the correction of some of the problems identified but not others. Specifically, while the law calls for identification of high hazard locations, it does not permit use of Federal funds to eliminate these hazards.

This apparent inconsistency was purposely included in 1973 legislation by the Senate Public Works Committee to avoid what we feared would be the use of limited safety funds for major construction projects to correct high-hazard locations. Our fears have not been borne out. Those high-hazard locations which have been included in State surveys, would, for the most part, require relatively small expenditures to correct. For example, in my State of Idaho, 28 projects to correct high-hazard locations were identified, at a total estimated cost of $401,857. These projects include such work as installing guardrails and left turn bays, improving grades where visibility is poor, and improving intersections. Each of the proposed projects on the Idaho list is estimated to cost less than $100,000. Unless we amend existing law, Idaho and other States will not be able to spend their safer roads funds on those projects with the greatest payoff in safety benefits. My amendment simply permits the Federal funds to be used for these modest projects which have been determined to have a high priority. It is my understanding that the Federal Highway Administration has found that the high-hazard location projects with greatest cost-benefit ratios are those of modest, spot-improvement nature. I would expect that projects of this type would be the most likely candidates for funding as high-hazard location corrections under the safer roads demonstration program and thus would not preempt a disproportionate share of the program's funds.

Mr. President, I ask unanimous consent that the colloquy on my amendment and a letter I received from the Idaho Traffic Safety Commission be printed at this point in the RECORD.

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

COLLOQUY ON McCLURE AMENDMENT

Mr. BENTSEN. Do I understand that you are not proposing to authorize any additional funds for the Safer Roads Demonstration Program but merely to expand the types of projects eligible for funds under this program?

Mr. McCLURE. That is correct.

Mr. BENTSEN. And is it your intent in proposing this amendment that the types of high hazard corrections eligible for funds under this program should be those requiring relatively modest expenditure of funds?

Mr. McCLURE. That is my intent.

STATE OF IDAHO,
TRAFFIC SAFETY COMMISSION,
Boise, Idaho, June 14, 1974.

Senator JAMES A. McCLURE,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR McCLURE: The Idaho Traffic Safety Commission was assigned the responsibility of establishing the priority programs for the Section 230 program of the Highway Safety Act of 1973. We have followed the guidelines provided to us to the best of our ability. We have been in close contact with the cities and counties by mail, telephone and through a series of meetings. During these meetings, which included personnel from our office, Department of Highways and Federal Highway Administration, a great deal of interest was expressed in projects to correct high hazard locations. Many of these hazardous locations have a higher accident experience or accident potential than other projects we discussed with the local officials.

The priority list has been developed in keeping with the financial and interest constraints we had to accept in working with local governments. We now face a major problem as we proceed from planning to

implementation of the program. This problem evolves from the way the law is written.

Paragraph (b) of Section 405 of Title 23, U.S. Code, requires that "each state shall identify projects for the Federal-aid safer roads demonstration program for all public roads in such State not on the Federal-aid system, including projects to improve highway marking and signing, to eliminate roadside obstacles, to eliminate hazards at railroad-highway crossings and to correct high hazard locations ...". The paragraph further states that "Each State shall assign priorities for and undertake the systematic correction of identified hazards, to provide for the most effective improvement in highway safety." The provisions in subsection 405(b) are countered in subsection 405(c) which states "There is authorized to be appropriated for the Federal-aid safer roads demonstration program for projects ... for the removal of roadside obstacles, the elimination of hazards at railroad-highway grade crossings and the proper marking and signing of highways in accordance with subsection (b) of this section ..." varying amounts of money. Subsection 405(c) does not allow funds to be used for the correction of high hazard locations.

A memo from J. J. Crowley, Director of the Office of Traffic Operations to Regional Administrator Lacy further refers to this issue in substantiating that the Section 405 funds can not be used to correct high hazard locations. Research for this memo states that the Senate Public Works Committee staff has indicated this omission was not an oversight; it was deliberate. It is obviously concluded that high hazard projects are not eligible for assistance under the safe roads demonstration program.

It is our opinion that the inability to fund projects we reviewed for the safer roads demonstration program greatly inhibits the ability of this program to provide the most effective improvement in highway safety. As we have reviewed the accident experience of the hazardous locations on our priority list, we find that projects to eliminate or correct these hazards would have far more impact on reducing accidents than many of our projects for signing or railroad crossings. It is very disconcerting, for example, not to be able to fund a project location with seven accidents in one year because it is *only* a hazardous location when you can fund a railroad-highway grade crossing that has one accident in ten years. This is hardly the way to spend money to effectively improve highway safety. As will be discussed more fully, 32 percent of the valid projects we reviewed for the safe roads demonstration program were for correction of high hazard locations. The removal of this many projects from our priority list certainly does not enable us to improve highway safety.

The impact of the omission of high hazard locations from funding, is substantial to Idaho. We were able to develop interest and funding with local governments for 98 projects at a total cost of $1,883,915. During our initial review of these 98 projects, we placed 3 projects into other categorical programs of the 1973 Highway Safety Act because they are on the Federal-aid system. We eliminated 7 projects because they did not meet the purposes of the safer roads program. These were for new or replacement bridges, sidewalks or bridge railings for pedestrian protection. The value of these 10 eliminated projects was $566,686 leaving valid projects totaling $1,317,229. There were 28 projects to correct high hazard locations at a value of $401,857. The costs for funding for high hazard projects equaled 30.5% of the valid project costs under the safer roads demonstration program and as stated previously 32% of the projects that were valid under the program. The removal of this much of our priority program because of the deliberate omission of high hazards from funding is not the way to effectively improve highway safety.

Idaho's apportionment for the three years for the safer roads demonstration program totals $1,554,700. The federal funds that would be required for the high hazard projects in our priority list would be $361,671. This means we have projects for 23.3% of our federal funds which we can not activate. Our three year priority list has eligible projects for only 53% of the apportionment and leaves $730,465 unutilized. The need and the merit of this safety program is such that we can not let this happen. We will again contact the cities and counties of Idaho to determine if they have interest and financial capabilities to fund other projects that are eligible under this program. In making these additional contacts, however, we are being forced to ask the local governments to change their emphasis on what truly makes a road safer if they want to receive federal assistance in a project.

We ask your assistance in requesting the germane committees of Congress to immediately amend Section 405(c) Title 23, United States Code, to include funding for high hazard locations. We are certain the impact of this omission is as serious in other states as it is in Idaho. We believe there is validity to our request as outlined in this letter. We do not believe the law as written will be effective in improving highway safety as anticipated in the law. We do not believe it is rational to be required to identify problems and be asked to correct these systematically and not be able to use Federal-aid funds to do this correction. We cannot request city or county governments to eliminate or reduce these hazards if we do not provide assistance with Federal-aid funds. We must provide an incentive to local governments if we are to gain their cooperation in enhancing traffic safety. Our previous experience with the Section 402 Highway Safety Program indicates we receive many benefits beyond the Federal aid assistance program once we develop interest by local government.

We appreciate your assistance in obtaining modification of the current law as we have suggested.

Sincerely,

PAT EHRLICH,
Director.

Mr. BENTSEN. Mr. President, I would say to the distinguished Senator from the State of Idaho I see no objection at all to it. I would agree to it as far as the position of the manager of the bill is concerned.

The PRESIDING OFFICER. Is all time yielded back?

Mr. STAFFORD. Mr. President, for the minority, we are willing to accept the amendment of the Senator from Idaho just now. I yield the remainder of my time.

Mr. BENTSEN. I yield the remainder of my time.

The PRESIDING OFFICER. All the time having been yielded back, the question is on agreeing to the amendment of the Senator from Idaho. [Putting the question.]

The amendment was agreed to.

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I do not have an amendment and I do not intend to take a great deal of time reviewing three sections of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Will the Senator from Vermont yield me 5 minutes on the bill?

Mr. STAFFORD. I would be glad to yield to the Senator from New Mexico 5 minutes on the bill.

Mr. DOMENICI. I thank the Senator from Vermont.

First, I compliment the Senator from Texas and the Senator from Vermont for the excellent job that they have done on the bill, particularly with reference to a very difficult section. Highway beautification was a very difficult one, and I think they have done an excellent job.

I call to the attention of the Senate that there is a new provision in that beautification section that permits States to establish information centers. I proposed that, and I think it is very important that we emphasize that that is one of the things we want because this will be an exception. The House has not done this before.

I ask unanimous consent that the remarks found at page 15 of the committee report pertaining to that matter be printed in the RECORD.

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

More significantly, the Committee, for the first time, provided for Federal financial assistance to the States in establishing information centers at safety rest areas and other travel information systems within the rights-of-way of Interstate and primary highways. The Federal share of the cost of establishing the information centers and other alternate information systems is 75 percent, and up to 20 percent of the funds provided for section 131 may be used for these purposes. The Committee regards this as a positive step, which will give the States new incentives to expand traveler's information services.

By including these provisions, the Committee has broadened the potential for disseminating information along major highways, and it has done so without stopping the billboard removal program in its tracks, just at the time it is beginning to be effective.

Mr. DOMENICI. Second, I think we have ignored once again talking about carpooling. Here again I thank the manager of the bill and the distinguished Senator from Vermont for accepting my proposals. They are very critical with some departments of Government, as they applied our last year's carpooling. On page 21 of the report there are three paragraphs that adequately reflect our concern as to why we extended it for a year, and what we expect. I ask unanimous consent that those three paragraphs be printed in the RECORD.

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

CARPOOLING

This section modifies provisions of the Emergency Highway Energy Conservation Act (P.L. 93-239) relating to incentives for carpooling. That law established a carpool demonstration program in an effort to conserve fuel, decrease rush-hour traffic congestion, and improve air quality.

P.L. 93-239 projects may include measures to locate potential carpool riders, buy necessary traffic control devices, and designate existing highway lanes and parking areas for

preferential carpool use. Under that law, project financing is to come from authorizations for Federal-aid urban and urban extension highway systems.

Testimony before the Committee, however, showed that some states have failed to allow some major cities to utilize their urban system funds for carpooling work, subverting the intent of Congress for a real national demonstration.

This section extends the date for application for such projects by one year to December 31, 1975, and authorizes $15,000,000 out of the Highway Trust Fund specifically for carpooling programs.

Mr. DOMENICI. Third, I thank the entire committee for their assistance with reference to the Indian reservation roads and bridges. We made a significant amendment there that was brought to our attention because of a complex problem in the State of New Mexico involving the State, counties, the Navajo irrigation problem, and the like. Here again I think we opted for some flexibility yet protection.

The report at page 4 and continuing on page 5 clearly reflects the legislative intent, the reasons why we came upon this amendment, and I ask unanimous consent that those statements be printed in the RECORD.

There being no objection, the remarks on Indian reservation roads and bridges were ordered to be printed in the RECORD, as follows:

INDIAN RESERVATION ROADS AND BRIDGES

To accommodate increasingly diversified transportation requirements, the Committee has in the past decade sought to provide flexibility in the use of Federal highway funds and to insure that representatives of various areas within each State have a voice in how highway funds are spent.

This amendment to those sections of title 23 which deal with roads and bridges on or leading to Indian reservations or lands would add flexibility to the type of projects for which Indian reservation road and bridge funds could be obligated. Under existing regulations, funds authorized for programing by the Bureau of Indian Affairs may not be used on roads which are part of a State's Federal-aid system. This limitation was imposed to encourage States to provide adequate funds for construction and maintenance of routes of statewide importance and to preserve limited Indian road funds for use on roads of more local significance.

The Committee amendment would permit Indian road funds to be used on Federal-aid routes within or providing access to Indian lands where the upgrading of such routes would provide particular benefits to the Indian communities and Indian economic development. To insure that a State does not decrease expenditure of its apportioned funds for Federal-aid roads within or giving access to Indian lands because this new source of funds is available, the Committee has included language requiring the Secretary to determine that use of Indian road monies is supplementary to and not in lieu of normal State expenditures for such routes.

The changes in existing law have equal application to Indian lands in all States. The particular situation which prompted the proposed change, however, is the urgent need to construct and upgrade portions of three New Mexico highways serving two major developments on Navajo lands in the Four Corners region of the State: the Navajo Indian Irrigation Project and seven planned coal gasification plants.

The only significant access to the area is by road. Two highways now provide north-south connections into the area: New Mexico route 666 between Gallup and Shiprock and New Mexico route 44 from Albuquerque to Bloomfield. Both routes are on the Federal-aid primary system and both urgently need upgrading. A third highway, New Mexico route 371, is presently being surveyed and designed; it will be part of the Federal-aid secondary system, connecting Farmington, the major population center in the Four Corners area, with Interstate 40 and the railroad to the south.

In order to maximize the economic and social benefits to the Navajo Nation of these two massive development projects the Committee propose to increase funds authorized for Indian reservation roads and bridges by a total of $25 million over the fiscal years 1974, 1975, and 1976. This is less than half the estimated amount needed to construct the aforementioned routes to the standards necessary to meet projected needs. The State has already approved as part of its five-year road construction plan expenditure of $12.6 million on these three routes and may very well commit more State funds to match Federal money. The Committee has been informed that State and local sources will be developed to meet the remaining need for approximately $25 million. These sources include the State of New Mexico; the counties of San Juan, Sandoval, McKinley and Rio Arriba; the city of Farmington; the Navajo Tribe; El Paso Natural Gas Company and Western Gasification Company. The Committee expects that funds from such sources will be secured at an early date in order to insure that Federal funds made available under this section, together with all other monies, are sufficient to provide the transportation facilities necessary to realize maximum benefits from the Irrigation Project and gasification plants.

Mr. DOMENICI. I thank the Senator from Vermont for yielding me the moments I have used.

I yield back the remainder of my time.

Mr. CURTIS. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

Beginning with line 11, page 17, strike everything through line 8, page 19.

The PRESIDING OFFICER. Who yields time?

Mr. CURTIS. I yield myself such time as I desire.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. CURTIS. Mr. President, the language that I strike removes from this pending proposal the provision that the Federal 55-mile-an-hour speed limit is to be permanent.

Were the Senate to adopt my amendment, it would still leave in effect the temporary law wherein Congress previously voted a 55-mile-an-hour speed limit as a temporary measure to conserve fuel.

The committee bill repeals that and the committee bill is a first venture on the part of the Federal Government to establish a Federal speed limit.

If we take this step and it becomes law, hereafter the Senate will have to divert attention away from the many national problems we have and legislate speed limits for all highways.

I would remind the Senate that the regulation of traffic is a local matter. I would remind the Senate that it is the States that issue the drivers' licenses. One way we can enforce traffic laws is by taking away the drivers' licenses. Some States have a system whereby a person gets so many demerits for certain offenses. The States have highway patrols to enforce State law. They have ample local courts to handle traffic matters.

Now, what we do here, the Federal Government makes the decision as to what the law is, and no machinery to enforce it. It is enforced by withholding the funds from the States.

What are we going to do when another Congress fixes a different limit?

How much time of Congress is going to be devoted to debating the limits?

It was enacted as a temporary measure to conserve fuel.

If the Senate adopts my amendment, that temporary law will still be in effect, and if we have not solved our fuel problem, and we will not have, Congress can in its wisdom extend that or change it, but I seriously object to the idea of a permanent Federal speed law.

I realize that those who have worked on this bill are very anxious to get it passed without amendment, and they have great influence, because they have worked on this a long time, but regardless of how others vote, I could not sit idly by and be a party to lessening the power of the States and localities and enhancing the power and burdens and responsibility of the Federal Government.

Mr. President, this amendment does not create a safety issue. If this bill becomes law, 30 days from now with my amendment in it we will still have the 55-mile-an-hour speed limit, but it will be a temporary measure to meet an emergency. We will not have made the decision to transfer to the Federal Government the jurisdiction and the power and authority to regulate speed limits.

Mr. President, the States are irritated now about all the requirements placed on them and if they do not comply, their Federal funds are in jeopardy.

This is not good government. That sort of coercion is not the right way to do it.

If I understand the committee language correctly, they are legislating a speed limit for all highways, whether or not there are Federal funds in it, as a permanent matter.

That is what is at issue here.

Mr. President, I would like to ask those in charge of the legislation a question about this proposal.

Has this proposal been presented to the States, or any number of them?

Mr. RANDOLPH. In response to the inquiry from my able colleague from Nebraska, it certainly has, and I shall read into the RECORD many of the letters from the Governors of the States.

I have written to the Governors on three occasions in reference to this matter and we have made a record over and over again in the Senate. We made it as recently as May 13 when we had a rollcall on this matter when the able Senator from Kansas (Mr. DOLE) presented his amendment to increase the speed limit from 55 to 60 miles an hour. The vote was then 52 against the amendment and 29 for.

Mr. CURTIS. May I inquire at that point, was the issue there a question of permanent speed limit to be established by the Federal Government?

Mr. RANDOLPH. Yes, I so feel that it was. It certainly is today. I had not felt that we would make the argument against the Senator's proposal and, apparently, against the proposal of the Senator from Kansas, I did not anticipate that we would do it twice, but I am prepared to do it, and I am prepared to read the letters from the Governors of many of the States of the Senators who are here.

Mr. CURTIS. Do those letters relate to the rate of speed or do they relate to the particular issue that I have raised as to the Federal Government writing permanent law fixing a speed limit?

Mr. RANDOLPH. As an indication, I will read from the letter of the Governor of Georgia. He replies to my letter under date of August 26. In that letter he states:

> I support the strong enforcement of the 55 miles per hour limit and legislation to extend this reduced limit indefinitely.

That letter is signed by Jimmy Carter.

Mr. CURTIS. What other Governors have urged its extension indefinitely?

Mr. RANDOLPH. Many, many. I will read into the RECORD at this time the names of the responding Governors:

Governor George Wallace of Alabama.
Governor Jack Williams of Arizona.
Governor Dale Bumpers of Arkansas.
Governor Ronald Reagan of California.
Governom Thomas Meskill of Connecticut.
Governor George Ariyoshi of Hawaii.
Governor Dan Walker of Illinois.
Governor Robert Docking of Kansas.
Governor Kenneth Curtis of Maine.
Governor Marvin Mandel of Maryland.
Governor Francis Sargent of Massachusetts.
Governor Brenden Byrne of New Jersey.
Governor Wendell Anderson of Minnesota.
Governor John Gilligan of Ohio.
Governor Tom McCall of Oregon.
Governor Milton Shapp of Pennsylvania.
Governor Mills Godwin of Virginia.
Governor Calvin Rampton of Utah.
Governor Arch Moore of West Virginia.

Mr. CURTIS. The majority of them?

Mr. RANDOLPH. We have received 20 letters since my letter of July 10, 1974. Most of these were received in the last 2 or 3 weeks.

Mr. CURTIS. I; this provision in the House bill?

Mr. RANDOLPH. I would have to say that I am not informed at this moment about the House measure on this matter.

Mr. CURTIS. Has it appeared in any legislative proposal before this one in the Senate?

Mr. RANDOLPH. Yes. We first had it in connection with the energy allocation bill, which was a temporary measure. We have addressed ourselves to it on at least one occasion since.

Mr. CURTIS. I understood the Senator to say on a temporary basis. What I am objecting to here is not a conservation measure, something based upon the necessity of meeting an emergency. What I am talking about is notice to the States that as a permanent matter we are going to regulate these speed limits.

Mr. RANDOLPH. Yes, we have so indicated to the States. Since the vote was taken, as I have indicated, on May 13, I addressed a further letter to all of the Governors.

Mr. CURTIS. And the Senator has had about 20 replies?

Mr. RANDOLPH. I am not sure of the exact number. Of course, I will make it a matter of documentation—20 letters received.

Mr. CURTIS. Mr. President, the hour is late. The issue is clear. There may be a majority of the Senators who prefer to transfer this power to the Federal Government. I think we ought to vote on it. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. Mr. President, I do want to refer specifically to the measure (S. 3556) that is pending, cosponsored by Senator STAFFORD, Senator PERCY, and myself, which attempts to do exactly what is being done as a part of this bill. I will say to the Senator from Nebraska that since S. 3556 was introduced on June 10, 1974, we have not received any letters in opposition to the 55-mile-per-hour speed limit. And as previously indicated, 20 Governors have written letters supporting this reduction. We have also received support for the reduction from Secretary of Transportation Claude Brinegar and John Sawhill of the Federal Energy Administration.

A recent FEA survey—in conjunction with FHWA—shows a savings in fuel of approximately 5 million gallons per day or 600 million gallons in the first 4 months of 1974. This means an annual savings of 1,896 million gallons of fuel, with an annual total savings for all gasoline powered vehicles of approximately 3.1 billion gallons.

These figures are based on a composite car average for rural, primary, and interstate driving. Urban areas already less than 55 miles per hour were not considered in this data.

Based on a 14 State cross-section, the national barrels per day rate for June of 1974, of 6,722,000 was a decrease both from the June 1973, rate of 7,228,000 and June 1972, rate of 7,196,000. June 1974 compared to June 1973 shows a decrease in gasoline sales of approximately 7 percent.

Mr. STAFFORD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STAFFORD. Who controls the time on this particular amendment?

The PRESIDING OFFICER. The Senator from Nebraska and the Senator from Texas.

Mr. STAFFORD. Would the Senator yield me 2 minutes?

Mr. BENTSEN. I will be pleased to yield to the distinguished Senator from Vermont.

Mr. STAFFORD. I appreciate the Senator yielding.

This is only in reply to the distinguished Senator from Nebraska (Mr. CURTIS). It is simply to point out to him that on July 25 in the RECORD beginning at page 25131, Senator PERCY, one of the cosponsors of the speed limit bill, made a statement to the Senate and therein he said:

> I have now received responses from 27 Governors, and I am pleased to report that most of them share my conviction that the reduced speed limit is helping us save some 73 million barrels of fuel per year and, to a great extent, is responsible for the dramatic decline in traffic fatalities and disabling injuries we have witnessed since the 55-mile-an-hour speed limit became effective. Most of the Governors are therefore enthusiastic in their endorsement of S. 3556 which sets the national permanent speed limit.

I will not go on further, I would say to the distinguished Senator, except to say that the letters in question, at least 26 of them, are printed beginning on page 25131.

Mr. CURTIS. Do these letters specifically refer to proposals for a permanent law on the part of the Federal Government?

Mr. STAFFORD. I would have to say to the distinguished Senator that I have not had the chance to read them through myself.

I do not know specifically what each says, but they are endorsing a speed limit of 55 miles per hour for the two reasons I mentioned, the saving of fuel and the saving of lives.

Mr. CURTIS. We would still have a 55-mile-an-hour speed limit if my amendment is adopted.

Mr. STAFFORD. But, I would say to the distinguished Senator, only for a very short time.

Mr. President, at this point in time I ask unanimous consent that a statement by Senator CHARLES PERCY be printed in the RECORD.

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

STATEMENT BY SENATOR CHARLES H. PERCY

I wish to express my full support for that provision of S. 3934 which would extend indefinitely the nationwide 55 mph speed limit. This provision, which would become section 154 of the U.S. highway code, incorporates the substance of S. 3556, the bill I introduced in May along with the distinguished Chairman of the Public Works Committee, Senator Randolph, and the distinguished ranking minority member of the Subcommittee on Roads, Senator Stafford. My colleagues Senators Weicker, Ribicoff, Chiles, and Gravel have all cosponsored this legislation.

I am deeply indebted to the Chairman and members of the Public Works Committee for adopting the substance of S. 3556 during the Committee's consideration of the highway bill. Chairman Randolph is the father of the 55 mph speed limit, which was enacted last January, and his sustained support for the extension of the speed limit has been invaluable to the succes of this legislation.

I am also greatly appreciative of the tremendous support given to S. 3556 by the Administration and by many public-spirited citizen groups. Both the Secretary of Transportation, Claude S. Brinegar, and the Federal Energy Administrator, John C. Sawhill, have strongly endorsed the indefinite extension of the 55 mph speed limit on behalf of the Administration. Their letters of support are printed in the Committee's report on pages 23–28.

The benefits of the national uniform 55 mph speed limit are overwhelming both in terms of energy conserved and human lives preserved. These dramatic savings in fuel

and lives have been reaffirmed every month since the lower speed limits began last November, and the savings have been greatest in those states which have had lower speed limits in effect the longest.

In July 1974, the latest month for which complete statistics are available, highway fatalities nationwide declined 17% from the level of July 1973, according to the National Safety Council. For the full seven-month period since the national uniform speed limit was enacted, highway deaths were down 22% from the same period in 1973.

In human terms, this means that the lives of some 7000 men, women, and children have already been saved this year and perhaps 5000 others will be spared a tragic death on the highways before the end of 1974. These 12,000 people whose lives will be saved this year owe their survival largely to the reduced highway speed limit.

In addition, according to National Safety Council statistics, some 230,000 fewer people have been injured in highway accidents during the first seven months of this year, compared with the same period in 1973. This is a 21% reduction in injuries from last year.

More dramatic evidence of the benefits of the 55 mph speed limit was provided over the recent Labor Day weekend. Despite the fact that traffic volume had nearly returned to 1973 levels, the fatality rate was sharply lower than last year. This year's Labor Day highway death toll was the lowest since 1962, according to the National Safety Council.

These safety statistics, which translate in very real terms into human lives saved, are all the more remarkable because they were an unexpected by-product of the energy crisis. The national uniform speed limit was enacted originally for the purpose of saving motor fuel, and significant conservation of fuel has indeed resulted from it. The Federal Energy Administration estimates that 5 million gallons of fuel are being saved every day because of the reduced speed limit.

This fuel saving alone might well be sufficient reason for continuing the present maximum speed limit beyond its expiration date next June 30, but the saving in human lives makes it imperative that we retain the 55 mph speed limit.

I strongly urge the Senate to pass this legislation today, so that Americans can continue to slow down and live.

Mr. JAVITS. Will the Senator yield for 2 minutes?

Mr. BENTSEN. I am delighted to yield to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I am opposed to this amendment, but it gives me an opportunity to make a statement to the Senate about a matter which I think is of the highest importance, which this typifies. That is the speed with which we have forgotten what we endured in the winter of 1973–74 on gasoline. Today the fact that we are continuing to transgress is even worse than it was then.

The United States is hemorrhaging to the extent of $25 billion a year, what it is paying to a small number of Arab states, and the rest of the world about $50 billion a year. We cannot stand it. It is simply impossible. You will break this world if you keep this up.

The only way you can talk turkey to the people who are holding us up in the biggest trust action this world has ever seen—that is what OPEC is, and nothing less—is if you cut your consumption and have to buy less. That they can understand.

Therefore, this and many other measures along the same line are indispensable as an element in the struggle against inflation and in the dreadful danger to the world which is being posed by the bleeding of the balance of payments which I have just described.

Mr. President, I do not want to delay the Senate, but this seemed such a striking example of where we are so deficient in our anti-inflation efforts, and in our efforts to deal with this holdup in terms of the oil price, that I felt I should call it to the attention of the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. If the Senator from Nebraska is ready to yield back the remainder of his time, I am ready to yield back the remainder of my time.

Mr. CURTIS. I ask unanimous consent that I be allowed to withdraw the request for the yeas and nays.

The request for the yeas and nays was withdrawn.

Mr. CURTIS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment of the Senator from Nebraska.

The amendment was rejected.

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

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

On page 17, line 19, insert the following after the phrase "in excess of" change the word "fifty-five" to "sixty". On page 18, lines 23 and 24, strike the phrase "reduction in speed limits to conserve fuel" and insert in lieu thereof the phrase "change in speed limits pursuant to this section."

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for one moment?

Mr. DOLE. I yield.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on this amendment be limited to 10 minutes, to be equally divided between the sponsor thereof and the Senator from Texas.

The PRESIDING OFFICER. Is there objection?

Mr. RANDOLPH. Reserving the right to object——

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

Mr. DOLE. Mr. President, very briefly, the amendment which I am proposing will supplement the one offered earlier by the distinguished Senator from Vermont (Mr. STAFFORD) and accepted by the committee.

My amendment expands upon and complements that of Senator STAFFORD, however, by permitting flexibility downward from 60 miles per hour instead of 55. In addition, it makes one essential change in language to ensure that States could use Federal-aid highway funds to pay the cost of any necessary road sign modification.

So the maximum speed limit under this amendment could be as high as 60 miles per hour, according to the determination of the respective States. It could also be set at any speed less than 60—for example, 55, 50, or 45. That is the sole difference between the intent of our two amendments.

CONSERVATION AND SAFETY

We have been over and over the topics of fuel conservation and highway safety with regard to the speed limit issue, and it is unnecessary at this point to go into a long debate over savings in fuel and savings in lives. Certainly, there is no one here who does not have the utmost concern for both those critically important factors.

But the point I want to make is that it does not take a permanent, uniform, maximum national speed limit to achieve the desired goals in each of these areas. What it does take is a reasonable, acceptable upper-limit guideline within which the States can operate to establish the speed requirements according to the conditions and needs of their own jurisdictions.

And I believe that that reasonable, acceptable standard ought to be 60 miles per hour—in consideration of the interests of all the States.

SPEED ONLY PART OF PROBLEM

To demonstrate what I mean by the premise that what is proper for a heavily populated State on the east coast is not necessarily right for a "wide-open space" State in the Great Plains, West or Southwest, I would call my colleagues' attention to some figures printed in the committee report of S. 3934. These refer specifically to the chart of estimated traffic fatalities in each respective State.

What these figures show is that in 1973—before the "emergency" measure to reduce speed limits to 55 miles per hour—the State of New Jersey, for example, had 423 fatalities with a maximum speed limit of 60. New York had 955 highway deaths with a 65 miles per hour maximum, and Illinois 622 fatalities at 70 miles per hour.

Kansas, Nebraska, North Dakota, South Dakota and Wyoming, on the other hand—all with the much higher limit of 75 miles per hour—had only 162, 122, 51, 63, and 39 highway deaths respectively. And what this signifies to me is that speed was not nearly so much a factor in these States as it was in the others.

FIGURES DRAMATIZE

The figures are dramatized even further when one considers the "percent change" column from 1973 to 1974, with the 55-mile-per-hour limit in effect. For the heavily populated States which lowered their speed limits by only 5, 10, or 15 miles per hour, almost uniformly had greater percentages of change than those like Kansas which dropped theirs a full 20 miles per hour.

I think it is a very valid observation, then, when comparing the 2.56-percent change in Wyoming and the —18.51-percent change in Kansas with the —33.3-percent change in New Jersey, and—26.5-percent change in New York, that a 55-mile-per-hour speed limit in those latter States is not one bit safer than a 60-mile-per-hour limit in the less-populated States further West, which are also less congested trafficwise.

SAVE MORE LIVES

The inescapable conclusion from all this is that we can save more lives in Kansas at 60 miles per hour than east coast States can at 55 miles per hour, simply because our highways are straighter, flatter, less heavily traveled, more open, and yes—safer. Why not, therefore, give us the opportunity to demonstrate it?

In fairness to my good friend from the State of West Virginia and sponsor of the permanent 55-mile-per-hour provision (Mr. RANDOLPH), I have refrained from using that State as an example in these illustrations because their number of estimated fatalities will actually have risen from 1973 to 1974, despite the maximum limit being reduced on their Interstate System from 70 miles per hour for most of 1973 to 55 miles per hour for 1974.

However, it is significant, I believe, that according to extrapolated figures supplied by the Federal Highway Administration, West Virginia—with a speed of 55 miles per hour on its open highways before the energy crisis—had approximately 1 death per 15,000 population. During the same time period, the State of Kansas—although its speed limit was a full 20 miles per hour higher—had very nearly the same death toll of 1 for every 14,000 persons residing in the State. Moreover, the previously mentioned States of New York and New Jersey still had very high per capita death tolls in spite of their much more sophisticated public and mass transportation systems.

LETTERS FROM GOVERNORS

I believe it is significant to point out that while the authors of the permanent 55-miles-per-hour maximum speed limit sought to rally the support of the Nation's Governors on their proposal, even many of the letters they had printed in alleged "favor" of the concept expressed grave reservations about its propriety. I refer specifically to those from the Governors of Kansas and New Mexico, who in essence alluded to the varying conditions across the country by saying that:

> Legislation developed in the Congress for all 50 States does not necessarily fit the needs of all 50 States.

And:

> We in the western States confront a situation probably not encountered in your great State. Because many of the western States are sparsely populated and larger than their sister States to the East, the 55 MPH limit affects the population more dramatically.

This, to me, is sentiment which we cannot ignore and must consider before setting out on the dangerous course of establishing a permanent national limit of any speed.

SEVERE PROBLEM FOR TRUCKERS

A definite situation which must be addressed with regard to the 55 miles per hour speed limit is the extremely serious impact it is having on the American trucking industry. Time is money to this industry and the new speed limit has cost the Nation's truckers a great deal in lengthened trip times and reduced loads per month, while they have faced even higher fuel prices and reduced fuel mileage.

The detrimental impact on the trucking industry is something that affects the entire Nation, and the increased economic expenditure is an additional factor contributing to inflation. Keeping the industry operating at an efficient level is vital to the entire Nation.

INDIVIDUAL PREFERENCE

Having given full consideration to the elements of fuel conservation and highway safety, another important factor to confront before legislating a certain national maximum limit is the individual preference of each American highway driver to be affected by the decision. The reason this "acceptability" factor is so relevant is that it will ultimately determine whether the limit that is set will be adhered to—and very realistically, whether it is one that can and will be enforced.

In a recent survey I conducted in the State of Kansas, over 53 percent of the 20,000 persons polled said that, with all regard for saving both energy and lives, they believed that 60 miles per hour was a fair, acceptable, realistic, and preferable speed to travel. By comparison, a high of only 27 percent favored any other figure—55, 65 or whatever.

I strongly believe that essentially the same result would be true in most Midwestern, Southwestern, and far Western States, and feel that we have an obligation to respond to these views.

ENFORCEMENT OF REASONABLE LIMIT

In expanding on the "enforceability" aspect of the speed limit situation, it is quite clear, I think, that 55 miles per hour is neither being followed nor "followed up." In Kansas, for example a survey by the highway patrol indicated that an average speed of approximately 60 miles per hour has been the practice since the first of this year.

In a similar private study conducted in 14 States during the same period, the general response was the same: That a very low compliance level now exists and that 60–62 miles per hour is the average speed. These 14 States included Arkansas, Florida, Iowa, Kansas, Massachusetts, Michigan, New York, Ohio, Virginia, Mississippi, Oregon, Rhode Island, South Carolina and Pennsylvania.

The Wall Street Journal of August 2, 1974, further emphasized this fact with an article which listed the noncompliance rate in the State of California as 80 percent. And every Senator who has been on a public highway recently is undoubtedly aware of the same thing—that people just do not find 55 miles per hour to be an acceptable limit.

OPTIONAL AND FLEXIBLE LIMIT

Therefore, unless we are going to make a mockery out of the whole speed limit process, I suggest that we act to establish a reasonable level with enough flexibility to suit the needs of all the States. By adopting my amendment, we would give them the option of keeping their limits at 55 if they so choose.

But we would also be allowing them to set their maximums for highway travel at 60 miles per hour if they determine that such a speed better corresponds with the particular needs and conditions of their own jurisdictions—without sacrificing any savings in fuel or lives. I think we owe them that discretionary authority, and hope that my colleagues will agree by supporting this amendment.

MATTER FOR STATES

Mr. President, let me reemphasize one final point before yielding. We are all concerned with safety. We have heard it discussed earlier with respect to the ignition-interlock seatbelt systems. We are going to have it discussed again and again by some who advocate still lower speed limits.

I am just suggesting that in certain parts of this country—in the wide open spaces and in the flatlands of the Midwest and in other similar areas around our Nation—60 is unquestionably a reasonable and safe speed.

I still believe, as the Governor of my State believes, that what is good for New York or Massachusetts or West Virginia is not necessarily good for Nevada, Nebraska, or Kansas. Therefore, speed limits are a matter which should be left, within at least a reasonable range of discretion, to the State legislatures.

Mr. President, I ask unanimous consent that the letter to Senator PERCY from Governor Docking of Kansas be included in the RECORD at this point, and with that I reserve the remainder of my time.

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

STATE OF KANSAS,
OFFICE OF THE GOVERNOR,
Topeka, Kans., July 2, 1974.

Hon. CHARLES H. PERCY,
U.S. Senator of Illinois,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PERCY: Thank you for your recent letter alerting me to legislation you are sponsoring to extend indefinitely the 55 mph speed limit on United States Highways.

I certainly agree with the need for safety measures on our highways to reduce accidents, and the need for energy conservation measures. In Kansas, we have taken steps to achieve both objectives. I know that your proposal to extend indefinitely the highway maximum speed has been developed with the best of intentions. However, I oppose the federal government dictating to the states.

Too many times, it seems to me, the federal government resorts to blackmail in attempting to coerce the states into accepting legislation. I am opposed to the "gun to the head" approach used by the federal government to force the states to pass certain legislation developed in the Congress for all 50 states does not necessarily fit the needs of all 50 states; what is good legislation for New York or Massachusetts is not necessarily good legislation for Nevada or Kansas.

In my state, our problem is distance. Many persons oppose the 55 mph speed limit here because of the hardship it works on many persons and businesses.

Conservation and safety measures are needed. My request is that the federal government and the Congress allow the states to develop legislation that will achieve these goals with the best interests of their citizens foremost in mind.

Thank you for allowing me this opportu-

nity to comment on your proposal for extending indefinitely the 55 mph speed limit.

With every good wish.

Yours sincerely,

ROBERT DOCKING,
Governor of Kansas.

Mr. BENTSEN. Mr. President, I yield 4 minutes to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I am sure that the Senator from Kansas, who is effective in most matters, will not think that today we would reverse the vote which took place on May 13, a rollcall vote in this Chamber on exactly the same amendment that he offers for our consideration at this time.

Mr. DOLE. Mr. President, if the Senator will yield, this amendment is somewhat different from that because here the 60-miles-per-hour limit is permissive—to be determined by the States—and in the other it was not.

Mr. RANDOLPH. The rollcall vote at that time was 52 to 29 against the essence of the amendment.

I will place in the RECORD the letters from the Governors. I have a letter from Mr. John C. McKay, director of the Energy Agency of Minnesota, containing a very important endorsement of the 55-miles-an-hour speed limit. I have a letter from Governor McCall of Oregon, who says:

We are now equipping Oregon State Police with "moving radar," which allows an officer to "clock" the speed of an on-coming car while his patrol car is in motion. This is part of our commitment to enforce the 55 m.p.h. limit rigorously. I am concerned that if widespread disregard of the limit developed, a larger-than-normal disparity in speeds might develop which could make the limit counterproductive for safety.

I have a letter from Governor Carter, of Georgia, and I have a letter from Gov. Malcolm Wilson, of New York, who states:

The data concerning savings in gas and lives resulting from this speed restriction are encouraging and you may be assured that New York State will continue to enforce it.

I invite the attention of my able colleague to the letter from the Governor of Kansas. This is his expression, in part:

There is no doubt that there is a wide acceptance of the 55 mph speed limit and our Economic Development Department, as well as our State Highway Commission, relates to me that there has been a dramatic rise in in-state driving. Thus, our home folks are really, in a sense, rediscovering the merits of their own countryside and recreational areas.

The Board of the Epilepsy Foundation said something that perhaps is very moving. Action taken by that organization is stated in this language:

This lower speed limit is probably the most important thing to happen in epilepsy prevention for a very long time. This reduction has substantially reduced the number of serious head injuries which is perhaps the most significant reduction in injuries received in traffic accidents.

That was contained in a resolution urging the adoption of the permanent 55-mile-an-hour speed limit.

We have had, of course, the endorsement of the Department of Transportation, through Secretary Brinegar. We have had the endorsement of a very large number of governors by vigorous letters of support. No governor has written us in opposition to the continuance of the 55-mile-an-hour speed limit. We have had no word from the Governors' Conference, which is familiar with the provision to be offered and which has been pending in the Senate for almost a month before being brought here today.

This increase to 60 miles per hour would defeat much of that national speed limit's purpose.

During our December 11, 1973, hearings, Secretary Brinegar indicated that a speed of 60 miles per hour would use 6 percent more fuel than 50 miles per hour would. The Senate has already compromised by agreeing to a 55-mile-per-hour speed limit which conserves only two-thirds the amount of fuel as the 50 miles per hour would. A 60-mile-per-hour limit would save even less. At 60, 886 million gallons would be saved per year by cars and only 1.2 million gallons for all vehicles.

Everyone also tends to push the limit a little bit. Thus, 50 miles per hour is actually around 54–55; our 55-mile-per-hour limit is usually pushed close to 60 even with strict enforcement at present; setting the actual limit at 60 miles per hour would effectively kill significant fuel savings.

It is also Secretary Brinegar's position, "that between 50 and 55 miles per hour fuel efficiencies of trucks and buses are unchanged. But as you push to 60 miles per hour—with increased wind resistance overall efficiencies again decline."

Vehicle miles traveled, according to FHWA, reached 1973 levels starting in April, and still there has been both a reduction in fatalities and declines in gasoline sales.

Mr. President, I ask unanimous consent to have the letters to which I have referred printed in the RECORD.

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

STATE OF MINNESOTA ENERGY AGENCY,
Saint Paul, Minn., August 29, 1974.

Hon. JENNINGS RANDOLPH,
Chairman, Senate Public Works Committee, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR RANDOLPH: As director of the Minnesota Energy Agency, I am expressing the satisfaction our staff feels to read of the 55 mph national speed limit that would become a permanent feature of the American highway if your committee's recommendations are approved. I join FEA Administrator John Sawhill in endorsing your action and assure you of the Minnesota state government's support of the proposed legislation.

With the thought that it might be of interest to you, I am enclosing a copy of Minnesota H. F. 2862, now law, a bill authorizing the Governor of our state and the state highway commission to take similar action. Minnesota is operating under the 55 mph law and has had the dual successful record of lowered energy consumption and lowered accident rates recorded generally across the nation. It is also state policy under Chapter 307 to encourage car pooling, as in your legislation.

We urge your continued efforts on behalf of this bill and assure you of our cooperation if and when it becomes law.

Very truly yours,

JOHN C. MCKAY,
Director.

OFFICE OF THE GOVERNOR,
Salem, August 28, 1974.

Hon. JENNINGS RANDOLPH,
U.S. Senate, Committee on Public Works, Washington, D.C.

DEAR SENATOR RANDOLPH: We in Oregon established a 55 m.p.h. speed limit during the energy crisis last year before Congress acted. While our primary motivation was to conserve energy, the limit also has saved lives in Oregon. Motorists are obeying the limit fairly well based on a June survey. Checks at 13 stations around the state showed speed increases only a fraction of a mile per hour above May, and about three miles per hour above results last December (the month following the imposition of the limit).

The energy crisis has resulted in fewer miles traveled, as well as lower speeds. Miles traveled for the first five months of 1974 were down 8.59 percent from the year before. On the state highway system, the reduction in travel was 11.9 percent. Compare how closely ties parallels the 12.6 percent drop in fatalities between January and May, 1974, on the roads where the speed limit has not been lowered. On the other hand, deaths were down 60.5 percent during this period on the freeways and highways where the speed limit had previously been higher.

Therefore, for the first five months of 1974, traffic deaths on roads where the speed limits were unchanged were reduced about the same percentage as the reduction in travel. However, on those roads where the speed limit was reduced, fatalities are down substantially more than the reduction in miles traveled.

We are now equipping Oregon State Police with "moving radar," which allows an officer to "clock" the speed of an on-coming car while his patrol car is in motion. This is part of our commitment to enforce the 55 m.p.h. limit rigorously. I am concerned that if widespread disregard of the limit developed, a larger-than-normal disparity in speeds might develop which could make the limit counterproductive for safety.

I commend your interest in traffic safety. The time is right for the Federal government to concern itself more intensively with domestic problems and develop a true Federal-State partnership for traffic safety.

In this regard, the 1975 Highway Safety Appropriations Bill is now before the Senate after passing the House with the funds for the incentive grants deleted. We have been notified that Oregon is eligible for such a bonus for 1973. Please do all you can to support incentive grants in the 1975 bill. I would appreciate your efforts toward a long-term goal of replacing existing penalty provisions with such grants.

Enclosed for your information is a publication of the Oregon Traffic Safety Commission, some of which deals with the 55 m.p.h. limit.

Sincerely,

TOM MCCALL,
Governor.

EXECUTIVE DEPARTMENT,
Atlanta, August 26, 1974.

Hon. JENNINGS RANDOLPH,
U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR RANDOLPH: Thank you for your letter urging continued strong enforcement of the nationwide 55 miles per hour speed limit. The results of the reduced speed limit indicate the tremendous savings that can be made through conservation programs in terms of petroleum products, consumer dollars, and most importantly human lives. Thus far, Georgia's highway death rate has dropped almost thirty percent below that for the same period in 1973.

Even though there are competing economic considerations which require further study, I believe at this time they are outweighed by the savings and benefits of the reduced speed

limit. Therefore, I support the strong enforcement of the 55 miles per hour limit and legislation to extend this reduced limit indefinitely.

Sincerely,

JIMMY CARTER.

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, August 7, 1974.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works, U.S. Senate, Washington, D.C.

DEAR SENATOR RANDOLPH: This is in reply to your letter of July 10th concerning the uniform nationwide speed limit of 55 miles per hour.

The data concerning savings in gas and lives resulting from this speed restriction are encouraging and you may be assured that New York State will continue to enforce it.

Sincerely,

MALCOLM WILSON.

OFFICE OF THE GOVERNOR,
Topeka, Kans., July 25, 1974.

Hon. JENNINGS RANDOLPH,
Senior Senator from West Virginia, Chairman, Committee on Public Works, New Senate Office Building, Washington, D.C.

DEAR JENNINGS: Thank you for your letter of July 10, in which you so substantively expressed your concern about the 55 mile per hour speed limit and its beneficial effects on energy saving as well as the reduction of traffic fatalities and accidents.

Kansas records reflect that as of July 15, 258 fatalities were reported, a reduction of 125 lives from the 383 of comparable 1973 period. It is a logical assumption that lower speeds do reduce deaths on the highways and we certainly have proof of it in the records.

I assure you of our continuing efforts to maintain the slower speed limits. In fact, a recent survey indicated that the average speed on the Interstate highways was only slightly above the 55 mph limit. There is, admittedly, a tendency by some motorists to stretch these limits, possibly because they are not as rigidly enforced as in Kansas.

There is no doubt that there is a wide acceptance of the 55 mph speed limit and our Economic Development Department, as well as our State Highway Commission, relates to me that there has been a dramatic rise in in-state driving. Thus, our home folks are really, in a sense, rediscovering the merits of their own countryside and recreational areas.

Your sharing with me your views is much appreciated and I assure you of our cooperation and understanding.

With every good wish.

Yours sincerely,

ROBERT DOCKING,
Governor of Kansas.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Who yields time?

Mr. DOLE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. DOLE. I want to make still another point in that case; that I am not advocating any maximum Federal speed limit which would be uniformly implemented in every State. What I am suggesting by my amendment is that the Governor of Nevada, the Governor of West Virginia, the Governor of my State, and the Governor of Nebraska, if they wish—acting with their State legislatures—can make the speed limit on the highway systems of their own States 60 miles per hour if they deem it appropriate.

I have letters from governors, too. I have one from the Governor of my State which has just been printed, and another from the Governor of New Mexico, Mr. King, both of whom print out that we have to consider the wide-open spaces—the different parts of the country in which everyone lives.

I have already mentioned, but I call attention again to the survey conducted in 14 States where it was found that there was a very low rate of compliance with the 55-mile-per-hour speed limit. Most people were driving 60 miles per hour and more. And in one State—the State of West Virginia—when the speed limit was lowered from 70 to 55 miles per hour, the death rate actually went up nearly 10 percent.

Again I state that we should give the Governors of the States and the State legislatures the right to determine at what speed the drivers in their jurisdictions should drive, so long as it does not exceed what I consider to be a very fair, reasonable and safe maximum speed in many States, including Kansas. And even if our State is the only one out of 50 that wishes to establish a 60-miles-per-hour maximum—even if all 49 others want to remain at 55, we should have the opportunity to make that determination.

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

Mr. DOLE. I yield.

Mr. CURTIS. Is it not true that a speed of 55 miles an hour in some types of terrain and conditions of traffic is more hazardous than perhaps 60 miles per hour would be in level country, where the roads are straight and the visibility is unimpaired?

Mr. DOLE. I am certain that studies would bear that observation out, just as they would also show a substantially greater savings in fuel driving at an uninterrupted sustained speed of 60 miles per hour, as opposed to stop and go, acceleration and deceleration driving at basically 55 miles per hour on a congested highway regardless of terrain.

Mr. BENTSEN. Mr. President, I yield my remaining minute to the Senator from Vermont.

Mr. STAFFORD. I thank the distinguished Senator from Texas for yielding.

Mr. President, there is no need for any extended statement in defense of the proposal to set a national 55-mile-per-hour speed limit. The Senate has previously rejected efforts to set aside or to increase that maximum, and I trust this latest effort will also be rejected.

The basic argument in favor of the 55-mile-per-hour speed limit is that it saves lives and it saves gasoline.

By now the record is absolutely clear. The reduced speed limit of 55 miles per hour has been saving about 1,000 lives a month on our Nation's highways. In effect, that means a return to higher speeds will mean the death of more motorists on our highways.

How can we consider any increase above the 55-mile-per-hour limit when we know such an increase means more people will be killed?

Now, about saving gasoline. The Highway Users Federation has told us that holding the maximum highway speed limit to 55 miles per hour will save 5.3 million gallons of gasoline each day, compared to a national speed limit of 60 miles per hour. Of course, the savings in gasoline would be even greater if we compare 55 miles per hour to a speed limit higher than 60 mile per hour.

Our energy shortage has eased, but it is still with us. We cannot afford to ignore every opportunity to save gasoline at this time in history. And, of course, there is no time in our history when we can afford to ignore the opportunity to save lives.

I urge the Senate to support the committee recommendation.

Mr. BENTSEN. Mr. President, I yield 3 minutes to the distinguished chairman of the full committee on the bill.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 3 minutes.

Mr. RANDOLPH. Mr. President, I appreciate the manager of the bill giving me this opportunity to come back to the question raised in reference to what you have indicated as the wide open spaces of certain parts of our country. I am certain that would be applicable to Kansas.

I should like the RECORD to reflect that in the period January through April of 1973, there were 162 traffic fatalities. For the same months in 1974, the figure is 132. That is a decrease in fatalities of more than 18.5 percent.

Mr. President, I ask unanimous conent that the record of estimated traffic fatalities of all the States be printed in the RECORD so that we may read it.

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

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

ESTIMATED TRAFFIC FATALITIES JANUARY–APRIL

State	1974	1973	Percent change
Alabama	315	387	−18.60
Alaska	19	13	+46.15
Arizona	184	293	−37.2
Arkansas	147	193	−23.83
California	1,040	1,434	−27.4
Colorado	147	166	−11.44
Connecticut	100	147	−31.97
Delaware	20	42	−52.38
Florida	752	963	−21.9
Georgia	456	561	−18.7
Hawaii	42	40	+5.0
Idaho	71	93	−23.65
Illinois	511	622	−17.8
Indiana	309	509	−39.2
Iowa	174	224	−22.32
Kansas	132	162	−18.51
Kentucky	228	322	−29.19
Louisiana	218	310	−29.67
Maine	42	53	−20.75
Maryland	170	264	−35.60
Massachusetts	256	304	−15.78
Michigan	447	572	−21.8
Minnesota	217	261	−16.23
Mississippi	211	271	−22.14
Missouri	232	364	−36.2
Montana	55	83	−33.73
Nebraska	95	122	−22.13
Nevada	55	77	−28.57
New Hampshire	31	28	+10.78
New Jersey	282	423	−33.3
New Mexico	123	172	−28.48
New York	701	955	−26.5
North Carolina	462	526	−12.16
North Dakota	28	51	−41.07
Ohio	565	666	−15.1
Oklahoma	189	205	−7.80
Oregon	139	196	−30.61
Pennsylvania	597	728	−17.0
Rhode Island	19	51	−62.74
South Carolina	256	293	−12.62
South Dakota	51	63	−19.04
Tennessee	406	438	−7.30
Texas	811	1,144	−28.8
Utah	40	100	−60.0
Vermont	23	39	−41.02
Virginia	270	355	−23.94

ESTIMATED TRAFFIC FATALITIES JAN.-APR.—Continued

State	1974	1973	Percent change
Washington	180	224	−19.64
West Virginia	126	115	+9.56
Wisconsin	126	308	−59.0
Wyoming	38	39	−2.56
Total	12,129	16,030	−23.77

Mr. RANDOLPH. In January, February, March, April, May, and June—that is not last year, that is this year—we had a saving of 6,000 lives, lives that would have been lost in traffic fatalities. The percentage of change was 23 plus, 24 plus, 22 plus, 22.5 plus. The record is there.

It is very clear that there is not only a saving of fuel but of lives.

We have a program of across the board support that not only saves fuel, but saves lives and gives the people of this country some joy in riding through the countryside of Kansas and some other States, without the tension we have had in the past.

Mr. DOLE. Will the Senator yield to me for just one moment?

Mr. RANDOLPH. Yes, indeed.

Mr. DOLE. I wish to explain that there was a drop of over 18 percent in fatalities in Kansas when the speed limit was reduced a full 20 miles per hour, from 75 to 55. However, in the Senator's State of West Virginia, according to his committee report, the fatalities went up 10 percent—in spite of the fact that the interstate highway speed limit was reduced from 70 to 55. And I wonder how he might explain that?

Also, I am not suggesting that safety is not a factor, I am just submitting that the States should have the right to set their own speed limit as long as it does not go above 60 miles per hour.

I have faith in my State legislators and in my governor. If they feel that it is an appropriate speed and want to set the limit at 60, they should have that right. That is the only argument here.

Mr. RANDOLPH. Mr. President, I can only say that the Senator from Kansas is wrong.

I said that to him in May and I say it, respectfully, to him now. I am confident that the Senate will defeat this proposed amendment more soundly than on May 13. The Senate can vote on this matter, and certainly then we shall have the feeling of the body.

The PRESIDING OFFICER (Mr. Moss). The time of the Senator from West Virginia has expired.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HASKELL), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I further announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

I also announce that the Senator from Hawaii (Mr. FONG), and the Senator from Illinois (Mr. PERCY) are absent on official business.

I further announce that the Senator from Oklahoma (Mr. BELLMON) is absent due to illness.

I further announce that, if present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

The result was announced—yeas 22, nays 63, as follows:

[No. 393 Leg.]

YEAS—22

Abourezk	Hansen	Scott, William L.
Bayh	Hruska	Stevens
Curtis	Johnston	Stevenson
Dole	Kennedy	Taft
Eagleton	Long	Thurmond
Fannin	McGovern	Tower
Griffin	Pearson	Young
Gurney		

NAYS—63

Aiken	Eastland	Moss
Allen	Ervin	Muskie
Baker	Hart	Nelson
Bartlett	Hartke	Nunn
Beall	Hatfield	Packwood
Bentsen	Hathaway	Pastore
Bible	Hollings	Pell
Biden	Huddleston	Proxmire
Brock	Hughes	Randolph
Brooke	Jackson	Ribicoff
Buckley	Javits	Roth
Burdick	Magnuson	Schweiker
Byrd, Harry F., Jr.	Mansfield	Scott, Hugh
Byrd, Robert C.	Mathias	Sparkman
Cannon	McClellan	Stafford
Case	McClure	Stennis
Chiles	McGee	Symington
Church	McIntyre	Tunney
Clark	Metcalf	Weicker
Cranston	Metzenbaum	Williams
Domenici	Mondale	
	Montoya	

NOT VOTING—15

Bellmon	Fong	Helms
Bennett	Fulbright	Humphrey
Cook	Goldwater	Inouye
Cotton	Gravel	Percy
Dominick	Haskell	Talmadge

So. Mr. DOLE's amendment was rejected.

Mr. BENTSEN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. STAFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MUSKIE. Mr. President, I am supporting the revised truck weight limits contained in S. 3934, the Federal-Aid Highway Amendments of 1974, proposed by the Public Works Committee.

I do so for several reasons. First, the increases in the maximum allowable weight per axle and in the gross weight allowable—from 73,280 to 80,000—are reasonable, particularly since there have been no increases since 1956.

Second, the legislation contains another weight limit control, known as the "bridge formula," which establishes specific limits according to a combination of factors—that is, the number of axles, axle spacing, and gross weights. This formula will be particularly useful to professional highway administrators, since it would provide them with a flexible tool for applying strict limits to a wide variety of vehicles.

Third, the legislation is important to my home State of Maine in that it will establish similar limits on weight per axle currently applicable to interstate highways in Maine to interstate highways throughout the country. Also, it will establish the same gross weight limits to interstate highways everywhere which are now applicable to the Maine Turnpike and other noninterstate highways in Maine for our State's most important products.

In other words, Maine commercial truck transportation will be able to travel as freely throughout the country as is now generally possible in Maine.

Transportation — particularly truck transportation—is basic to Maine's economic livelihood. We are far from the principal markets for many of the products we produce. Trucks provide a vital link betwen producer and buyer.

The equalization of truck weight limits which will result from this legislation would have a beneficial effect on an important segment of Maine industry and on the economy as a whole. I urge its adoption.

Mr. PACKWOOD. Mr. President, I have become increasingly concerned in past weeks over the directions highway beautification legislation is taking in the House. It seems that the House Public Works Committee is supporting a bill which would prove highly detrimental to Oregon's billboard removal program. The Senate bill, fortunately, is a decent bill and will allow Oregon's program to move forward on schedule. I am pleased to lend my support to the Senate bill and can only hope that the House will see the folly in any efforts to weaken the Highway Beautification Act.

My own State of Oregon is out ahead in its billboard removal program and, in fact, had its own program long before the Federal act was passed. Oregon's provisions are far more stringent than those contained in the Federal act. Now with its program more than two-thirds complete, at an expenditure of around $4 million, it would be disastrous indeed from Oregon's standpoint should Federal funds for the program be curtailed or provisions adopted which would in effect stymie programs such as Oregon's.

The Federal-Aid Highway Amendments of 1974 which we are considering today contain a sound highway beautification section. As pointed out in the Senate Public Works Committee report:

At the end of calendar year 1973, approximately 200,000 nonconforming, illegal, and abandoned signs have been removed. Thus far this year, more than 25,000 additional signs have been removed by the States. Clearly, now is not the time, after many

years of effort, to slow the program or vitiate its intent to eliminate the visual pollution along our major highways . . . it is imperative that this legislation be enacted, in order that the program be allowed to proceed in an orderly manner.

And, further, as cautioned by the American Association of State Highway and Transportation Officials:

Any curtailment in the program can have an adverse effect within the individual States in their ability to move forward expeditiously on this program. It not only causes difficulty in the administration of a program with start and stop features, it causes problems for the administrators with their State legislatures in requesting matching funds to carry on a program, as well as changes in State law to make them compatible with Federal laws when the Federal program is then delayed for one reason or another.

Mr. President, I have written each member of the House Public Works Committee advising of my State's concerns over legislation pending in that committee. I hope that Congress will heed these concerns and will take note of the Senate action to provide a strong billboard removal program with the funding necessary to allow it to move ahead at a steady pace.

I ask unanimous consent that there be printed at this point in the RECORD a letter received from Oregon's Governor McCall concerning problems with the House legislation, as well as a copy of a background statement prepared by the Oregon Travel Information Council and an article which appeared in the August 22, 1974, issue of Time magazine.

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

OFFICE OF THE GOVERNOR,
Salem, Oreg., August 23, 1974.

HON. GERALD FORD,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am deeply concerned about certain provisions in H.R. 16093, a measure which proposes amendments to the Federal Highway Beautification Act controlling outdoor advertising, Section 131, Title 23, U.S.C.

Oregon enacted legislation controlling outdoor advertising many years before the Federal Act was passed, and its provisions are far more stringent than those contained in the Federal Act.

Oregon is actively pursuing the removal of outdoor advertising signs and its program is more than two-thirds complete, at an expenditure of some $4,000,000. We anticipate having the program finished by January 1, 1975, at a total expenditure in excess of $6,000,000. Seventy-five percent of this sum represents federal funds.

Oregon long ago recognized the need to provide information to the traveling public to compensate for removal of the information contained on outdoor advertising signs. As a result of the federal legislation, Oregon enacted statutes authorizing the Logo Board Program, which is being actively developed. I understand we are one of two states in the United States that have progressed this far.

In addition to the Logo Board Program, the state has contracted through its Travel Information Council with a private concern to provide information plazas in all rest areas on the Interstate and primary system. These plazas will be attractive structures containing commercial advertising for travel-oriented businesses. Forty percent of the display area will be used for public service information supplied by the state, and sixty percent will be available for commercial advertising.

There are provisions in H.R. 16093 that will, in my opinion, severely affect the sign removal program in Oregon; and, in some respects, negate the effect of the Highway Beautification Act which was primarily designed to reduce the visible pollution of our countryside by an array of outdoor advertising signs. Some of the specific objections I have are as follows:

On page 8 of the bill, under "Control of Outdoor Advertising," the amendment to subsection (c) of section 131 of Title 23, U.S.C., disturbs me. It expands the definition of "directional signs" to include, but not be limited to, signs relating to rest stops, camping grounds, food services, gas, automotive services and lodging. These directional signs are signs which would be owned by outdoor advertising companies and would be installed outside of the highway right-of-way in any zones throughout the state. Oregon law now prohibits outdoor advertising signs in any zones other than those that are commercial and industrial. The language of the bill section does not make it clear whether this provision would be mandatory or optional.

The amendment to subsection (f) of section 131 of Title 23, U.S.C., appears to put a damper on the Logo Board Program. It restricts the use of Logo Boards in suburban or urban areas and also provides that they cannot be erected where adequate definition of "directional signs." I do not understand how this particular section would be interpreted, since Oregon does not allow directional signs except those that relate to publicly or privately owned natural phenomena, and to historical, cultural, scientific, educational and religious sights. If we do not allow directional signs that relate to other subject matter, are we penalized in the development of our Logo Board Program?

The additional provisions of H.R. 16093 that would add new language to section 131 of Title 23, U.S.C., disturb me even more. New subparagraph (o) of section 131, when read in conjunction with the amendments to subparagraph (f), appears to curtail the Logo Board Program in Oregon and allow signs to stay up that would come down under existing state law. The part of subsection (o) that bothers me is the reference to whether a sign had specific information in interest of the traveling public on June 1, 1972. Copy on advertising signs can change on a monthly or yearly basis, and this reference to what a certain sign contained at a certain date seems an ambiguous basis upon which to determine whether it could stay up or must come down.

The provisions of new subsection (q) are unclear. They refer to the implementation of state laws enacted to comply with section 131. Oregon long ago enacted state legislation to comply with section 131, and we have an existing contract with the Federal Government relating to this very subject. A copy of this agreement is enclosed.

The provisions contained in new paragraph (q) seem vague. They relate to a state that already has laws stricter than existing federal laws or the proposed federal laws. I believe a provision should be put in this section to provide that if state laws are more strict than federal laws, state law would control.

While many states throughout this country have been reluctant to enter into the Highway Beautification Program, Oregon has done so in a forthright and energetic manner—but it appears this legislation would be detrimental to Oregon. We are leading the nation in removal of outdoor advertising signs, and in providing the information to the traveling public they need to replace what they might see on outdoor advertising signs.

I solicit your support in changing this bill, to provide that states have the option of adopting legislation stricter than the federal legislation; or, if they have legislation in effect that is stricter than the federal legislation, the federal law will not supersede the state legislation.

The proposed legislation would penalize a state that has actively undertaken the removal of outdoor advertising signs. The proposed legislation would require the adoption of national standards which would take a considerable length of time to be formulated. In the meantime, the status of our program in Oregon would be in confusion. The inequities that would come about are real. Those advertisers who have had their signs taken down are being penalized and those advertisers whose signs still remain are gaining an advantage.

Another inequity involves cases where the state has contracted with a private contractor to provide information plazas. The contract was entered into on the assumption that all non-conforming outdoor advertising signs would come down. If we are not allowed to continue our sign removal program, the basis upon which the contract was made is gone, and the possibility of the program's failing is real.

Oregon has proceeded with the removal of outdoor advertising signs on the assumption that federal law would remain reasonably constant. It appears now that Congress wants to change the rules of the game in the fourth quarter.

Sincerely,

TOM MCCALL,
Governor.

HIGHWAY BEAUTIFICATION BACKGROUND

On July 24, 1974, Representative John Kluczynski introduced H.R. 16093, the Federal Aid Highway Act of 1974 which is currently under consideration by the House Public Works Committee. There is much concern that the provisions of the Outdoor Advertising Section of the Act would be very detrimental to the Oregon Beautification effort, as well as highway beautification efforts throughout the country.

Current highway beautification law calls for the orderly removal of outdoor advertising signs outside of zoned commercial and industrial areas and provides three alternative means to communicate information to the traveling public; logo signs, information plazas and directional signs. A state may install motorist information "logo" signs within the right of way to display the trademark or logo of several businesses on a large backboard located in advance of an interchange. Under current regulations, separate backboards are provided for gas, food, lodging and campground facilities. A state may also inform travelers through the use of information plazas that display advertisements for businesses as well as public service information. These information plazas are to be located in rest areas and scenic overlooks. Finally, directional signs located outside of the highway right of way may be installed by outdoor advertising companies to provide information for places of scientific, educational, historic or cultural interest. These directional signs are limited to 150 square feet and are to be erected by private individuals, not the state.

Oregon has chosen to utilize all three of the available methods to convey information to the traveling public. Logo signs have been installed at six interchanges on the interstate system and a contract has been let for the installation of these signs at an additional 75 interchanges prior to the end of the year. A concession has been granted for the installation of information plazas in rest

areas and three prototype units will be installed, legislation has been enacted and regulations provided for the installation of the limited number of directional signs allowed outside of the right of way.

The bill pending before the House Public Works Committee would have a drastic impact upon these alternatives. Under H.R. 16093, those businesses permitted to use directional signs outside of the right of way would be expanded to include "rest stops, camping grounds, food services, gas and automotive services and lodging." Further, the bill would allow the installation of three of these directional signs per mile in each direction of travel outside of zoned commercial and industrial areas.

The effect of this provision would be to enable outdoor advertising companies to install six signs per mile in the same areas in which the State of Oregon and Federal government are spending seven million dollars to remove all outdoor advertising signs. The potential impact of this measure would be to allow approximately 15,000 additional signs on Oregon's highways. That is more signs than would have been permitted under Oregon law before the initial beautification act of 1965. Nationally the estimated impact has been stated as allowing an additional one million billboards.

Tied in to this opening of the directional sign language would be the curtailment of the logo sign program. The bill provides that specific motorist information "logo" signs on interstate and primary highways may not be installed in lieu of outdoor advertising signs in zoned commercial and industrial areas or directional signs located outside of the right of way. Although logos would cost less, it is anticipated that businesses would prefer larger single purpose signs to advertise their services. By removing a large number of potential advertisers, the development of a comprehensive logo program would be impossible.

Further, the bill prevents the removal of outdoor advertising signs containing directional information that were in existence on June 1, 1972 until December 31, 1975 or until the state certifies that directional information is reasonably available by other methods. Enactment of this language would prevent any orderly takedown of billboards by Oregon's Highway Division.

Finally, the bill provides the *right* to an owner or operator to continue to have one non-conforming sign in each direction of travel on *each highway* within 75 miles of the business on which they had directional information as of June 1, 1972. These outdoor advertising signs are to remain until directional information can be provided by legally-installed outdoor advertising signs or on-premise signs or by other means as the state deems to be adequate. Again, an orderly outdoor advertising sign removal program would be impossible under this provision.

The Public Works Committee of the Senate has reported out S. 3934, a bill that is consistent with the initial intent of the Highway Beautification legislation established in 1965. However, it remains to be seen as to how the Senate version will fare in conference committee with the House.

[From Time, Aug. 22, 1974]

BEAUTY AND THE BILLBOARD

I think that I shall never see
A billboard lovely as a tree.
Perhaps, unless the billboards fall,
I'll never see a tree at all.
—Ogden Nash, "Song of the Open Road"

The Highway Beautification Act of 1965 was one of Lady Bird Johnson's pet projects. Inspired by visions of landscaped and uncluttered thoroughfares, she spearheaded the drive that resulted in a law banning billboards along major rural highways. Skimpy funding slowed down the billboard purge until 1971, but since then some 265,000 have been taken down and another half million slated for removal. Now Lady Bird's accomplishments may well be undermined by legislation expected to emerge from the House Public Works Committee sometime this week.

Ironically, the sponsor of that controversial bill is Lyndon Johnson's former friend and fellow Texan, Representative Jim Wright. Sympathetic to the billboard lobby, Wright has proposed several "beautification" amendments to the 1974 Highway Construction Act that take the teeth out of earlier legislation. The 1965 law prohibited signs within 660 feet of the right of way. Advertisers responded nimbly by placing jumbo signs just beyond the 660-ft. limit; they were even more unsightly than the smaller signs adjacent to the road. To counter this violation of the spirit of the law, the Senate Public Works Committee recently reported out a bill extending the ban to the limits of legibility. The amended House version, however, provides for control of signs beyond the 660-ft. limit only if they are "erected with the purpose of their message being read from the main traveled way." As critics of the amendment have pointed out, advertisers could easily slip a billboard between the lines of this vaguely phrased loophole. For example, they could ostensibly erect it for the benefit of motorists on a secondary road, but place it so that it was easily visible from the nearby interstate route.

The House bill would also permit six "directional" signs per mile—three facing each side of the highway. As the amendment is worded, "directional" is an umbrella term covering "rest stops, camping grounds, food, gas and automotive services, lodgings, natural wonders, scenic and historic attractions." The American Institute of Architects contends that by defining directional so loosely, the bill legitimizes 80% of the signs outlawed by the 1965 Act. John Francis, highway beautification coordinator for the Department of Transportation and the bill's most vociferous critic, estimates that it could result in the proliferation of more than a million billboards along interstate highways.

Mr. MONTOYA. Mr. President, today, the Senate is considering S. 3934, the Federal-Aid Highway Amendments of 1974. These amendments are not designed to effect a major revision of our Federal highway program, but rather their purpose is to make necessary adjustments in the Federal-aid program and to extend highway beautification activities. The Senate is fortunate to have the opportunity afforded by this bill to focus on individual aspects of the highway program which require immediate attention without having to consider the full Federal-aid highway program.

Mr. President, I am sure every Member of the Senate will agree that as a result of using inflation and the uncertain energy supply situation which confronts us today, certain adjustments in our Federal-aid highway program are timely.

Mr. President, I am pleased to be able to support this bill which takes important steps toward the improvement of our national highway construction system. I also want to express my appreciation to Senator LLOYD BENTSEN, the chairman of our Subcommittee on Transportation for the distinguished leadership he has provided during our consideration of this. Also, I commend my colleagues on the subcommittee and the full committee for their efforts in behalf of this bill.

Mr. President, all the provisions of this bill confront matters of importance which demand our full attention. At this time I would like to address myself to several important features which are contained in the bill.

Mr. President, of special interest is section 102 of the bill which allows funds for Indian reservation roads and trails to be used on Federal-aid highways on or leading to Indian lands and increasing the authorization for the program by $25 million. This section would permit Indian road funds to be used on Federal-aid routes within or leading to Indian lands where the upgrading of such routes would provide particular benefits to the Indian communities and Indian economic development. This section of the bill was prompted by the urgent need to construct and upgrade portions of three New Mexico highways serving two major developments on Navajo lands in the Four Corners region of the State. The Navajo Indian irrigation project and several planned coal gassification plants. This section, I believe, provides a greater degree of flexibility in the Indian roads program so that needed highway repairs and improvements will not be delayed merely because a road of vital importance to an Indian community happens to be a Federal-aid system road.

Mr. President, in order to assure that local Indian communities retain full control over Indian road funds I am cosponsoring an amendment, with Senator ABOUREZK, to assure that roads and bridges which are provided for Indian people in this bill meet with the approval of those same Indian communities in our national road building program, it is important that we remember the needs and the desires of all our citizens.

The amendment will not interfere with the intended provisions of the act, rather it will insure that Indian people have the opportunity to fully participate in this expanded Indian road program.

Mr. President, the permanent national speed limit of 55 miles per hour is an important element of this bill. The National Academy of Sciences reported to the Public Works Committee just last week that an estimated 4,000 deaths occur each year as a result of exhaust pollutants from automobiles. There is a major and continuing effort by all sectors of our society to reduce that figure. In this respect, it is important to note that during the first 6 months of the 55-mile-per-hour limit deaths were reduced on all highways by almost 6,000. We cannot, in good faith, spend billions to save lives from exhaust emissions without taking the vital step afforded by this bill to save even more lives.

Mr. President, of all the energy conservation measures available to us, the reduced speed limit has proved the most certain and the least difficult to secure for ourselves. At the height of the energy crisis during the oil embargo, this oil economy measure was critical. Now that that oil crisis has eased, it is important to remember that continued conservation remains important to energy self-sufficiency. Conservation is also vital to the continuing balance of payments problem as we struggle with inflation and the long-term economic ills of the Nation.

The Federal Energy Administrator, Mr. John Sawhill, reported to the Committee on Public Works that the reduced speed limit saves 5 million gallons of gasoline each day in automobiles alone. When that savings is applied to all vehicles, including trucks and buses, the fuel savings would amount to almost 100 million barrels of crude oil each year. With the increased and uncertain price of foreign oil, the enormous impact of that national savings to our economy is obvious.

Mr. President, the highway beautification program must be examined at this time. We have wrestled with the problem of controlling the number of billboards along our highways without imposing a total ban. The motoring public needs some information, and in many cases roadside signs are the most reasonable means to furnish that information. Other signs are painted on the sides of barns, and have come to be accepted through the years. Still others are painted on rocks and natural surfaces.

It is not the intent of Congress to attack the outdoor advertising industry. There must be some healthy balance between beautiful highways and certain types of advertising. This bill takes a constructive position to revitalize the highway beautification program, and provides for the exemption of signs of particular artistic or historic merit from removal by the Secretary of Transportation.

Mr. President, the bill authorizes $105 million a year for beautification programs. There have been no new authorizations for funds for more than a year leaving the program to survive on unobligated funds from past years. I am pleased to see that the Congress is taking the responsible step of supporting this program with increased funding to assure its effective operation.

Mr. President, the bill also contains provisions: First, allowing the termination of highway contracts under conditions where the materials necessary are not available from the expected supplier because of Federal actions; second, providing additional authorizations for the rural bus demonstration program approved last year; third, allowing the Alaska ferry to stop in Canada; fourth, providing $20 million, half from the highway trust fund, for bikeway facilities in urbanized areas; fifth, allowing an increase in the allowable weights of trucks on interstate highways; sixth, providing $20 million for bikeway facilities in urban areas; seventh, amending section 322 of title 23, which deals with eliminating rail-highway grade crossings in the Northeast corridor; eighth, increasing the authorization for the special bridge replacement program; ninth, setting up a separate authorization of approximately $116 million for the repair of bridges on the Overseas Highway leading to Key West, Fla.; tenth, authorizing $360,000 for an engineering study of a railroad relocation demonstration project; eleventh, authorizing all parkways, not just those on a Federal-aid system, to be financed out of the Highway Trust Fund; twelfth, creating a new program authorizing $15 million for each of 2 fiscal years for access roads to Federal reservoirs; thirteenth, assuring that public transportation facilities assisted with Federal-aid funds are accessible to the handicapped; and fourteenth, extending a carpool demonstration program for 1 year to be separately funded at a level of $15 million.

Mr. President, this bill provides the Senate with an opportunity to enact a carefully considered, and responsive highway program.

This bill is presented for passage only after a careful analysis of its economic impact. A total of $716 million is authorized in this bill for a variety of programs which will benefit millions of Americans, the young, the elderly, the handicapped, the Indian peoples of our Nation, and all those millions who travel our highways daily for business and pleasure. I believe that the Senate will agree that a comparison of costs with the benefits, demonstrates the reasonableness of this bill's cost.

I would stress again, that this bill is not intended to provide a final answer to all our transportation problems, but it is only an interim measure which addresses problems requiring immediate attention. Therefore, at this time I would urge my colleagues in the Senate to approve this bill as reported by the Public Works Committee.

NEW LONDON RAIL-HIGHWAY CROSSING

Mr. RIBICOFF. Mr. President, I thank the Senator from Texas (Mr. BENTSEN) and the other members of the committee for including S. 2869 in the Federal Aid Highway Amendments of 1974.

This bill, now section 118 of S. 3934, would allow the Department of Transportation to permit, under certain narrowly defined circumstances, selected public railroad-highway crossings along the highspeed Northeast rail corridor to remain at ground level and to be provided with appropriate warning and protection devices. Under the present law all public ground-level rail-highway crossings had to be eliminated and DOT had no power of exemption.

This provision is specifically designed to accommodate a situation in New London, Conn., where severe track curvature restricts trains to speeds no greater than 25 to 30 miles per hour.

At an October 2, 1973, meeting in my Senate office, DOT representatives agreed with me and New London city officials that the five crossings along this route—Spar Yard Street, Coast Guard Dock, Sail Loft, State Street, and Hallam Street—presented minimal hazards and could be protected without eliminating the crossings completely. This would mean a savings to the city of as much as $2 million.

While the legislation is broadly drawn, the Department of Transportation has stated that it is committed to applying it only to the New London situation, unless other situations develop which meet their safety criteria.

On behalf of the city and Senator WEICKER, who cosponsored this legislation, I would like to again thank the committee.

CLINTON PARKWAY

Mr. DOLE. Mr. President, it is gratifying to see that after a long, hard struggle, funding has been provided in the highway construction authorization bill for the Clinton Parkway in Lawrence, Kans. This authorization culminates the efforts of myself and many people in the State of Kansas.

In recent months, much attention has been focused on the traffic needs that will develop with the completion in 2 years of Clinton Lake in Douglas County, Kans. Because of the lake's proximity to the Kansas City metropolitan area, the Corps of Engineers estimates that more than 1 million persons per year will be driving to the lake's recreational facilities by the end of this decade. The existing route to the lake is a two-lane highway through the southern portion of Lawrence.

Continued reliance on this access route represents a clear danger to traffic safety. An improvement in the road is obviously needed. A great deal of work has already gone forward on this measure but the greatest difficulty has been the lack of funds. Federal assistance is greatly needed and this measure, if enacted, would help resolve that need.

Another important aspect of this legislation is that the cost-sharing provision insures that no project will be accomplished without the approval of local officials. In this manner, the officials of Lawrence and the surrounding community will have influence on the way these funds are spent, as they properly should. It is my hope that this legislation can be enacted soon so that the 50 percent cost-sharing for Clinton Parkway and similar projects can take effect as soon as possible.

Mr. CHURCH. Mr. President, I support the enactment of S. 3934, the Federal-Aid Highway Amendments of 1974.

As the chairman of the Senate Committee on Aging, I shall limit my remarks to proposed changes which have a direct impact upon aged and handicapped Americans.

The commitee bill has two key provisions to make mass transit projects financed with Federal-aid highway funds more accessible to the elderly and disabled.

First, S. 3934 provides that any project receiving Federal assistance under the urban mass transit, interstate transfer, or rural bus demonstration sections of the Federal-Aid Highway Act must be planned, designed, constructed, and operated to allow effective utilization by aged and handicapped persons.

The importance of this measure, it seems to me, cannot be overstated.

Today about one out of every seven Americans has a permanent disability. However, numerous studies show that these individuals can be productive citizens if given an opportunity to participate in our society.

To achieve this goal, it is absolutely essential that mass transit facilities be accessible to the physically handicapped, as well as older Americans.

Unfortunately, today many elderly and handicapped persons live under a form of house arrest, cut off from services, employment opportunities, and

friends simply because mass transit services are inaccessible.

But these individuals deserve the same right to participate fully and effectively in our society as other Americans.

In this regard, S. 3934 makes it national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation systems funded under the Federal-Aid Highway Act.

This policy statement is similar to that found in the Urban Mass Transportation Assistance Act. However, it goes further in permitting the Secretary of Transportation to approve only those programs or projects which comply with the provisions of the Federal-Aid Highway Act.

Mr. President, our society should not become "off limits" to infirm older Americans or disabled persons.

And the provisions in S. 3934 represent a positive step forward in removing transportation barriers for these individuals.

For these reasons, I urge the adoption of the Federal-Aid Highway Amendments of 1974.

Mr. CHILES. Mr. President, I would like to go on record as supporting the provisions in S. 3934 to permit heavier trucks to use the Interstate Highway System. In my own State of Florida, I have been contacted by Governor Askew who is in support of this measure, and the Florida Department of Transportation which has read and considered this legislation, and, in fact, supports its enactment.

In the past I have normally voted against proposals which would increase the length, weight, or size of trucks on the highways. However, because of several changed conditions in our country, I feel that this measure is now needed. These conditions center around inflation, the need to increase productivity, and the problem of energy.

In my State of Florida the weight limits already exceed those proposed in the bill by 2,000 pounds for State single-axle loads, and 10,000 pounds for State tandem axle load limits. I would like for truckers in my State to be able to haul their produce across State lines into other parts of the country. I add, however, that these weight provisions are entirely permissive and must be enacted individually by States if they are to go into effect. Also, we are only talking about the Interstate Highway System which is considered by most highway transportation experts to be superior in construction and safety to most other systems in the country.

With continuing shortages in our energy supply and ever-increasing fuel prices, it is important that we allow trucks to utilize weight limits that are more reasonable in terms of capability and capacity. We are not speaking of flooding the highways with more trucks; we are speaking of more efficiently utilizing those already on the highways, and enhancing productivity. Energy shortages and inflation compel us to be as pragmatic as possible in our use of available resources. Not to do so would be wasteful.

Mr. President, I want to commend the distinguished chairman of the Public Works Committee, Senator RANDOLPH, and the chairman of the Subcommittee on Highways, Senator BENTSEN, and the committee membership for its fine work in developing this legislation.

I especially thank Senator RANDOLPH and Senator BENTSEN for their cooperation and assistance in assisting my State with a very pressing and serious problem —that is the problem of the Keys bridges, better known as the Overseas Highway.

If it were not for their leadership, my State would be faced with a replacement program which its resources would be unable to meet.

ACCESS TO FEDERAL LAKES

Mr. PEARSON. Mr. President, I rise today to express my appreciation to my colleagues on the Senate Public Works Committee for including an "access to Federal lakes" provision in the Federal-Aid Highway Amendments of 1974.

Two years ago the Senate unanimously adopted an amendment I offered to the Federal-Aid Highway Act of 1972 providing Federal aid for access roads to Federal lakes. The amendment was cosponsored by my colleague from Kansas (Mr. DOLE) and supported by the distinguished chairman (Mr. RANDOLPH) and by our former colleague from Kentucky (Mr. COOPER).

This provision in the 1974 bill is quite similar to the 1972 amendment. It establishes a national policy of Federal aid to assist hard-pressed local areas in developing adequate access roads to Federal lakes. It recognizes the need for a program to deal with the problems of traffic congestion, highway safety, and environmental conditions along access routes.

In 1972 the Army Corps of Engineers estimated that 300 million 1-day visits were made to recreation areas adjoining these lakes during 1971. The corps latest report estimates that in 1973 the total climbed to 344 million 1-day visits. The need for this program is greater now than it was 2 years ago.

I am also pleased to note that the committee report spells out the congressional intent that the Clinton Parkway access road in Douglas County, Kans., should be given priority consideration under this provision. This 4.1-mile stretch of road is badly needed to help the local authorities deal with the expected heavy increase in traffic after completion of the Clinton Reservoir. I believe the authorization provided in this bill will be instrumental in moving ahead with this parkway.

Mr. President, I want to again thank the Public Works Committee for its inclusion of this access roads provision in the bill.

The PRESIDING OFFICER (Mr. MOSS). The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for third reading, and was read the third time.

Mr. BENTSEN. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

Several Senators addressed the Chair.

Mr. BENTSEN. Mr. President, before the final vote on passage, I yield myself 2 minutes on the bill.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. BENTSEN. Before we vote on final passage, I want to commend the participants in this debate for their effective presentation of arguments, on all sides. I believe we have had a productive discussion of the major issues in the bill.

Once again, let me thank our chairman, Senator RANDOLPH, for his fairness, his patience, and his deep concern with highway matters. He has been the model of an effective committee chairman.

To Senator STAFFORD, the ranking minority member, my renewed thanks for his diligence and his cooperation with me and my staff. The Senator from Vermont has been an effective partner with me on this and other legislation, and even when we have differed, he has been courteous and fair.

My thanks also to the ranking minority member of the full committee, Senator BAKER and to the other members of the Transportation Subcommittee and to the staff, whose names are listed in my opening statement.

I believe we have acted responsibly here today. We have voluntarily cut back our own bill by over 25 percent in authorizations and have come out with a modest bill, which fills in some of the gaps in last year's highway bill and adds some other provisions directly to energy conservation.

If we have some cooperation from the other body, I believe we can enact this bill this year.

I yield back the balance of my time.

Mr. STAFFORD. Mr. President, I yield 2 minutes of my time on the bill to Senator BAKER.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 2 minutes.

Mr. BAKER. Mr. President, I commend the distinguished manager of the bill (Mr. BENTSEN), the distinguished ranking minority member (Mr. STAFFORD), and the distinguished chairman of the full committee (Mr. RANDOLPH).

I express my regret that it was not possible for me to be here as most of the amendments were disposed of. The bill was brought up today by unanimous consent, with my full foreknowledge and agreement, notwithstanding that it was necessary for me to be out of the city to keep a speaking engagement of long standing.

Mr. President, the Federal-Aid Highway Amendments of 1974, S. 3934, supplements and clarifies the major highway legislation enacted in 1973. My colleagues on the Public Works Committee, the able chairman of the Transportation Subcommittee (Mr. BENTSEN) and the distinguished ranking Republican member of the subcommittee (Mr. STAFFORD), have summarized and explained the major provisions of the bill. I wish only to express my general support for the bill, to comment on a few specific provisions I believe to be important, and to state my opposition to the section that permits

heavier trucks to use the Interstate System.

I am extremely pleased with the responsible decision not to authorize new funds for the ongoing Federal-aid highway programs at this time. Those of us on the Public Works Committee were aware, as I am sure are all my colleagues in the Senate, that inflation has had a particularly severe impact on highway construction costs.

Every month there are significant increases in the cost of building any given stretch of road. Funds authorized in 1973 will not finance as many miles of highway today as they would have in 1973. The committee considered increasing Federal-aid authorizations for fiscal 1975 and 1976 in order to maintain the programs at the level foreseen in 1973 and to expedite work on the Interstate System.

No member of the committee doubted the value of these objectives, but because of the overriding need to control Federal spending as one means of arresting inflation, and because of uncertainty as to the impact of the Impoundment Control Act of 1974 in the release of highway construction funds withheld in prior years, the committee believed it best to refrain from adding new authorizations for the Federal-aid highway systems.

The bill as reported contains authorizations for $716,610,000. This amount has now been reduced to less than $550,000,000. It includes funds for the highway beautification program, which needs funds if the program is to proceed, for emergency replacement of bridges providing the only access to the Florida Keys, for increasing the general bridge replacement authorizations, and for miscellaneous smaller programs where needs have been identified since enactment of the 1973 legislation.

Mr. President, at this point I would like to call attention to two sections of S. 3934 which, while not major provisions, are important. In 1973 the Senate included a provision in its highway legislation to fund all parkways out of the Highway Trust Fund. This change was intended to increase the amount of authorized funds actually being used to construct parkways, some of which have been authorized for decades and are still only partially completed.

In my own State, construction of portions of the Natchez Tract Parkway, a road which ultimately will stretch 443 miles through three States, and of the Foothills Parkway, is dependent upon the availability of funds already authorized for parkway construction.

The 1973 Senate provision was changed in conference so that only certain parkways would receive Highway Trust Fund moneys. The resulting scheme has made administration of the parkway program difficult and has delayed, rather than expedited, the program.

For this reason, S. 3934 includes the Senate language from 1973, providing once again that all parkways be financed from the trust fund. The committee expects that this change will make more readily available adequate funds with which to carry out parkway projects already authorized by Congress.

I would also like to call attention to section 108 of S. 3934, which conditions approval of State highway programs by the Secretary of Transportation on an annual certification by the State that the State's own vehicle size and weight laws are being enforced.

Oversized and overweight trucks pose safety and highway maintenance problems of substantial magnitude. Once a State has determined a reasonable size and weight limitation, based on conditions in that State, the Federal Government, which now contributes 70 percent of the cost of constructing any noninterstate Federal-aid highway, has an interest in seeing that its investment is protected by adequate enforcement of State laws.

A State which cannnot demonstrate to the Secretary's satisfaction that its size and weight laws are being enforced, either by the State itself or a political subdivision, will not receive approval of the highway program for that Federal-aid system where enforcement is lax.

I believe this is an important measure which will encourage States to undertake more effective measures to protect its own, and the Federal Government's, substantial investment in good roads.

Mr. President, this brings me to the issue of the increase in weights of vehicles permitted to use the Interstate System. I know that the increases contained in the committee's bill are labeled by their proponents as modest. I also know that the axle weight increases proposed are estimated to reduce the remaining life of existing highways by anywhere from 20 to 40 percent, according to testimony from the Association of State Highway and Transportation officials. This to me is not a modest price to pay for the weight increase.

I agree with the Senator from Vermont (Mr. STAFFORD) that the proposed increase will not be the last we hear from those promoting increased efficiency and economy in the trucking industry. If the higher axle weight limits, now adopted by the Senate, become law, the pressure will increase to raise the gross weight limits above the 80,000 pounds in the bill. Heavier trucks will eventually, if not immediately, mean bigger trucks. And if history is any guide, we know that the new Federal maximums will become the effective maximum in every State currently below the proposed new limits. For those of us who are concerned about the presence of bigger, heavier trucks on our highways, the amendment by the ranking member of the Transportation Subcommittee would have offered the surest way to limit further vehicle weight and size increases.

Finally, Mr. President, I want to state my personal support for the amendment that was offered by the junior Senator from New York (Mr. BUCKLEY) prohibiting Federal regulations requiring seatbelt ignition interlock or buzzer devices in automobiles.

We are all aware of the numerous complaints of malfunctioning systems which, in themselves, pose safety hazards. It is certainly true, also, that the interlock and buzzer systems have been perceived by a substantial portion of the American public as an unacceptable violation by Government of a personal freedom, albeit a freedom to foolishly disregard personal safety.

I believe the amendment offered by the Senator from New York and the Senator from Missouri (Mr. EAGLETON) was a reasonable approach which would not prejudice further research into and development of technology which could produce great savings in terms of lives and injuries. The amendment did, however, respond to the concerns of the American consumer that the Federal Government is intervening in decisions more appropriately left to personal choice.

Mr. President, this bill is the product of extensive hearings and deliberations by members of the Public Works Committee. The leadership of the chairman of the Transportation Subcommittee (Mr. BENTSEN) was outstanding. He has shown initiative in identifying needs and problem areas, and persistence in finding solutions. The ranking Republican on the subcommittee (Mr. STAFFORD) has contributed to the development of this bill by his creativity and diligence in dealing with the issues before us. The chairman of the full committee, the distinguished Senator from West Virginia (Mr. RANDOLPH), provided the sensitive leadership which continues to make working on the Public Works Committee rewarding, and produces legislation which bears the imprint of all the members of the committee.

The bill, S. 3934, is a responsible and modest one which meets the needs of the highway program in this interim period between major highway legislation, and I urge its adoption by the Senate.

Mr. MANSFIELD. Will the Senator yield me 15 minutes? [Laughter.]

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. METCALF. Mr. President, I ask for the regular order on the vote.

The PRESIDING OFFICER. The regular order has been called for.

All time has been yielded back.

Mr. STAFFORD. Mr. President, I yield back all my time.

The PRESIDING OFFICER. All time has been yielded back, and the question is, shall the bill pass? The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HASKELL), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I further announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HASKELL), the Senator from Illinois (Mr. PERCY), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. GRIFFIN: I announce that the Senator from Utah (Mr. BENNETT), the

Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

I also announce that the Senator from Hawaii (Mr. FONG) and the Senator from Illinois (Mr. PERCY) are absent on official business.

I further announce that the Senator from Oklahoma (Mr. BELLMON) is absent due to illness.

The result was announced—yeas 85, nays 0, as follows:

[No. 394 Leg.]

YEAS—85

Abourezk	Fannin	Moss
Aiken	Griffin	Muskie
Allen	Gurney	Nelson
Baker	Hansen	Nunn
Bartlett	Hart	Packwood
Bayh	Hartke	Pastore
Beall	Hatfield	Pearson
Bentsen	Hathaway	Pell
Bible	Hollings	Proxmire
Biden	Hruska	Randolph
Brock	Huddleston	Ribicoff
Brooke	Hughes	Roth
Buckley	Jackson	Schweiker
Burdick	Javits	Scott, Hugh
Byrd, Harry F., Jr.	Johnston	Scott, William L.
Byrd, Robert C.	Kennedy	Sparkman
Cannon	Long	Stafford
Case	Magnuson	Stennis
Chiles	Mansfield	Stevens
Church	Mathias	Stevenson
Clark	McClellan	Symington
Cranston	McClure	Taft
Curtis	McGee	Thurmond
Dole	McGovern	Tower
Domenici	McIntyre	Tunney
Eagleton	Metcalf	Weicker
Eastland	Metzenbaum	Williams
Ervin	Mondale	Young
	Montoya	

NAYS—0

NOT VOTING—15

Bellmon	Fong	Helms
Bennett	Fulbright	Humphrey
Cook	Goldwater	Inouye
Cotton	Gravel	Percy
Dominick	Haskell	Talmadge

So the bill (S. 3934) was passed, as follows:

S. 3934

An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal-Aid Highway Amendments of 1974".

PARKWAYS

SEC. 101. Paragraph (8) of subsection (a) of section 104 of the Federal-Aid Highway Act of 1973 is amended to read as follows:

"(8) For parkways, out of the Highway Trust Fund, $60,000,000 for the fiscal year ending June 30, 1974, $75,000,000 for the fiscal year ending June 30, 1975, and $75,000,000 for the fiscal year ending June 30, 1976.".

INDIAN RESERVATION ROADS AND BRIDGES

SEC. 102. (a) Paragraph (9) of subsection (a) of section 104 of the Federal-Aid Highway Act of 1973 is amended to read as follows:

"(9) For Indian reservation roads and bridges, $83,000,000 for the fiscal year ending June 30, 1974, $84,000,000 for the fiscal year ending June 30, 1975, and $83,000,000 for the fiscal year ending June 30, 1976.".

(b) The definition of the term "Indian reservation roads and bridges" in subsection (a) of section 101 of title 23, United States Code, is amended to read as follows:

"The term 'Indian reservation roads and bridges' means roads and bridges, including roads and bridges on the Federal-aid systems, that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.".

(c) Section 208 of title 23, United States Code, is amended by relettering subsections (c) and (d) as (d) and (e), respectively, and adding a new subsection (c) as follows:

"(c) Before approving as a project on an Indian reservation road or bridge any project on a Federal-aid system in a State, the Secretary must determine that obligation of funds for such project is supplementary to and not in lieu of the obligation, for projects on Indian reservation roads and bridges, of a fair and equitable share of funds apportioned to such State under section 104 of this title."

(d) No funds appropriated under the expanded definition of this section shall be expended without the formal consent of the governing body of the tribe band or group of Indians or Alaskan Natives for whose use the Indian reservation roads and bridges are intended.

RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION PROGRAM

SEC. 103. Section 147 of the Federal-Aid Highway Act of 1973 is amended to read as follows:

"(a) To encourage the development, improvement, and use of public mass transportation systems operating vehicles on highways for transportation of passengers within rural areas and small urban areas, and between such areas and urbanized areas, in order to enhance access of rural populations to employment, health care, retail centers, education, and public services, there are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1975, and $60,000,000 for the fiscal year ending June 30, 1976, of which $50,000,000 shall be out of the Highway Trust Fund, to the Secretary of Transportation to carry out demonstration projects for public mass transportation on highways in rural areas and small urban areas. Projects eligible for Federal funds under this section shall include highway traffic control devices, the construction of passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers, the purchase of passenger equipment other than rolling stock for fixed rail, and the payment from the General Fund for operating expenses incurred as a result of providing such service. To the extent intercity bus service is provided under the program, preference shall be given to private bus operators who lawfully have provided rural highway passenger transportation over the routes or within the general area of the demonstration project.

"(b) Prior to the obligation of any funds for a demonstration project under this section, the Secretary shall provide for public notice of any application for funds under this section which notice shall include the name of the applicant and the area to be served. Within sixty days thereafter, a public hearing on the project shall be held within the proposed service area."

DEMONSTRATION PROJECT—RAILROAD-HIGHWAY CROSSING

SEC. 104. Section 163 of the Federal-Aid Highway Act of 1973 is amended by relettering subsection (a) as paragraph (a)(1) and adding the following new paragraph:

"(2) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out an engineering and feasibility study for a demonstration project in Lafayette, Indiana, for relocation of railroad lines from the central area of the city. There are authorized to be appropriated to carry out this paragraph $360,000 fo the fiscal year ending June 30, 1975."

TRANSPORTATION FOR ELDERLY AND HANDICAPPED PERSONS

SEC. 105. (a) It is hereby declared to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning, design, construction, and operation of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance for mass transportation (including the programs under title 23, United States Code, the Federal Aid Highway Act of 1973, and this Act) effectively implement this policy.

(b) Subsection (b) of section 165 of the Federal Aid Highway Act of 1973 (87 Stat. 282) is amended to read as follows:

"(b) The Secretary of Transportation shall require that projects receiving Federal financial assistance under (1) subsection (a) or (c) of section 142 of title 23, United States Code, (2) paragraph (4) of subsection (e) of section 103, title 23, United States Code, or (3) section 147 of the Federal-Aid Highway Act of 1973 shall be planned, designed, constructed, and operated to allow effective utilization by elderly or handicapped persons who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, including those who are nonambulatory wheelchair-bound and those with semiambulatory capabilities, are unable without special facilities or special planning or design to utilize such facilities and services effectively. The Secretary shall not approve any program or project to which this section applies which does not comply with the provisions of this subsection requiring access to public mass transportation facilities, equipment, and services for elderly or handicapped persons."

VEHICLE SIZES AND WEIGHTS

SEC. 106. Section 127 of title 23, United States Code, is amended by striking out "eighteen thousand pounds carried on any one axle, or with a tandem-axle weight in excess of thirty-two thousand pounds, or with an overall gross weight in excess of seventy-three thousand two hundred and eighty pounds," and inserting in lieu thereof the following: "twenty thousand pounds carried on any one axle, including all enforcement tolerances; ten thousand pounds on the steering axle of any truck tractor, including all enforcement tolerances; or with a tandem-axle weight in excess of thirty-four thousand pounds, including all enforcement tolerances; or with an overall gross weight on a group of two or more consecutive axles produced by application of the following formula:

$$W=500\left(\frac{LN}{N-1}+12N+36\right)$$

where W=overall gross weight on any group

of two or more consecutive axles to the nearest 500 pounds, L=distance in feet between the extreme of any group of two or more consecutive axles, and N=number of axles in group under consideration, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more: *Provided*, That such overall gross weight may not exceed eighty thousand pounds, including all enforcement tolerances,".

STATE ENFORCEMENT

SEC. 107. Section 127 of title 23, United States Code, is amended by adding an (a) before the first paragraph and a new subsection (b) as follows:

"(b) The Secretary shall require each State to certify annually that existing State law respecting maximum vehicle sizes and weights permitted on the Federal-aid primary, the Federal-aid urban system, and the Federal-aid secondary system in each State is being enforced by such State. The Secretary shall not approve programs for projects on any such system in any State until he has received certification satisfactory to him that such laws are being enforced on such system.".

ALASKA FERRY OPERATIONS

SEC. 108. Paragraph (5) of subsection (g) of section 129 of title 23, United States Code, is amended to read as follows:

"(5) Such ferry may be operated only within the State (including the islands which comprise the State of Hawaii) or between adjoining States. Except with respect to operations between the islands which comprise the State of Hawaii and operations between any two points in Alaska and between Alaska and Washington, including stops at appropriate points in the Dominion of Canada, no part of such ferry operation shall be in any foreign or international waters.".

CONTROL OF OUTDOOR ADVERTISING

SEC. 109. (a) The first sentence of subsection (b) of section 131 of title 23, United States Code, is amended by inserting after "main traveled way of the system," the following: "and Federal-aid highway funds apportioned on or after January 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, and legible from the main traveled way of the system,".

(b) Subsection (c) of section 131 of title 23, United States Code, is amended to read as follows:

"(c) Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, and legible from the main traveled way of the system, shall, pursuant to this section, be limited to (1) directional and official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section, (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, (3) signs, displays, and devices advertising activities conducted on the property on which they are located, and (4) signs lawfully in existence on October 22, 1965, determined by the State, subject to the approval of the Secretary, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of this section."

(c) Subsection (d) of section 131 of title 23, United States Code, is amended by striking out the first sentence thereof and inserting the following in lieu thereof:

"In order to promote the reasonable, orderly, and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting, and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary."

(d) Subsection (e) of section 131 of title 23, United States Code, is amended to read as follows:

"(e) Any nonconforming sign under State law enacted to comply with this section shall be removed no later than the end of the fifth year after it becomes nonconforming, except as determined by the Secretary."

(e) Subsection (f) of section 131 of title 23, United States Code, is amended by inserting the following after the first sentence: "The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained."

(f) Subsection (g) of section 131 of title 23, United States Code, is amended by striking out the first sentence and inserting the following in lieu thereof:

"Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law prior to the date of enactment of the Federal-Aid Highway Amendments of 1974."

(g) Subsection (i) of section 131 of title 23, United States Code, is amended to read as follows:

"(i) In order to provide information in the specific interest of the traveling public, the State highway departments are authorized to maintain maps and to permit information directories and advertising pamphlets to be made available at safety rest areas. Subject to the approval of the Secretary, a State may also establish information centers at safety rest areas and other travel information systems within the rights-of-way for the purpose of informing the public of places of interest within the State and providing such other information as a State may consider desirable. The Federal share of the cost of establishing such information centers and travel information systems shall be 75 per centum."

(h) Subsection (m) of section 131 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be apportioned to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $2,000,000 for the fiscal year 1970, not to exceed $27,000,000 for the fiscal year 1971, not to exceed $20,500,000 for the fiscal year 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973, and, out of the Highway Trust Fund, $65,000,000 for the fiscal year ending June 30, 1975, and $65,000,000 for the fiscal year ending June 30, 1976: *Provided*, That beginning July 1, 1974, no more than 20 per centum of funds obligated in any fiscal year shall be obligated for projects under subsection (i) of this section. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

CONTROL OF JUNKYARDS

SEC. 110. (a) Subsection (j) of section 136 of title 23, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following:

"(j) Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully in existence at the effective date of State legislation enacted to comply with this section."

(b) Subsection (m) of section 136 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section of any money in the Treasury not otherwise appropriated not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $3,000,000 for each of fiscal years 1970, 1971, and 1972, not to exceed $5,000,000 for the fiscal year ending June 30, 1973, and, out of Highway Trust Funds, not to exceed $15,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 3, 1967."

RESEARCH AND PLANNING

SEC. 111. Subsection (a) of section 307 of title 23, United States Code, is amended by striking out "and traffic conditions," and inserting in lieu thereof the following: "traffic conditions, beautification, roadside development, and scenic enhancement,".

LANDSCAPING AND SCENIC ENHANCEMENT

SEC. 112. There are authorized to be appropriated for the purpose of carrying out section 319(b) of title 23, United States Code (relating to landscaping and scenic enhancement), out of the Highway Trust Fund, $15,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 3, 1976.

SPECIAL BRIDGE REPLACEMENT PROGRAM

SEC. 113. Subsection (e) of section 144 of title 23, United States Code, is amended to read as follows:

"(e) For the purpose of carrying out the provisions of this section, there are hereby authorized to be appropriated out of the Highway Trust Fund $100,000,000 for the fiscal year ending June 30, 1972, $150,000,000 for the fiscal year ending June 30, 1973, $125,000,000 for the fiscal year ending June 30, 1974, $125,000,000 for the fiscal year ending June 30, 1975, and $125,000,000 for the fiscal year ending June 3, 1976, to be available until expended. Such funds shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such funds were apportioned under this chapter.".

UNIFORM NATIONAL SPEED LIMIT

SEC. 114. (a) Chapter 1 of title 23 of the United States Code, relating to highways, is

amended by inserting at the end thereof a new section as follows:

"§ 154. National maximum speed limit

"(a) The Secretary of Transportation shall not approve any project under section 106 in any State which has (1) a maximum speed limit on any public highway within its jurisdiction in excess of fifty-five miles per hour, or (2) a speed limit on any other portion of a public highway within its jurisdiction which is not uniformly applicable to all types of motor vehicles using such portion of highway, if on November 1, 1973, such portion of highway had a speed limit which was uniformly applicable to all types of motor vehicles using it. A lower speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of such vehicle, including any load thereon. Clause (2) of this subsection shall not apply to any portion of a highway during such time that the condition of the highway, weather, an accident, or other condition creates a temporary hazard to the safety of traffic on such portion of a highway.

"(b) As used in this section the term 'motor vehicle' means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.

"(c) Notwithstanding the provisions of section 120 sums apportioned to any State under section 104 shall be available to pay the entire cost of any modification of the signing of the Federal-aid highways for which such sums are apportioned within such State due to a reduction in speed limits to conserve fuel if such change in signing occurs or has occurred after November 1, 1973.

"(d) The requirements of this section shall be deemed complied with by administrative action lawfully taken by the Governor or other appropriate State official that complies with this section."

(b) The analysis of such chapter 1 is amended by inserting at the end thereof the following:

"154. National maximum speed limit.".

(c) Section 2 of the Emergency Highway Energy Conservation Act is repealed.

ACCESS ROADS TO FEDERAL LAKES

SEC. 115. (a) Chapter 1 of title 23 of the United States Code is further amended by adding at the end thereof the following new section:

"§ 155. Access highways to public recreation

"(a) There is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated $10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976, for the construction or reconstruction of access highways to public recreation areas on Federal lakes in order to accommodate present and future high traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for the purpose of this section which shall include the following criteria:

"(1) Routes designated by the Secretary shall not extend beyond 20 miles from the recreation area.

"(2) The designation of routes under this section shall comply with section 138 of this title.

"(3) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials.

"(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 50 per centum of the cost of construction or reconstruction of such project.

"(c) Any highway not part of the Federal-aid system when constructed or reconstructed pursuant to this section shall thereafter be part of the Federal-aid secondary system except as otherwise provided pursuant to this section.

"(d) For the purpose of this section the term 'Federal lake' means a lake constructed by the Corps of Engineers, Department of the Army, or the Tennessee Valley Authority, or the Bureau of Reclamation, Department of the Interior, or a multipurpose lake constructed with the assistance of the Soil Conservation Service, Department of Agriculture."

(b) The analysis of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"155. Access highways to public recreation areas on Federal Lakes."

SEC. 116. Section 207 of title 23, United States Code, is amended by adding the following new subsection:

"(e) Parkways and all associated lands and rights-of-way funded in whole or part from the Highway Trust Fund shall be managed solely for scenic and recreational use and passenger car travel.".

NORTHEAST CORRIDOR DEMONSTRATION-RAIL CROSSINGS

SEC. 117. (a) Subsection (a) of section 322 of title 23, United States Code, is amended by inserting at the end thereof the following:

"The Secretary may permit selected individual public crossings of unusually low-potential hazard to remain at ground level, if they are provided with the best available protection."

(b) Subsections (b) through (f) of section 322 of title 23, United States Code, are redesignated as subsections (c) through (g), respectively, and a new subsection (b) is inserted as follows:

"(b) The Federal share of the cost of work, either off or on any Federal-aid system, under subsection (a) of this section shall be 90 per centum and the remaining 10 per centum of such cost shall be paid by the State in which the crossing is located."

(c) Subsection (d) (as redesignated herein) of section 322 of title 23, United States Code, is amended by deleting the words "such work" wherever they appear and by substituting therefor the words "work under subsection (c) of this section.".

(d) Subsection (g) (as redesignated herein) of section 322 of title 23, United States Code, is amended to read as follows:

"(g) There are authorized to be appropriated from the general fund not to exceed $22,000,000, and out of the Highway Trust Fund such additional sums as are necessary, to carry out the provisions of this section (exclusive of subsection (f))."

(e) Section 322 of title 23, United States Code, is amended by adding the following new subsection at the end thereof:

"(h) In any case where, under an agreement made before the date of enactment of this subsection, a State pays or has paid the railroad's share of the cost of work under subsection (a) of this section, the Secretary shall pay that State 100 per centum of the amount of such costs paid by the State, if the highway involved is not on any Federal-aid system."

OVERSEAS HIGHWAY

SEC. 118. (a) The Secretary is authorized to undertake projects for the reconstruction or replacement of bridge structures of a two-lane nature on the Overseas Highway to Key West, Florida. The Federal share payable on account of such projects shall not exceed 75 perecntum of the costs of such reconstruction or replacement.

(b) There are authorized to be appropriated, out of the Highway Trust Fund, not to exceed $116,250,000, to carry out such projects. Such sums shall be available until expended: *Provided*, That of the funds authorized under this section only $10,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976, can be obligated.

BIKEWAY DEMONSTRATION PROJECT

SEC. 119. (a) For the purpose of this section the term—

(1) "bikeway" means a bicycle lane or path, or support facility, a bicycle traffic control device, a shelter, or a parking facility to serve bicycles and persons using bicycles;

(2) "State" means any one of the fifty States, the District of Columbia, or Puerto Rico.

(b) (1) The Secretary is authorized to make grants to States for demonstration projects for the construction of bikeways. Such bikeways shall be for commuting and for recreational purposes and shall be located in urbanized areas and such other urban areas as are designated by the State highway department under subsection 103(d) of title 23, United States Code.

(2) The Federal share of any demonstration project for the construction of a bikeway shall be 80 per centum of the total cost of such project. The remaining 20 per centum of such cost shall be paid by the grantee.

(3) No grant shall be made under authority of this Act unless such bikeway project is in accordance with continuing comprehensive transportation planning process carried on cooperatively by States and local communities in accordance with section 134 of title 23, United States Code.

(4) The Secretary shall establish, by regulation, construction standards for bikeway projects for which grants are authorized by this Act, and shall establish, by regulation, such other requirements as may be necessary to carry out this Act.

(c) Grants made under this Act shall be in addition to, and not in lieu of, any sums available for bicycle projects under section 217 of title 23, United States Code.

(d) There are authorized to be appropriated to the Secretary to carry out this section, $10,000,000 out of the Highway Trust Fund, and $10,000,000 out of any other money in the Treasury not otherwise appropriated, to remain available until expended.

TERMINATION OF FEDERAL HIGHWAY CONSTRUCTION CONTRACTS

SEC. 120. (a) In addition to any procedures or remedies established pursuant to any other provision of law, the Secretary upon application of the contractor may terminate, in whole or part, a highway construction contract, awarded prior to November 1, 1973, by a Federal agency under title 23, United States Code, when the Secretary determines that by reason of an unforeseeable, specific Federal action a material necessary to the completion of such contract has become and remains unavailable at any price during construction from a supplier from whom the contractor reasonably expected to obtain the material at the time of bid opening.

(b) For the purposes of this section—

"termination" occurs when the Secretary, pursuant to the power created by the provisions of subsection (a), puts an end to the contract otherwise than for its breach. Upon termination all obligations which are executory are discharged without penalty and without prejudice against the contractor at subsequent rebidding of such contract;

"material" means materials used in the construction of highways, including but not limited to asphalt, steel, and cement; and

"Federal action" means any Federal decision, directive, or other regulatory or judicial action which directly affects the supply, availability, or distribution of highway construction materials.

CARPOOLING

SEC. 121. Subsection (d) of section 3 of the Emergency Highway Energy Conservation Act is amended to read as follows:

"(d) A project authorized by this section shall be subject to, and carried out in accordance with all of the provisions of chapter 1 of title 23, United States Code, applicable to highway projects, except that the Federal share of such project shall be 90 per centum and shall not exceed $1,000,000 for any single project. There are authorized to be appropriated out of the Highway Trust Fund $15,000,000 for such projects. The Secretary shall not approve any project under this section after December 31, 1975.".

SEC. 122. The first sentence of subsection (c) of section 405 of title 23, United States Code, is amended by striking the word "and" after "crossings," and inserting in lieu thereof the following: "the correction of high-hazard locations, and".

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

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The junior Senator from West Virginia is recognized.

ORDER FOR ADJOURNMENT UNTIL 11 A.M.

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 11 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR BARTLETT AND SENATOR ROBERT C. BYRD TOMORROW, TRANSACTION OF ROUTINE MORNING BUSINESS, CONSIDERATION OF S. 3221, AND TEMPORARILY LAYING ASIDE S. 707

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order on tomorrow, Mr. BARTLETT be recognized for not to exceed 15 minutes; after which the junior Senator from West Virginia be recognized for not to exceed 15 minutes; after which there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 5 minutes each; at the conclusion of which the Senate proceed to the consideration of Calendar Order 1088, S. 3221, a bill to increase the supply of energy in the United States from the Outer Continental Shelf; and to amend the Outer Continental Shelf Lands Act; and that the unfinished business, S. 707, be temporarily laid aside and remain in a temporarily laid aside status until the close of business tomorrow.

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

PROGRAM FOR MONDAY, SEPTEMBER 16, 1974

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate convenes on Monday next it meet at the hour of 12 o'clock noon; that after the two leaders or their designees have been recognized under the standing order, the distinguished assistant Republican leader be recognized for not to exceed 15 minutes; after which the junior Senator from West Virginia be recognized for not to exceed 15 minutes; after which there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 5 minutes each; at the conclusion of which the Senate proceed to the consideration of the HEW appropriation bill, which was reported today.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, tomorrow the Senate will convene at the hour of 11 a.m. After the two leaders or their designees have been recognized under the standing order, Mr. BARTLETT and Mr. ROBERT C. BYRD will be each recognized for not to exceed 15 minutes, and in that order, after which there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 5 minutes each, at the conclusion of which period the Senate will take up the bill S. 3221, a bill to increase the supply of energy in the United States from the Outer Continental Shelf.

There may be rollcall votes on amendments thereto.

ADJOURNMENT TO 11 A.M. TOMORROW

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 11 a.m. tomorrow.

The motion was agreed to; and at 6:50 p.m. the Senate adjourned until tomorrow, Thursday, September 12, 1974, at 11 a.m.

EXTENSIONS OF REMARKS

ELMER CARTWRIGHT, ARIZONA PIONEER

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 11, 1974

Mr. FANNIN. Mr. President, a fine American and a true Arizona pioneer was the subject of a recent feature article in the Arizona Republic.

The story of Elmer Cartwright is a capsule history of the spirit and determination which made Arizona the fine State that is it.

I ask unanimous consent that this tribute by Reporter Thelma Heatwole be printed in the RECORD.

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

STATE PIONEER HAS "SEEN IT ALL"

(By Thelma Heatwole)

Ask Elmer Cartwright if he has seen many changes in his lifetime and he'll tell you he's seen them all.

"I've seen the ox wagons and I've seen the man walk on the moon," he summarizes.

After all, Cartwright is 96. He was born in Phoenix and as far as he knows he is the oldest native in the state.

His parents, the R. J. Cartwrights, came to the Valley in 1876, homesteading in the area that is now 51st Avenue and Thomas When Cartwright's birth was imminent they made a concession. So that there would be water available, they moved to a one-room adobe house on a ditch bank near the present location of West Phoenix High School.

The elder Cartwright later brought the ditch water from the Grand Canal at Alhambra to the homestead and the family moved back.

Cartwright, a former cowboy and rancher, has lived at his ranch home, 5801 W. McDowell, since 1908. He got into the cattle business when his mother gave him a $5 gold piece for winning spelling matches at the Cartwright School. He used the money to buy a steer calf, which he later traded for two heifers, taking one to the huge Cartwright ranch at Seven Springs on Cave Creek. He worked at the ranch for 40 years, and at one time was part owner with his brothers of the vast spread.

Talking about the old days is a favorite pastime, especially when longtime old friends drop in.

"I can remember when I was about two years old," he said. "I went with my mother to visit a family at Seventh Avenue and Roosevelt. Long in the evening I missed my mother and was told by older children that she had gone off without me. I was whooping it up in good shape when I saw her in the pasture looking at cows. That settled my trouble.

"I wonder how many people know that there was an adobe fence built from Five Points north on Seventh Avenue and west to Grand Avenue. The adobe was made in huge blocks in wood forms at the site."

Few people can remember when there was a pasture at Seventh Avenue and Roosevelt, but Cartwright's first-hand recollections about the old days are legion.

He attended school in 1884 on the first day Cartwright School was in operation. His father was a leader in starting the school. Today there is a fourth generation member of the Cartwright family in the Cartwright School.

Cartwright was instrumental in starting the Church of Christ in Glendale at 60th Avenue and LaMar. He drove the first nail and helped construct the church, which he still attends three times a week. He reads the Bible from his new "giant print" version.

In his retirement years Cartwright spends much of his time in wood carving. Two years