By Mr. SYMINGTON:

H.R. 14105. A bill to provide a penalty for the robbery or burglary or attempted robbery or burglary of any narcotic drug from any pharmacy, doctor's office, or warehouse; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H.J. Res. 971. Joint resolution designating the premises occupied by the Chief of Naval Operations as the official residence of the Vice President, effective upon the termination of service of the incumbent Chief of Naval Operations; to the Committee on Armed Services.

By Mr. DERWINSKI:

H.J. Res. 972. Joint resolution to authorize the President to issue a proclamation designating the month of May 1974, as National Arthritis Month; to the Committee on the Judiciary.

By Mr. DULSKI (for himself and Mr. SMITH of New York):

H.J. Res. 973. Joint resolution requesting the President to issue a proclamation designating the last schoolday in April as National Pledge Allegiance to Our Flag Day; to the Committee on the Judiciary.

By Mr. MITCHELL of New York:

H.J. Res. 974. Joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other purposes; to the Committee on the Judiciary.

By Mr. RONCALIO of Wyoming:

H.J. Res. 975. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. BURKE of Florida:

H. Con. Res. 473. Concurrent resolution expressing the sense of the Congress with respect to the imprisonment in the Soviet Union of a Lithuanian seaman who unsuccessfully sought asylum aboard a U.S. Coast Guard ship; to the Committee on Foreign Affairs.

By Mr. FRASER:

H. Con. Res. 474. Concurrent resolution authorizing the printing of additional copies of a report issued by the Committee on Foreign Affairs; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

419. By Mr. HANSEN of Idaho: Memorial of the Legislature of the State of Idaho, relative to classification of the St. Joe River under the Wild and Scenic Rivers Act; to the Committee on Interior and Insular Affairs.

420. Also, Memorial of the Legislature of the State of Idaho, relative to retention of the Desert Land Act provisions i . the National Resources Lands Management Act; to the Committee on Interior and Insular Affairs.

421. Also, memorial of the Legislature of the State of Idaho, relative to public use of existing airfields within the proposed Salmon River and Idaho wilderness areas; to the Committee on Interior and Insular Affairs.

422. Also, memorial of the Legislature of the State of Idaho, relative to revising the boundary between the Mountain and Pacific Time Zones in Idaho; to the Committee on Interstate and Foreign Commerce.

423. Also, memorial of the Legislature of the State of Idaho, requesting Congress to propose an amendment to the Constitution of the United States providing for the direct election of the President; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ECKHARDT:

H.R. 14106. A bill for the relief of Jose Lozano-Mendez; to the Committee on the Judiciary.

By Mr. MILFORD:

H.R. 14107. A bill for the relief of Janusz Kochanski; to the Committee on the Judiciary.

By Mr. REES:

H.R. 14108. A bill for the relief of Juan and Margarita Pinto; to the Committee on the Judiciary.

By Mr. WINN:

H.R. 14109. A bill for the relief of Vassilios Kanellakis; to the Committe on the Judiciary.

SENATE—*Tuesday, April 9, 1974*

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

PRAYER

The Reverend Dom Bernard Theall, O.S.B., associate professor of library science, Catholic University of America, Washington, D.C., offered the following prayer:

God of nations and of mankind, look with favor on our country and on our people who put their trust in You. Do You, who gave the law to Moses on Mount Sinai, bless our lawmakers in this Chamber, and fill them with the gifts of Your Spirit: wisdom, understanding, knowledge, and counsel? That our country may continue to be great and pleasing to You, grant also to our legislators and the American people whom they serve, gifts in full measure of fortitude, piety, and fear of the Lord. Give us the grace so to use these gifts as to merit the blessings of peace and prosperity with humility for ourselves and for generations yet to come. And give to us all, faith in our country at this time, hope for the future and the will to reach out in love to all peoples of the world.

We ask this through Christ, our Lord. Amen.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that on April 8, 1974, the President had approved and signed the following act:

S. 2747. An act to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under that act, to expand the coverage of the act, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 11830. An act to suspend the duty on synthetic rutile until the close of June 30, 1977; and

H.R. 13631. An act to suspend for a temporary period the import duty on certain horses.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Finance:

H.R. 11830. An act to suspend the duty on synthetic rutile until the close of June 30, 1977; and

H.R. 13631. An act to suspend for a temporary period the import duty on certain horses.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, April 8, 1974, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

Mr. MANSFIELD. Mr. President, I ask unanimous consent that an amendment to be offered by the distinguished Senator from Illinois (Mr. STEVENSON) be called up at the conclusion of the vote on the Allen amendment.

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

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Wisconsin (Mr. PROXMIRE) is now recognized for not to exceed 15 minutes.

WHAT'S RIGHT WITH THE FEDERAL GOVERNMENT: "IMPROVEMENTS IN SOCIAL SECURITY"

Mr. PROXMIRE. Mr. President, this is the fifth in a series of speeches I am giv-

ing in the Senate on "What's Right With the Federal Government."

Because of the events surrounding the Watergate affair, the resignation of a Vice President of the United States, the indictment of at least two former Cabinet officers, and the indictment of a large number of men closely associated with the center of power in our Government, the public has rightfully questioned the credibility and general purpose of the Government. Both the President and Congress are held in low esteem. The reliability of the press—which in my view is actually higher in general than ever before in our history—is questioned. The method by which campaigns are run and favors given to the wealthy or powerful few has led to great dismay in the country.

GOVERNMENT GOOD, NOT BAD

But Government is good not bad. Government is not going downhill. In four previous speeches I have outlined the vast improvements brought about in large part by actions of the Federal Government in the fields of women's rights, education, civil rights, and health. Today I want to talk about the vast improvement in social security and the social services in general.

BACKGROUND

The United States was, essentially, the last of the major industrialized countries to put into effect a system of social security or social services. The Germans came to it in the last part of the 19th century. The British brought it about at the turn of the century. But in the United States it took a great depression and mass unemployment before we put into place even the rudimentary beginnings of a social security and social services system.

There were some good reasons for this. We had a continent to explore. Both the land and the mineral wealth of the land were available almost as free goods to those who, through effort, were willing to exploit them. Even as late as 1870, half the population lived or worked on farms. The family was still intact, ready to take on the burden of caring for the elderly in the family, or for the blind or disabled or fatherless child. Industrialization had not reached its nadir and the cities were not yet overcrowded and rundown. The spirit of rugged individualism prevailed to a very great extent. The facts were that such a sufficient number of society could make it by effort and struggle and upward mobility that public opinion was by no means ready for the kind of social services and institutions which the northern countries of Europe had initiated and institutionalized.

Until the Great Depression and the Social Security Act of August 14, 1935, at best there were only a few embryonic forms of the social services, or a social service system, to be found. There were some State programs of cash relief for widows and orphans. In the 1920's, a few progressive States initiated aid to the elderly and blind. Some teachers' groups, the military, and the civilian side of the Federal Government did have programs for retirement. I am proud to say that my own State of Wisconsin was considered by everyone to have the most advanced programs of any State in the Union.

But it took a great depression, unemployment at 20 to 25 percent, for year after year, long relief lines, deprivation of the aged, and mass migration of the young and unemployed looking for work, to bring the social security system itself into being.

IMPROVEMENTS BY 1957

When I came to the Senate in 1957—it seems such a short time ago—only a few minor changes had been made in the social security program since its inception. Early on, in 1939, Congress had made the old age insurance program a family program rather than a retired-workers-only program.

In 1950 coverage was extended to regularly employed farmworkers and household workers and the self-employed, except for farmers and professional people themselves.

Qualifications for coverage and the method of computing benefits were also liberalized and provisions were made so that those who reached retirement age in the early years of the program and who, obviously, had not paid in the sums or had the quarters of coverage, could in fact retire and be covered by the program.

EXPLOSION IN THE PROGRAM SINCE MID AND LATE 1950'S

But since 1956, which was only a year before I came to the Senate, the social security and social services programs have exploded. We have put into place in these two decades what can only be called a very comprehensive program of social services. The program includes not only vast improvements in old age social security retirement benefits but also vast coverage for those who are disabled, major improvements in the system of unemployment compensation, the institution of medicare, and the coverage of ill health and sickness through an insurance system for the elderly, a vast program of medicaid for those who cannot afford medical care or who are not covered by medicare, vast changes in the public assistance programs, and widespread improvements in such programs as railroad retirement, free public education, school lunches and school milk programs, survivors benefits, a program for black lung disease, and a vast extension of coverage and vast increases in benefits, as well as increases in costs, for all of these programs. Almost all of this, except for the beginning of the disability program which began in 1956, has been placed on the lawbooks since I came to the Senate in 1957.

Except for three major programs or improvements in them which are still needed, a full blown social services system is now in effect in the United States.

PUBLIC IMPATIENCE

Anyone who has spent much of his life in politics and public affairs knows that the public is both impatient and seldom grateful for what has happened in the past. Instead they are more concerned about improving matters and solving the problems which still exist. That is a welcome spirit and one which has led to vast improvements in our society.

Nevertheless, one should not overlook the really major, comprehensive, forward-looking, and progressive system of social services which has been placed on the books in the last two decades.

COVERAGE INCREASES

Between 1939 and 1971, the number of people covered by the social security system has gone up from 24 million to 68.8 million, far outstripping the rise in poplation.

Public employment retirement systems now cover almost 5 million as compared with 2 million in 1939.

In both unemployment insurance and workmen's compensation, the numbers covered have almost tripled since 1939, from the area of 22 million then to 60 million now.

BENEFIT INCREASES

Not only has there been a vast increase in coverage but there has also been an explosion in benefits. Benefit payments under all public income-maintenance programs amounted to $94 billion in 1971 compared with $28 billion in 1960, $9.5 billion in 1950, and $4.4 billion in 1940. Think of that, Mr. President. In 30 years, the benefits from social security have increased some sixteenfold or seventeenfold.

On an individual basis the benefits have gone up dramatically too.

For example, in 1960 a retired worker and his aged wife under social security received $124 a month. After June 30, 1974, they will receive $310 a month.

In 1960 an aged widow received $58 a month. After June 30, 1974, she will get $177, more than a threefold increase.

I ask unanimous consent that a table giving the average monthly benefits at the end of 1960 and for different dates in 1974 be printed in the RECORD.

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

AVERAGE MONTHLY BENEFIT AMOUNTS IN CURRENT PAYMENT STATUS FOR SELECTED BENEFICIARY GROUPS

	1960 end of year	1974		
		Before 7-percent increase	After 7-percent increase	After 11-percent increase
1. Average monthly family benefits:				
(a) Retired worker (no dependents)	$70	$162	$174	$181
(b) Retired worker and aged wife both receiving benefits	124	277	297	310
(c) Disabled worker (no dependents receiving aid)	88	179	191	199
(d) Aged widow alone	58	158	170	177
(e) Widowed mother and 2 children	188	391	418	435
2. Average monthly individual benefits:				
(a) All retired workers (with or without dependents)	74	167	179	186
(b) All disabled workers (with or without dependents)	89	184	197	206

Mr. PROXMIRE. It is clear that the coverage increase has far outstripped the rise in population and that the benefit increases, while still insufficient in a number of areas, have risen faster than the rise in the cost of living. There has been a major increase in real terms in these programs.

I ask unanimous consent that two tables from the book "Social Security Programs in the United States," published by the Department of Health, Education, and Welfare and the Social Security Administration in 1973, indicating first the increase in coverage and second, the increase in total benefits, under the various programs since 1939–40, be printed at this point in my remarks.

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

EMPLOYMENT AND ESTIMATED WORKERS COVERED UNDER SOCIAL INSURANCE PROGRAMS, UNITED STATES, 1939, 1954, AND 1971

[In millions. Monthly averages for 1939 and 1954; December data for 1971. Except where noted, before 1960, data are for the 48 States and the District of Columbia; beginning 1960, include Alaska and Hawaii]

Employment and coverage status	1939	1954	1971
Paid civilian employment	43.6	59.5	79.3
Wage and salary workers	33.2	49.8	72.2
Self-employed	10.4	9.7	7.1
Covered by:			
Public retirement program	27.2	51.0	75.3
Old-age, survivors, disability, and health insurance [1]	24.0	45.3	68.8
Railroad retirement system [2]	1.2	1.2	.6
Public employee retirement systems [3]	2.0	4.5	4.9
Unemployment insurance [4]	22.4	36.6	57.1
Workmen's compensation	22.0	39.7	60.2
Temporary disability insurance [5]		10.6	14.7
Armed Forces [6]	.4	3.4	2.7

[1] Beginning 1955, includes persons under both a State or local government retirement system and old-age, survivors, disability and health insurance (OASDHI). Excludes those eligible for coverage on an elective or optional basis who have not been brought under OASDHI, mostly employees of State and local governments with their own retirement systems. Also excludes members of Armed Forces and railroad employees shown below.

[2] Covered jointly under OASDHI and the railroad retirement system beginning November 1951.

[3] Excludes State and local government employees covered both by OASDHI and their own retirement programs (counted under OASDHI), and members of Armed Forces.

[4] State, railroad, and, beginning 1955, Federal civilian employee programs. Excludes members of Armed Forces.

[5] Railroad and State programs. Excludes Government employees covered by sick-leave provisions.

[6] Covered under OASDHI, beginning January 1957, and under the Ex-Servicemen's Unemployment Compensation Act, beginning November 1958 (in addition to their entitlement to various military benefits). Includes members of Armed Forces overseas.

BENEFIT PAYMENTS UNDER PUBLIC INCOME-MAINTENANCE PROGRAMS AND INDIVIDUALS RECEIVING CASH PAYMENTS, SELECTED CALENDAR YEARS, 1940–71

Program	1940	1950	1960	1971
	Amount of benefits (millions) [1]			
Total, cash and medical	$4,356	$9,508	$27,719	$94,425
Cash payments [2]	4,191	8,676	25,873	76,331
Social insurance	1,113	4,085	19,134	59,512
Old-age, survivors, disability, and health insurance [3]	35	961	11,245	37,171
Railroad retirement	118	311	962	2,029
Public employee retirement [4]	264	813	2,674	10,902
Unemployment insurance [5]	535	1,468	3,025	6,363
Workmen's compensation: Net of medical [6]	161	415	860	2,322
Temporary disability insurance: Net of medical [7]		117	368	725
Veterans' pensions and compensation	428	2,236	3,476	6,007
Public aid	2,650	2,354	3,263	10,812
Special types of assistance [8]	628	2,062	2,943	10,051
General assistance	392	293	320	761
Work programs [9]	1,630			
Medical services	165	832	1,846	18,094
Old-age, survivors, disability, and health insurance				7,868
Workmen's compensation	95	200	435	1,150
Temporary disability insurance		7	41	71
Veterans' health and medical care	70	573	848	2,087
Public assistance vendor payments		52	522	6,918
	Individuals receiving cash payments [10] (thousands)			
Social insurance:				
Old-age, survivors disability, and health insurance	113	3,012	14,298	26,797
Railroad retirement	144	387	792	980
Public empoyee retirement [4]	249	596	1,448	3,269
Unemployment insurance [5]	1,024	1,414	1,799	2,007
Veterans' pensions and compensation	933	3,359	4,271	5,555
Public aid:				
Special types of assistance [8]	3,183	5,120	5,811	13,552
General assistance	4,038	1,105	969	982
Work programs [9]	2,817			

[1] Includes benefits to dependents where applicable.

Includes lump-sum payments.

[2] Excludes net payments in lieu of benefits (transfers) under financial interchange with railroad retirement system.

[3] Excludes refunds of employee contributions to those leaving the service; includes benefits to retired military personnel and their survivors.

[4] Benefits under State unemployment insurance laws, unemployment compensation for railroad workers, for Federal employees, for ex-servicemen, for veterans under the Servicemen's Readjustment Act of 1944 and the Veterans' Readjustment Assistance Act of 1952, and payments under the extended unemployment insurance programs and the Automotive Products Trade Act of 1965. Includes cash allowances to unemployed workers in training under the Manpower Development and Training Act of 1962.

[5] Benefits paid under Federal workmen's compensation laws and under State laws by private insurance carriers, by State funds, and by self-insurers; 1940 and 1950 data exclude Alaska and Hawaii.

[6] Includes payments under private plans where applicable in the jurisdictions with programs.

[7] Includes primarily the federally aided programs of old-age assistance, aid to families with dependent children, aid to the blind, and aid to the permanently and totally disabled.

[8] Includes work relief earnings and other emergency aid programs. Number of recipients partly estimated.

[9] For OASDHI, average monthly number: for railroad retirement, public employee retirement, public aid, and veterans' programs, number on rolls, June 30; for unemployment insurance, average weekly number. Data for workmen's compensation and temporary disability insurance not available.

Mr. PROXMIRE. The budget for fiscal year 1975, which casts these items in a somewhat different way and which is also more up to date, indicates that outlays for fiscal year 1975 for income security provided by the Federal Government will total more than $100 billion. Medicare and medicaid payments will add another $20.7 billion to this total. I ask unanimous consent that the table entitled income security, found on page 125 of the Budget of the United States for fiscal year 1975 be printed at this point in the RECORD.

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

INCOME SECURITY

[In millions of dollars]

Program or agency	Outlays 1973 actual	Outlays 1974 estimate	Outlays 1975 estimate	Recommended budget authority for 1975 [1]
Retirement and disability:				
Old-age survivors, and disability insurance: [2]				
Present programs	48,288	55,258	64,351	65,173
Proposed legislation			−345	11
Federal employees retirement and disability [2 3]	4,514	5,935	7,230	10,240
Railroad retirement: [2 3]				
Present programs	2,440	2,679	2,801	2,776
Proposed legislation			198	238
Special benefits for disabled coal miners	952	998	879	876
Subtotal, retirement and disability	56,194	64,871	75,114	79,315
Unemployment insurance [2 3]	5,362	5,566	7,065	6,655
Public assistance:				
Supplemental security income	41	2,192	4,770	4,774
Grants to States for maintenance payments:				
Present programs	5,922	5,347	4,550	4,601
Proposed legislation			−203	−203
Food stamps	2,208	2,992	3,926	3,985
School lunch and other child nutrition	693	914	1,389	1,468
Assistance to refugees	135	128	72	60
Subtotal, public assistance	8,999	11,573	14,505	14,685
Social services:				
Grants to States for social services	1,614	1,786	2,078	2,079
Rehabilitation services	699	760	788	769
Services for the aging and other special groups	63	224	296	265
Allied services (proposed legislation)				20
Administrative expenses and other [2]	144	217	227	226
Subtotal, social services	2,520	2,987	3,389	3,359
Deductions for offsetting receipts: [4] Proprietary receipts from the public	−1	−1	−2	−2
Total	73,073	84,995	100,071	104,012

[1] Compares with budget authority for 1973 and 1974, as follows: 1973, $79,818,000,000; 1974, $93,015,000,000.

[2] Entries net of offsetting receipts.

[3] Includes both Federal funds and trust funds.

[4] Excludes offsetting receipts which have been deducted by subfunction above: 1973, $1,508,000,000; 1974, $1,761,000,000; 1975, $1,680,000,000.

Mr. PROXMIRE. Thus, we now have in place an income security system plus medicare and medicaid programs with annual outlays or benefits of over $120 billion.

Just yesterday, the President of the United States signed a minimum wage bill which increased the minimum wage to $2.30 an hour over a period of time. I can recall very well when the minimum wage was 25 cents an hour. That means that the minimum wage has increased almost tenfold within the last few decades. Allowing for the enormous inflation we have suffered, allowing for almost

any kind of consideration one wishes, this is clearly a massive and substantial increase and improvement in the minimum wages that can be paid to people in interstate commerce. Of course, that definition, too, has expanded, and the coverage of the minimum wage has vastly increased.

CONCLUSION

In a period of less than 2 decades the Federal Government has established a comprehensive social security and social services system which now covers almost all of those who are gainfully employed, their dependents, the elderly, the disabled, the unemployed, veterans, and the poor.

This was a major undertaking which has greatly benefited the citizens of this country. Far from discouraging the system of private insurance, as early opponents claimed, it has provided a nucleus around which a more extensive system of public and private social insurance has been built.

Social security, medicare, medicaid, disability, public assistance, and other income support programs are now universally accepted.

In the last decade alone, since about 1960, the benefits paid out have more than tripled. In the last 2 decades, the annual outlays for benefits have gone up at least 12 times, and they have increased more than 25-fold since 1940. Meanwhile, the coverage has been extended to almost every needy or elderly or disabled person in the country.

While there is room for improvement, the fundamental system has been established, put in place, and greatly broadened and expanded.

At a time when there is so much skepticism and discouragement about the performance of our Federal Government, it seems to me that we should recognize that this is one of a number of achievements—I am going to go on and on in the next few days speaking about many others—of the Federal Government for which all of us can be proud and which should give us confidence that we are making progress in this Government of ours, not retrogressing.

ORDER OF BUSINESS

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

FEDERAL ELECTIONS CAMPAIGN ACT AMENDMENTS OF 1974

Mr. AIKEN. Mr. President, the so-called "clean elections" bill now pending before this Senate was laid before the Senate on March 22, 18 days ago.

If this bill had any faint resemblance to a "clean elections" bill at the time it became the pending business, it is hardly deserving of the title any longer.

To be sure, we have had dishonesty, cheating, and law violations in every election campaign since my earliest recollection.

But, at no time has there been so much encouragement to continue such practices as may be found in the bill before us—as it now stands.

I wish we could find some way to eliminate the purchase of high positions in Government by those who are able to pay the price.

I wish we could instill in every voter in this country the necessity for eliminating dishonesty, corrupt practices, and dirty tricks at election time.

I would like to support legislation which would actually take us a step nearer to clean and honest elections than we have now, although I realize that we cannot attain perfection in this field.

The bill before us, as it now stands, only makes matters worse.

I am not going to burden the Senate with a recital of all the things pertaining to this proposed legislation that simply lend more encouragement to the practices which we publicly condemn.

I am not going to waste any time in discussing the merits or demerits of financing political campaigns at taxpayers' expense, which means expense to our Government, since the money authorized by the income taxpayer for political financing simply means that that money does not get into Uncle Sam's coffers.

I just want to point out a few matters pertaining to this bill which, in my opinion, would justify throwing the whole thing down the drain without delay.

The bill has been amended in several ways:

First. One amendment requires polls to open and close across the country at a uniform period of time.

The effect of this amendment on Vermont would require polls to open at 11 a.m. and close at 11 p.m.

It would mean the abolition of each State's right to establish its own voting practices which are most convenient to the voters of the State.

It would mean that our States in New England would have to set the voting hours to satisfy the convenience of the States in the Rocky Mountains region.

Second. Only last Wednesday, the Senate accepted an amendment to exempt congressional campaign committees from contribution and expenditure limitations for Federal candidates.

This was a beautiful loophole in itself, for a contributor, otherwise limited to $3,000 contribution to a candidate, could contribute his whole permissible $25,000 contribution to a congressional campaign committee which could pour the funds into one particular Federal congressional race.

But, word from home was heard so quickly and loudly that on Monday this Senate went into reverse so fast that I am sure some political gears got stripped.

Third. The Senate has accepted an amendment which prohibits the broadcast of any Presidential election returns prior to midnight, eastern standard time.

Even a layman can see the unconstitutionality of this proposal, since Congress can make no law which abridges the freedom of the press.

I agree that certain sections of the news media sometimes become so biased and unfair and get so far away from the facts that there is an urge to restrict them.

But, in spite of this, I still believe that we should stick to the Constitution.

If we think we have leaks in Government now, just imagine what the leakage would be if all the election districts in the East were prohibited from telling the outcome of the voting to their friends and relatives in the West before midnight.

The Senate has also rejected certain proposed amendments which could, perhaps, have made election campaigns a bit more honest.

One of the proposals which was rejected could have deterred Government contractors from making political contributions direct to candidates who, if elected, would be most likely to remember their benefactors.

Another proposed amendment rejected would have prohibited Members of Congress from receiving outside money for making lectures and speeches.

While this amendment may have been open to question, it is common knowledge that the campaigns may be financed not by direct political contributions, but by paying potential candidates several thousand dollars for a 50 speech or lecture.

In stating this, I am not referring to ancient history.

After defeating a proposed amendment which would have made Members of the 93d Congress ineligible for public financing for nominations for the Presidency, the Senate then accepted an amendment to preclude any public financing for elections until January 1, 1976.

The question many will ask is this:

If it is proper to finance opposition to a sitting Member of the Congress running for reelection in 1976, why is it not equally fair to finance opposition to sitting Members of the 93d Congress who are running for reelection in 1974?

It seems to me there is a decided conflict of interest in this amendment.

The bill under consideration proposes to permit Government contractors to make political contributions.

A motion to prohibit such contributors from receiving a noncompetitive Government contract for 2 years after election was defeated by a vote of 62 to 28.

The defeat of this amendment should assure Members of the 93d Congress running for election this fall that contributions from Government contractors to their present campaigns would be perfectly legal and that such contributors would not be denied the right to receive noncompetitive contracts for the next 2 years.

I am not going to point out any more of the loopholes or shortcomings of this bill.

There are other objectionable features.

I am simply going to say that it is a travesty on the supposed intelligence of legislators and it should be consigned to the lower regions as quickly as possible.

I realize, however, that it was laid down before this body 18 days ago and with a number of pending amendments awaiting action and discussion, it could be with us 18 days or, indeed, a much longer time unless action is taken to bring consideration to a close.

I voted against cloture last Thursday.

I usually vote against cloture the first time it is proposed.

Now, I think it is time to bring debate to a close and shall vote accordingly.

I will not vote for passage of the bill.

If it became law, matters would be infinitely worse.

It is too loaded with hypocrisy and loopholes and I fear its adoption would be considered by many as a reflection on this Congress.

I would be greatly surprised if the majority of the House Members would accept this bill and if they did, I would be even more surprised if the President would sign it into law. If he vetoed it, I would support the veto, but I doubt it would come back here.

Right now, I want to say let us get it out of the way one way or the other as soon as we can.

I wish to commend Senators who have taken part on both sides of this debate, the Senator from Alabama (Mr. ALLEN), and Senators who ardently support the proposal to let taxpayers pay the cost of their campaigns in 1976, but not the cost of the campaigns of their opposition in 1974. That is why I shall vote for cloture now. We have been with this bill long enough. We should attend to our authorizations and our appropriation bills and get them out of the way, work which needs to be done, and not let delay and so impede work on the legislation which is absolutely necessary.

TRANSACTION OF ROUTINE MORNING BUSINESS

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

HANK AARON BREAKS HOME RUN RECORD WITH NO. 715

Mr. NUNN. Mr. President, last night in Atlanta Stadium, Hank Aaron broke the most revered record in American sports. Following a highly publicized assault on the career home run record of 714 held by the immortal Babe Ruth, Hank took his place in the record books by hitting career home run number 715.

The immortal Babe Ruth hit his last home run as a member of the Braves and it is fitting that Hank Aaron has played his entire career for these same Braves. Georgia can now claim the greatest home run hitter of all times and the greatest base runner, Ty Cobb.

True, Hank Aaron is now the greatest career home run hitter in the history of the game, but he has also contributed in many other ways. Last season, at the age of 40, Hank hit .301, and along with teammates Darrel Evans and Dave Johnson set a record for the only 3 players to hit 40 or more home runs for the same team, in the same season.

Besides being the greatest home run hitter, Hank holds numerous other major league records. He has the most career extra base hits—1,395; the most career total bases—6,432; the most years with 30 or more homers—15 years; and the most consecutive years with 20 or more homers—19 years. Another example of his baseball prowess is that Hank will most likely surpass Babe Ruth's record this year by getting the most career runs batted in.

Hank was born in Alabama and came to us through Wisconsin, but it is with great pride that I point out that the great State of Georgia is now his home. He has become a civic leader in Atlanta and hero to every young boy in the State.

Many athletes have achieved that one great season but Aaron's hallmark has been consistency. He has provided the baseball fans of this Nation with truly outstanding accomplishments, season in and season out, for over 20 years. This consistency should be recognized today, along with the establishment of a career home run mark.

Hank's consistent off-the-field performance should also be noted. Amid all the fame, glory, and persistent attention, Hank has retained the modest, gracious manner that has characterized his entire life. A person of his singular abilities and character—both on and off the playing field—is truly an inspiring example to everyone.

It has been a thrill and a privilege for me, along with thousands of my fellow Georgians and Americans to have had the opportunity to watch an athlete and a man of the caliber of Hank Aaron. For this, I thank No. 44 for passing our way and wish him many future successful seasons in whatever pursuit he chooses. No. 715 was the magic number, Hank, but we Georgians and the baseball fans of the Nation hope there will be many more.

As Hank Aaron himself stated so well:

We will never forget Babe Ruth but we will also always remember Hank Aaron.

Mr. President, on behalf of myself and Senator TALMADGE, Senator HUMPHREY, Senator ROBERT C. BYRD, Senator GRIFFIN, and Senator MANSFIELD, I send to the desk a Senate resolution and ask for its immediate consideration.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 305) commemorating Hank Aaron on his historic feat.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

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

Mr. TALMADGE. Mr. President, history was made in American baseball last night in Atlanta Stadium. Henry (Hank) Aaron, left fielder for the Atlanta Braves, slammed his 715th home run.

With that home run, which brought more than 50,000 Atlanta fans roaring to their feet and excited untold millions of television viewers and radio listeners throughout the world, Hank Aaron broke the record set by the immortal Babe Ruth in 1935.

If Aaron continues hitting as hard and as far throughout the remainder of 1974 as he has started out this year's baseball season, he may very well set a home run record that can never be touched.

The City of Atlanta and baseball fans everywhere are very proud of Hank Aaron. He is a credit to baseball and to all athletics.

I join my colleague, the Senator from Georgia (Mr. NUNN) in introducing today a resolution congratulating Hank Aaron on his new world record and outstanding baseball career, and urge its adoption.

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

The resolution (S. Res. 305) was unanimously agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

SENATE RESOLUTION 305

Resolved, Whereas, in Atlanta Stadium, on the night of April 8, 1974, Henry Aaron hit his 715th home run; and

Whereas, this historic feat was recorded in a game between the Atlanta Braves and the Los Angeles Dodgers, which the Braves won 7–4; and

Whereas, Henry Aaron surpassed the home run mark set by the immortal Babe Ruth as a member of the Boston Braves in 1935; and

Whereas, Henry Aaron has now become a legendary sports figure in his own lifetime; and

Whereas, Henry Aaron is an athlete of exemplary caliber and is an inspiration to all Americans;

Therefore, be it resolved that the United States Senate hereby extends its congratulations to Henry Aaron in recognition of this singular accomplishment.

QUORUM CALL

The PRESIDING OFFICER. Is there further morning business?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communications and letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATION, 1974, GENERAL SERVICES ADMINISTRATION (S. DOC. NO. 93–70)

A communication from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1974, in the amount of $1,350,000 in budget authority and $50,000 in another proposal which does not increase budget authority (with an accompanying paper). Referred to the Committee on Appropriations and ordered to be printed.

PROPOSED SUPPLEMENTAL INCREASE FOR THE PANAMA CANAL COMPANY (S. DOC. NO. 93–71)

A communication from the President of the United States, transmitting a proposed supplemental increase in the limitation on general and administrative expenses of $352,000 for the Panama Canal Company (with an accompanying paper). Referred to the Committee on Appropriations and ordered to be printed.

REPORT OF INDIAN CLAIMS COMMISSION

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on its final determination with respect to docket No. 84, the Six Nations versus the United States of America and docket No. 300B, the Stockbridge Munsee Community, versus the United States of America (with accompanying papers). Referred to the Committee on Appropriations.

REPORT ON ECONOMIC STABILIZATION PROGRAM

A letter from the Chairman, Cost of Living Council, transmitting, pursuant to law, the Economic Stabilization Program Quarterly Report covering the period October 1, 1973, through December 31, 1973 (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

PROPOSED LEGISLATION FROM SECRETARY OF COMMERCE

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title 5, United States Code, to authorize the withholding of Trust Territory income taxes of Federal employees (with accompanying papers). Referred to the Committee on Finance.

PROPOSED REALINEMENTS RELATING TO NURSING HOME IMPROVEMENT PROGRAM

A letter from the Under Secretary of Health, Education, and Welfare, reporting, for the information of the Senate, on proposed realinement of functional responsibilities with respect to the nursing home improvement program (with accompanying papers). Referred to the Committee on Labor and Public Welfare.

PROSPECTUS RELATING TO CONSTRUCTION OF FEDERAL OFFICE BUILDING AT PITTSFIELD, MASS.

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus relating to construction of a Federal Office Building at Pittsfield, Mass. (with accompanying papers). Referred to the Committee on Public Works.

PROSPECTUS RELATING TO SPACE FOR DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN DALLAS, TEX.

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus relating to special purpose space for the Department of Health, Education, and Welfare in Dallas, Tex. (with accompanying papers). Referred to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

The petition of David L. Peterson, praying for a redress of grievances. Referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EAGLETON, from the Committee on the District of Columbia, without amendment:

H.R. 12109. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to clarify the provision relating to the referendum on the issue of the advisory neighborhood councils (Rept. No. 93-774).

By Mr. STEVENSON, from the Committee on Banking, Housing and Urban Affairs, with an amendment:

S. 2986. A bill to authorize appropriations for carrying out the provisions of the International Economic Policy Act of 1972, as amended (Rept. No. 93-775).

By Mr. CRANSTON, from the Committee on Banking, Housing and Urban Affairs:

S. 3331. An original bill to clarify the authority of the Small Business Administration, to increase the authority of the Small Business Administration, and for other purposes (Rept. No. 93-776).

By Mr. NELSON, from the Committee on Labor and Public Welfare, with an amendment:

S. 1647. A bill to extend the Environmental Education Act for three years (Rept. No. 93-777).

By Mr. BURDICK, from the Committee on Public Works, with an amendment:

S. 3032. A bill entitled the "Disaster Relief Act Amendments of 1974" (Rept. No. 93-778).

Mr. BURDICK. Mr. President, I report from the Committee on Public Works S. 3062, a bill entitled "The Disaster Relief Act Amendments of 1974," with an amendment. I ask unanimous consent that the Committee on Public Works have until midnight tonight to file the written report on this legislation.

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

Mr. BURDICK. I ask unanimous consent that the bill as reported and the report of the Committee on Public Works be printed in the RECORD in full following my remarks.

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

S. 3062

A bill entitled the "Disaster Relief Act Amendments of 1974"

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 "Disaster Relief Act Amendments of 1974".

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TITLE I—FINDINGS, DECLARATIONS, AND DEFINITIONS

FINDINGS AND DECLARATIONS

SEC. 101. (a) The Congress hereby finds and declares that—

(1) because disasters often cause loss of life, human suffering, loss of income, and property loss and damage; and

(2) because disasters often disrupt the normal functioning of governments and communities, and adversely affect individuals and families with great severity;

special measures, designed to assist the efforts of the affected States in expediting the rendering of aid, assistance, and emergency services, and the reconstruction and rehabilitation of devastated areas, are necessary.

(b) It is the intent of the Congress, by this Act, to provide an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from such disasters by—

(1) revising and broadening the scope of existing disaster relief programs;

(2) encouraging the development of comprehensive disaster preparedness and assistance plans, programs, capabilities, and organizations by the States and by local governments;

(3) achieving greater coordination and responsiveness of disaster preparedness and relief programs;

(4) encouraging individuals, States, and local governments to protect themselves by obtaining insurance coverage to supplement or replace governmental assistance;

(5) encouraging hazard mitigation measures to reduce losses from disasters, including development of land use and construction regulations;

(6) providing Federal assistance programs

for both public and private losses sustained in disasters; and

(7) providing a long-range economic recovery program for major disaster areas.

DEFINITIONS

SEC. 102. As used in this Act—

(a) "Emergency" means damage caused by any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which requires Federal emergency assistance to supplement State and local efforts to save lives and protect public health and safety or to avert or lessen the threat of a major disaster.

(b) "Major disaster" means damage caused by any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which, in the determination of the President, is of sufficient severity and magnitude to warrant major disaster assistance under this Act, above and beyond emergency services by the Federal Government, to supplement the efforts and available resources of States, local governments and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

(c) "United States" means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands.

(d) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, or Trust Territory of the Pacific Islands.

(e) "Governor" means the chief executive of any State.

(f) "Local government" means (1) any county, city, village, town, district, or other political subdivision of any State, or Indian tribe, authorized tribal organization, or Alaska Native village or organization, and (2) includes any rural community or unincorporated town or village or any other public or quasi-public entity for which an application for assistance is made by a State or political subdivision thereof.

(g) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government, including the United States Postal Service, but shall not include the American National Red Cross.

TITLE II—DISASTER PREPAREDNESS ASSISTANCE

FEDERAL AND STATE DISASTER PREPAREDNESS PROGRAMS

SEC. 201. (a) The President is authorized to establish a program of disaster preparedness that utilizes services of all appropriate agencies (including the Defense Civil Preparedness Agency) and includes—

(1) preparation of disaster preparedness plans for mitigation, warning, emergency operations, rehabilitation, and recovery;

(2) training and exercises;

(3) postdisaster critiques and evaluations;

(4) annual review of programs;

(5) coordination of Federal, State, and local preparedness programs;

(6) application of science and technology;

(7) research;

(8) assistance in updating disaster legislation.

(b) The President shall provide technical assistance to the States in developing comprehensive plans and practicable programs for preparation against disasters, including hazard reduction, avoidance, and mitigation; for assistance to individuals, businesses, and State and local governments following such disasters; and for recovery of damaged or destroyed public and private facilities.

(c) Upon application by the States, the President is authorized to make grants, not to exceed $250,000, for the development of plans, programs, and capabilities for disaster preparedness. Such grants shall be applied for within one year from the date of enactment. Any State desiring financial assistance under this section shall designate or create an agency to plan and administer such a disaster preparedness program, and shall, through such agency, submit a State plan to the President, which shall—

(1) set forth a comprehensive and detailed State program for preparation against, and assistance following, emergencies and major disasters, including provisions for assistance to individuals, businesses, and local governments; and

(2) include provisions for appointment and training of appropriate staffs, formulation of necessary regulations and procedures, and conduct of required exercises.

(d) The President is authorized to make grants not to exceed 50 per centum of the cost of improving, maintaining and updating State disaster assistance plans, except that no such grant shall exceed $25,000 per annum to any State.

DISASTER WARNINGS

SEC. 202. (a) The President shall insure that all appropriate agencies are prepared to issue warnings of disasters to State and local officials.

(b) The President shall direct Federal agencies to provide technical assistance to State and local governments to insure that timely and effective disaster warning is provided.

(c) The President is further directed to utilize or to make available to Federal, State, and local agencies the facilities of the civil defense communications system established and maintained pursuant to section 201(c) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. app. 2281(c)), or any other Federal communications system for the purpose of providing warning to governmental authorities and the civilian population in areas endangered by threatened or imminent disasters.

(d) The President is further directed to enter into agreements with the officers or agents of any private or commercial communications systems who volunteer the use of their systems on a reimbursable or nonreimbursable basis for the purpose of providing warning to governmental authorities and the civilian population endangered by threatened or imminent disasters.

TITLE III—DISASTER ASSISTANCE ADMINISTRATION

PROCEDURES

SEC. 301. (a) All requests for emergency assistance from the Federal Government under this Act shall be made by the Governor of the affected State. Such Governor's request shall be based upon a finding that the situation is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. The Governor's request will furnish information describing State and local efforts and resources which have been or will be used to alleviate the emergency, and will define the type and extent of Federal aid required. Based upon such Governor's request, the President may determine that an emergency exists which warrants Federal assistance.

(b) All requests for major disaster assistance from the Federal Government under this Act shall be made by the Governor of the affected State. Such Governor's request shall be based upon a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. As a part of this request, and as a prerequisite to major disaster assistance under the Act, the Governor shall formally declare an emergency under State statutes and direct execution of the State's emergency plan. He shall furnish information on the extent and nature of State resources which have been or will be used to alleviate the conditions of the disaster, and shall certify that, for the current disaster, State and local government obligations and expenditures (of which State commitments must be a significant proportion) constitute the expenditure of a reasonable amount of the funds of such State and local governments for alleviating the damage, loss, hardship or suffering, resulting from such catastrophe. Based upon such Governor's request, the President may declare that a major disaster exists, or take whatever other action he deems appropriate in accordance with the provisions of this Act.

FEDERAL ASSISTANCE

SEC. 302. (a) In the interest of providing maximum mobilization of Federal assistance under this Act, the President is directed to coordinate, in such manner as he may determine, the activities of all Federal agencies providing disaster assistance. The President shall direct any Federal agency, with or without reimbursement, to utilize its available personnel, equipment, supplies, facilities, and other resources including managerial and technical services in support of State and local disaster assistance efforts. The President may prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this Act, and he may exercise any power or authority conferred on him by any section of this Act either directly or through such Federal agency or agencies as he may designate.

(b) Any Federal agency charged with the administration of a Federal assistance program is authorized, if so requested by the applicant State or local authorities, to modify or waive, for the duration of a major disaster, such administrative conditions for assistance as would otherwise prevent the giving of assistance under such programs if the inability to meet such conditions is a result of the major disaster.

(c) All assistance rendered under this Act shall be provided pursuant to a Federal-State disaster assistance agreement unless specifically waived by the President.

COORDINATING OFFICERS

SEC. 303. (a) Immediately upon his designation of a major disaster area, the President shall appoint a Federal coordinating officer to operate in such area.

(b) In order to effectuate the purposes of this Act, the Federal coordinating officer, within the designated area, shall—

(1) make an initial appraisal of the types of relief most urgently needed;

(2) establish such field offices as he deems necessary and as are authorized by the President;

(3) coordinate the administration of relief, including activities of the State and local governments, the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations which agree to operate under his advice or direction, except that nothing contained in this Act shall limit or in any way affect the responsibilities of the American National Red Cross under the Act of January 5, 1905, as amended (33 Stat. 599); and

(4) take such other action, consistent with the authority delegated to him by the President, and consistent with the provisions of this Act, as he may deem necessary to assist local citizens and public officials in promptly obtaining assistance to which they are entitled.

(c) When the President determines assistance under this Act is necessary, he

shall request that the Governor of the affected State designate a State coordinating officer for the purpose of coordinating State and local disaster assistance efforts with those of the Federal Government.

EMERGENCY SUPPORT TEAMS

SEC. 304. The President shall form emergency support teams of Federal personnel to be deployed in a major disaster or emergency area. Such emergency support teams shall assist the Federal coordinating officer in carrying out his responsibilities pursuant to this Act. Upon request of the President, the head of any Federal department or agency is directed to detail to temtemporary duty with the emergency support teams on either a reimbursable or nonreimbursable basis, as is determined necessary by the President, such personnel within the administrative jurisdiction of the head of the Federal department or agency as the President may need or believe to be useful for carrying out the functions of the emergency support teams, each such detail to be without loss of seniority, pay, or other employee status.

EMERGENCY ASSISTANCE

SEC. 305. (a) In any emergency, the President may provide assistance to save lives and protect public health and safety or to avert or lessen the threat of a major disaster.

(b) The President may provide such emergency assistance by directing Federal agencies to provide technical assistance and advisory personnel to the affected State to assist the State and local governments in

(1) the performance of essential community services; warning of further risks and hazards; public information and assistance in health and safety measures; technical advice on management and control; and reduction of immediate threats to public health and safety; and

(2) the distribution of medicine, food, and other consumable supplies, or emergency assistance.

(c) In addition, in any emergency, the President is authorized to provide assistance in accordance with section 306 of this Act and such other assistance under this Act as the President deems appropriate.

COOPERATION OF FEDERAL AGENCIES IN RENDERING DISASTER ASSISTANCE

SEC. 306. (a) In any major disaster or emergency, Federal agencies are hereby authorized, on direction of the President, to provide assistance by—

(1) utilizing or lending, with or without compensation therefor, to States and local governments, their equipment, supplies, facilities, personnel, and other resources, other than the extension of credit under the authority of any Act;

(2) distributing or rendering, through the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations, or otherwise, medicine, food, and other consumable supplies, or emergency assistance;

(3) donating or lending equipment and supplies, including that determined in accordance with applicable laws to be surplus to the needs and responsibilities of the Federal Government, to State and local governments for use or distribution by them for the purposes of this Act; and

(4) performing on public or private lands or waters any emergency work or services essential for the protection and preservation of public health and safety, including but not limited to: search and rescue, emergency medical care, emergency mass care, emergency shelter, and provision of food, water, medicine, and other essential needs, including movement of supplies or persons; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; provision of temporary facilities for schools and other essential community services; demolition of unsafe structures that endanger the public; warning of further risks and hazards; public information and assistance on health and safety measures; technical advice to State and local governments on disaster management and control; reduction of immediate threats to public health and safety; and making contributions to State or local governments for the purpose of carrying out the provisions of this paragraph.

REIMBURSEMENT

SEC. 307. Federal agencies may be reimbursed for expenditures under this Act from funds appropriated for the purposes of this Act. Any funds received by Federal agencies as reimbursement for services or supplies furnished under the authority of this Act shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies.

NONLIABILITY

SEC. 308. The Federal Government shall not be liable for any claim based upon the exercise or performance of or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of this Act.

PERFORMANCE OF SERVICES

SEC. 309. (a) In carrying out the purposes of this Act, any Federal agency is authorized to accept and utilize the services or facilities of any State or local government, or of any agency, office, or employee thereof with the consent of such government.

(b) In performing any services under this Act, any Federal agency is authorized—

(1) to appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in competitive service;

(2) to employ experts and consultants in accordance with the provisions of section 3109 of such title without regard to the provisions of chapter 51 and subchapter III of such title relating to classification and General Schedule pay rates; and

(3) to incur obligations on behalf of the United States by contract or otherwise for the acquisition, rental, or hire of equipment, services, materials, and supplies for shipping, drayage, travel, and communications, and for the supervision and administration of such activities. Such obligations, including obligations arising out of the temporary employment of additional personnel, may be incurred by an agency when directed by the President without regard to the availability of funds.

USE OF LOCAL FIRMS AND INDIVIDUALS

SEC. 310. In the expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster assistance activities which may be carried out by contract or agreement with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable to those organizations, firms, and individuals residing or doing business primarily in the disaster area.

NONDISCRIMINATION IN DISASTER ASSISTANCE

SEC. 311. (a) The President shall issue, and may alter and amend, such regulations as may be necessary for the guidance of personnel carrying out Federal assistance functions at the site of a major disaster or emergency. Such regulations shall include provisions for insuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status.

(b) As a condition of participation in the distribution of assistance or supplies under this Act or of receiving assistance under section 402 or 404 of this Act, governmental bodies and other organizations shall be required to comply with regulations relating to nondiscrimination promulgated by the President, and such other regulations applicable to activities within a major disaster or emergency area as he deems necessary for the effective coordination of relief efforts.

USE AND COORDINATION OF RELIEF ORGANIZATIONS

SEC. 312. (a) In providing relief and assistance under this Act, the President may utilize, with their consent, the personnel and facilities of the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations, in the distribution of medicine, food, supplies, or other items, and in the restoration, rehabilitation, or reconstruction of community services, housing and essential facilities, whenever the President finds that such utilization is necessary.

(b) The President is authorized to enter into agreements with the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations under which the disaster relief activities of such organizations may be coordinated by the Federal coordinating officer whenever such organizations are engaged in providing relief during and after a major disaster, emergency. Any such agreement shall include provisions assuring that use of Federal facilities, supplies, and services will be in compliance with regulations prohibiting duplication of benefits and guaranteeing nondiscrimination promulgated by the President under this Act, and such other regulations as the President may require.

PRIORITY TO CERTAIN APPLICATIONS FOR PUBLIC FACILITY AND PUBLIC HOUSING ASSISTANCE

SEC. 313. (a) In the processing of applications for assistance, priority and immediate consideration shall be given, during such period as the President shall prescribe by proclamation, to applications from public bodies situated in major disaster areas, under the following Acts:

(1) title II of the Housing Amendments of 1955, or any other Act providing assistance for repair, construction, or extension of public facilities;

(2) the United States Housing Act of 1937 for the provision of low-rent housing;

(3) section 702 of the Housing Act of 1954 for assistance in public works planning;

(4) section 702 of the Housing and Urban Development Act of 1965 providing for grants for public facilities;

(5) section 306 of the Consolidated Farmers Home Administration Act;

(6) the Public Works and Economic Development Act of 1965, as amended;

(7) the Appalachian Regional Development Act of 1965, as amended; or

(8) title II of the Federal Water Pollution Control Act, as amended.

(b) In the obligation of discretionary funds or funds which are not allocated among the States or political subdivisons of a State, the Secretary of Housing and Urban Development and the Secretary of Commerce shall give priority to applications for projects in major disaster areas in which a Recovery Planning Council has been designated pursuant to Title V of this Act.

INSURANCE

SEC. 314. (a) An applicant for assistance under this Act shall comply with regulations prescribed by the President to assure that, with respect to any property to be replaced, restored, repaired, or constructed with such assistance, such types and extent of insurance will be obtained and maintained as may be reasonably available, adequate, and neces-

sary to protect against future loss to the property.

(b) No applicant for assistance under this Act shall receive such assistance for any property or part thereof for which he has previously received assistance under the Disaster Relief Act Amendments of 1974 unless all insurance required pursuant to this section has been obtained and maintained with respect to such property.

(c) A State may elect to act as a self-insurer with respect to any or all of the facilities belonging to it. Such an election, declared in writing at the time of accepting assistance under this Act or subsequently, in a manner satisfactory to the President, shall be deemed compliance with subsection (a) of this section. No such self-insurer shall receive assistance under this Act for any property or part thereof for which it has previously received assistance under the Disaster Relief Act Amendments of 1974, to the extent that insurance for such property or part thereof would have been reasonably available.

DUPLICATION OF BENEFITS

SEC. 315. (a) The President, in consultation with the head of each Federal agency administering any program providing financial assistance to persons, business concerns, or other entities suffering losses as the result of a major disaster, shall assure that no such person, business concern, or other entity will receive such assistance with respect to any part of such loss as to which he has received financial assistance under any other program.

(b) The President shall assure that no person, business concern, or other entity receives any Federal assistance for any part of a loss suffered as the result of a major disaster if such person, concern, or entity received compensation from insurance or any other source for that part of such a loss. Partial compensation for a loss or a part of a loss resulting from a major disaster shall not preclude additional Federal assistance for any part of such a loss not compensated otherwise.

(c) Whenever the President determines (1) that a person, business concern, or other entity has received assistance under this Act for a loss and that such person, business concern or other entity received assistance for the same loss from another source, and (2) that the amount received from all sources exceeded the amount of the loss, he shall direct such person, business concern, or other entity to pay to the Treasury an amount, not to exceed the amount of Federal assistance received, sufficient to reimburse the Federal Government for that part of the assistance which he deems excessive.

REVIEWS AND REPORTS

SEC. 316. The President shall conduct annual reviews of the activities of Federal agencies and State and local governments providing disaster preparedness and assistance, in order to assure maximum coordination and effectiveness of such programs, and shall from time to time report thereon to the Congress.

CRIMINAL AND CIVIL PENALTIES

SEC. 317. (a) Any individual who fraudulently or willfully misstates any fact in connection with a request for assistance under this Act shall be fined not more than $10,000 or imprisoned for not more than one year or both for each violation.

(b) Any individual who violates any order or regulation under this Act shall be subject to a civil penalty of not more than $5,000 for each violation.

(c) Whoever wrongfully misapplies the proceeds of a loan or other cash benefit obtained under any section of this Act shall be civilly liable to the Federal Government in an amount equal to one and one-half times the original principal amount of the loan or cash benefit.

AVAILABILITY OF MATERIALS

SEC. 318. The President is directed, at the request of the Governor of an affected State, to provide for a survey of construction materials needed in the disaster area on an emergency basis for replacement housing, farming operations, and business enterprises and to take appropriate action to assure the availability and fair distribution of needed materials, including, where possible, the allocation of such materials for a period of no more than 180 days after such major disaster. Any allocation program shall be implemented by the President to the extent possible, by working with and through those companies which traditionally supply construction materials in the affected area. For the purposes of this section "construction materials" shall include building materials and materials required for construction of replacement housing and for normal farm and business operations.

TITLE IV—FEDERAL DISASTER ASSISTANCE PROGRAMS

FEDERAL FACILITIES

SEC. 401. (a) The President may authorize any Federal agency to repair, reconstruct, restore, or replace any facility owned by the United States and under the jurisdiction of such agency which is damaged or destroyed by any major disaster if he determines that such repair, reconstruction, restoration, or replacement is of such importance and urgency that it cannot reasonably be deferred pending the enactment of specific authorizing legislation or the making of an appropriation for such purposes, or the obtaining of congressional committee approval.

(b) In order to carry out the provisions of this section, such repair, reconstruction, restoration, or replacement may be begun notwithstanding a lack or an insufficiency of funds appropriated for such purpose, where such lack or insufficiency can be remedied by the transfer, in accordance with law, of funds appropriated to that agency for another purpose.

(c) In implementing this section, Federal agencies shall evaluate the natural hazards to which these facilities are exposed and shall take appropriate action to mitigate such hazards, including safe land-use and construction practices, in accordance with standards prescribed by the President.

REPAIR AND RESTORATION OF DAMAGED FACILITIES

SEC. 402. (a) The President is authorized to make contributions to State or local governments to help repair, restore, reconstruct, or replace public facilities belonging to such State or local governments which were damaged or destroyed by a major disaster.

(b) The President is also authorized to make grants to help repair, restore, reconstruct, or replace private nonprofit educational, utility, emergency, medical, and custodial care facilities, including those for the aged or disabled, and facilities on Indian reservations as defined by the President which were damaged or destroyed by a major disaster.

(c) For those facilities eligible under this section which were in the process of construction when damaged or destroyed by a major disaster, the grant shall be based on the net costs of restoring such facilities substantially to their predisaster condition.

(d) For the purposes of this section, "public facility" includes any publicly owned flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, park, or airport facility, any non-Federal-aid street, road, or highway, and any other public building, structure, or system, including those used for educational or recreational purposes.

(e) The Federal contribution for grants made under this section shall not exceed 100 per centum of the net cost of repairing, restoring, reconstructing, or replacing any such facility on the basis of the design capacity of such facility as it existed immediately prior to such disaster and in conformity with current applicable codes, specifications, and standards.

(f) In those cases where a State or local government determines that public welfare would not be best served by repairing, restoring, reconstructing, or replacing particular public facilities owned or controlled by that State or that local government which have been damaged or destroyed in a major disaster, it may elect to receive, in lieu of the contribution described in subsection (e) of this section, a contribution based on 90 per centum of the total estimated cost of restoring all damaged public facilities owned by it within its jurisdiction. Funds contributed under this subsection may be expended either to repair or restore certain selected damaged public facilities or, after due consideration of the impact on the environment, to construct new public facilities which the State or local government determines to be necessary to meet its needs for governmental services and functions in the disaster-affected area.

(g) On the application of a State or local government for which the total estimated cost of restoring all damaged public facilities owned by it within its jurisdiction is less than $25,000, the President is authorized to make a contribution to such State or local government based on 100 per centum of such total estimated cost, which may be expended either to repair or restore all such damaged public facilities, to repair or restore certain selected damaged public facilities, or to construct new public facilities which the State or local government determines to be necessary to meet its needs for governmental services and functions in the disaster-affected area.

DEBRIS REMOVAL

SEC. 403. (a) The President, whenever he determines it to be in the public interest, is authorized—

(1) through the use of Federal departments, agencies, and instrumentalities, to clear debris and wreckage resulting from a major disaster from publicly and privately owned lands and waters.

(2) to make grants to any State or local government for the purpose of removing debris or wreckage resulting from a major disaster from publicly or privately owned lands and waters.

(b) No authority under this section shall be exercised unless the affected State or local government shall first arrange an unconditional authorization for removal of such debris or wreckage from public and private property, and, in the case of removal of debris or wreckage from private property, shall first agree to indemnify the Federal Government against any claim arising from such removal.

TEMPORARY HOUSING ASSISTANCE

SEC. 404. (a) The President is authorized to provide, either by purchase or lease, temporary housing, including, but not limited to, unoccupied habitable dwellings, suitable rental housing, mobile homes or other readily fabricated dwellings for those who, as a result of a major disaster, require temporary housing. During the first twelve months of occupancy no rentals shall be established for any such accommodations, and thereafter rentals shall be established, based upon fair market value of the accommodations being furnished, adjusted to take into consideration the financial ability of the occupant. Notwithstanding any other provision of law, any such emergency housing acquired by purchase may be sold directly to individuals and *families who* are occupants thereof at prices that are fair and equitable. Any mobile home or readily fabricated dwell-

ing shall be placed on a site complete with utilities provided either by the State or local government, or by the owner or occupant of the site who was displaced by the major disaster, without charge to the United States. However, the President may elect to provide other more economical or accessible sites or he may authorize installation of essential utilities at such sites at Federal expense when he determines such action to be in the public interest.

(b) The President is authorized to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, have received written notice of dispossession or eviction from a residence by reason of foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, entered into prior to the disaster. Such assistance shall be provided for a period of not to exceed one year or for the duration of the period of financial hardship, whichever is the lesser.

(c) In lieu of providing other types of temporary housing after a major disaster, the President is authorized to make expenditures for the purpose of repairing or restoring to a habitable condition owner-occupied private residential structures made uninhabitable by a major disaster which are capable of being restored quickly to a habitable condition with minimal repairs. No assistance provided under this section may be used for major reconstruction or rehabilitation of damaged property.

(d) (1) Notwithstanding any other provision of law, any such temporary housing acquired by purchase may be sold directly to individuals and families who are occupants of temporary housing at prices that are fair and equitable, as determined by the President.

(2) The President, may sell or otherwise make available temporary housing units directly to States, other governmental entities, and voluntary organizations. The President shall impose as a condition of transfer under this paragraph a covenant to comply with the provisions of section 311 of this Act requiring nondiscrimination in occupancy of such temporary housing units. Such disposition shall be limited to units purchased under the provisions of subsection (a) of this section and to the purposes of providing temporary housing for disaster victims in emergencies or in major disasters.

PROTECTION OF ENVIRONMENT

SEC. 405. No action taken or assistance provided pursuant to section 305, 306, or 403 of this Act, or any assistance provided pursuant to section 402 of this Act that has the effect of restoring facilities substantially as they existed prior to the disaster, shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 852).

MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES

SEC. 406. As a condition of any disaster loan or grant made under the provisions of this Act, the recipient shall agree that any repair or construction to be financed therewith shall be in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications, and standards, and shall furnish such evidence of compliance with this section as may be required by regulation. As a further condition of any loan or grant made under the provision of this Act, the State or local government shall agree that the natural hazards in the areas in which the proceeds of the grants or loans are to be used shall be evaluated and appropriate action shall be taken to mitigate such hazards, including safe-land use and construction practices, in accordance with standards prescribed by the President after adequate consultation with the appropriate elected officials of general purpose local governments, and the State shall furnish such evidence of compliance with this section as may be required by regulation.

UNEMPLOYMENT ASSISTANCE

SEC. 407. (a) The President is authorized to provide to any individual unemployed as a result of a major disaster such assistance as he deems appropriate while such individual is unemployed. Such assistance as the President shall provide shall be available to individuals not otherwise eligible for unemployment compensation and individuals who have otherwise exhausted their eligibility for such unemployment compensation, and shall continue as long as unemployment caused by the major disaster continues or until the individual is reemployed in a suitable position, but no longer than one year after the major disaster is declared. Such assistance shall not exceed the maximum weekly amount authorized under the unemployment compensation program of the State in which the disaster occurred, and the amount of assistance under this section to any such individual shall be reduced by any amount of unemployment compensation or of private income protection insurance compensation available to such individual for such period of unemployment. The President is directed to provide such assistance through agreements with States which, in his judgment, have an adequate system for administering such assistance through existing State agencies.

(b) As used in this section,

(1) the phrase "not otherwise eligible for unemployment compensation" means not eligible for compensation under any State or Federal unemployment compensation law (including the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.)) with respect to such week of unemployment; and

(2) the phase "exhausted their eligibility for such unemployment compensation" means exhausted all rights to regular, additional, and extended compensation under all State employment compensation laws and chapter 85 of title 5, United States Code, and has no further rights to regular, additional, or extended compensation under any State or Federal unemployment compensation law (including the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.)) with respect to such week of unemployment.

(c) The President is further authorized for the purposes of this Act to provide reemployment assistance services under other laws to individuals who are unemployed as a result of a major disaster.

EXTRAORDINARY DISASTER EXPENSE GRANTS

SEC. 408. (a) The President is authorized to make grants to States to provide financial assistance to persons adversely affected by a major disaster who are unable to meet extraordinary disaster-related expenses or needs. Such grants shall be made for use only in cases where assistance under other provisions of this Act or other appropriate laws, or other means, is insufficient to allow persons to meet such expenses or needs.

(b) The amount of funds to be granted under this section shall not exceed 75 per centum of the actual cost of providing assistance pursuant to subsection (a) of this section.

(c) The Governor or his designated representative shall be responsible for administering the grant program authorized by this section. An initial advance may be provided which shall not exceed 25 per centum of the estimated Federal funds required to implement the purposes of this section.

(d) The President shall promulgate regulations that shall include national criteria, standards, and procedures for the determination of eligibility and the administration of individual assistance grants made under this section. No family shall receive grants under this section which total in excess of $5,000. Grants shall be made only during the period for which the major disaster has been declared.

(e) Not more than 3 per centum of the total grant provided to an affected State shall be utilized for administrative purposes.

(f) Administration of this grant program shall be subject to Federal audit for purposes of determining whether the criteria, standards, and procedures required by subsection (d) have been complied with.

FOOD COUPONS AND DISTRIBUTION

SEC. 409. (a) Whenever the President determines that, as a result of a major disaster, low-income households are unable to purchase adequate amounts or nutritious food, he is authorized, under such terms and conditions as he may prescribe, to distribute through the Secretary of Agriculture or other appropriate agencies coupon allotments to such households pursuant to the provisions of the Food Stamp Act of 1964 and to make surplus commodities available pursuant to the provisions of this Act.

(b) The President, through the Secretary of Agriculture or other appropriate agencies, is authorized to continue to make such coupon allotments and surplus commodities available to such households for so long as he determines necessary, taking into consideration such factors as he deems appropriate, including the consequences of the major disaster on the earning power of the households to which assistance is made available under this section.

(c) Nothing in this section shall be construed as amending or otherwise changing the provisions of the Food Stamp Act of 1964 except as they relate to the availability of food stamps in a major disaster area.

FOOD COMMODITIES

SEC. 410. (a) The President is authorized and directed to assure that adequate stocks of food will be readily and conveniently available for emergency mass feeding or distribution in any area of the United States which suffers a major disaster or emergency.

(b) The Secretary of Agriculture shall utilize funds appropriated under section 32 of the Act of August 24, 1935 (7 U..C. 612c), to purchase food commodities necessary to provide adequate supplies for use in any area of the United States in the event of a major disaster or emergency in such area.

RELOCATION ASSISTANCE

SEC. 411. Notwithstanding any other provision of law, no person otherwise eligible for any kind of replacement housing payment under the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" (Public Law 91–646) shall be denied such eligibility as a result of his being unable, because of a major disaster as determined by the President, to meet the occupancy requirements set by such Act.

LEGAL SERVICES

SEC. 412. Whenever the President determines that low-income individuals are unable to secure legal services adequate to meet their needs as a consequence of a major disaster, he shall assure the availability of such legal services as may be needed by these individuals because of conditions created by a major disaster. Whenever feasible, and consistent with the goals of the program authorized by this section, the President shall assure that the programs are conducted with the advice and assistance of appropriate Federal agencies and State and local bar associations.

CRISIS COUNSELING ASSISTANCE AND TRAINING

SEC. 413. The President is authorized (through the National Institute of Mental Health) to provide professional counseling services, including financial assistance to

State or local agencies or private mental health organizations to provide such services or training of disaster workers, to victims of major disasters in order to relieve mental health problems caused or aggravated by the disaster or its aftermath.

COMMUNITY DISASTER LOANS

SEC. 414. (a) The President is authorized to make disaster loans to any local government which may suffer a substantial loss of tax and other revenues as a result of a major disaster, and has demonstrated a need for financial assistance in order to perform its governmental functions. The amount of any such disaster loan shall be based on need, and shall not exceed 25 per centum of the annual operating budget of that local government for the fiscal year in which the major disaster occurs. The President is authorized to cancel repayment of all or any part of such disaster loan to the extent that revenues of the local government during the three-full fiscal year period following the disaster are insufficient to meet the operating budget of the local government, including additional disaster-related expenses of a municipal operation character.

(b) Any disaster loans made under this section shall not reduce or otherwise affect any grants or other assistance under this Act.

(c)(1) Subtitle C of title I of the State and Local Fiscal Assistance Act of 1972 is amended by adding at the end thereof the following new section:

"SEC. 145. ENTITLEMENT FACTOR AFFECTED BY MAJOR DISASTERS

"In the administration of this title the Secretary shall disregard any change in data in determining the entitlement of a State government or a unit of local government for a period of 60 months if that change—

"(1) results from a major disaster determined by the President under section 102 of the Disaster Relief Act Amendments of 1974, and

"(2) reduces the amount of the entitlement of that State government or unit of local government.".

(2) The amendment made by this section takes effect on April 1, 1974.

EMERGENCY COMMUNICATIONS

SEC. 415. The President is authorized during, or in anticipation of, an emergency or major disaster to establish temporary communications systems and to make such communications available to State and local government officials and other persons as he deems appropriate.

EMERGENCY PUBLIC TRANSPORTATION

SEC. 416. The President is authorized to provide temporary public transportation service in a major disaster area to meet emergency needs and to provide transportation to governmental offices, supply centers, stores, post offices, schools, major employment centers, and such other places as may be necessary in order to enable the community to resume its normal pattern of life as soon as possible.

FIRE SUPPRESSION GRANTS

SEC. 417. The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State for the suppression of any fire on publicly or privately owned forest or grassland which threatens such destruction as would constitute a major disaster.

TIMBER SALE CONTRACTS

SEC. 418. (a) Where an existing timber sale contract between the Secretary of Agriculture or the Secretary of the Interior and a timber purchaser does not provide relief from major physical change not due to negligence of the purchaser prior to approval of construction of any section of specified road or of any other specified development facility and, as a result of a major disaster, a major physical change results in additional construction work in connection with such road or facility by such purchaser with an estimated cost, as determined by the appropriate Secretary, (1) of more than $1,000 for sales under one million board feet, (2) of more than $1 per thousand board feet for sales of one to three million board feet, or (3) of more than $3,000 for sales over three million board feet, such increased construction cost shall be borne by the United States.

(b) If the appropriate Secretary determines that damages are so great that restoration, reconstruction, or construction is not practical under the cost-sharing arrangement authorized by subsection (a) of this section, he may allow cancellation of a contract entered into by his Department notwithstanding contrary provisions therein.

(c) The Secretary of Agriculture is authorized to reduce to seven days the minimum period of advance public notice required by the first section of the Act of June 4, 1897 (16 U.S.C. 476), in connection with the sale of timber from national forests, whenever the Secretary detemines that (1) the sale of such timber will assist in the construction of any area of State damaged by a major disaster, (2) the sale of such timber will assist in sustaining the economy of such area, or (3) the sale of such timber is necessary to salvage the value of timber damaged in such major disaster or to protect undamaged timber.

(d) The President, when he determines it to be in the public interest, is authorized to make grants to any State or local government for the purpose of removing from privately owned lands timber damaged as a result of a major disaster, and such State or local government is authorized upon application, to make payments out of such grants to any person for reimbursement of expenses actually incurred by such person in the removal of damaged timber, not to exceed the amount that such expenses exceed the salvage value of such timber.

TITLE V—ECONOMIC RECOVERY FOR DISASTER AREAS

SEC. 501. The Public Works and Economic Development Act of 1965, as amended, is amended by adding at the end thereof the following new title:

"TITLE VIII—ECONOMIC RECOVERY FOR DISASTER AREAS

"PURPOSES OF TITLE

"SEC. 801. It is the purpose of this title to provide assistance for the economic recovery, after the period of emergency aid and replacement of essential facilities and services, of any major disaster area which has suffered a dislocation of its economy of sufficient severity to require (a) assistance in planning for development to replace that lost in the disaster; (b) continued coordination of assistance available under Federal-aid programs; and (c) continued assistance toward the restoration of the employment base.

"DISASTER RECOVERY PLANNING

"SEC. 802. (a)(1) In the case of any major disaster area which the Governor has determined requires assistance under this title and for which he has requested such assistance, the Governor, within thirty days after authorization of such assistance by the President, shall designate a Recovery Planning Council for such area or for each part thereof.

"(2) Such Council shall be composed of not less than five members, a majority of whom shall be local elected officials of political subdivisions within the affected areas, at least one representative of the State, and a representative of the Federal Government. During the period for which the major disaster is declared, the Federal coordinating officer shall also serve on the Council.

"(3) The Federal representative on such Council may be the Chairman of the Federal Regional Council for the affected area, or a member of the Federal Regional Council designated by the Chairman. The Federal representative on such Council may be the Federal Co-Chairman of the Regional Commission established pursuant to title V of the Public Works and Economic Development Act, or the Appalachian Regional Development Act, or his designee, where all of the affected area is within the boundaries of such Commission.

"(4) The Governor may designate an existing multijurisdictional organization as the Recovery Planning Council where such organization complies with paragraph (2) of this subsection with the addition of State and Federal representatives. Where possible, the organization designated as the Recovery Planing Council shall be or shall be subsequently designated as the clearinghouse required by Office of Management and Budget Circular RA-95.

"(5) The Recovery Planning Council shall include private citizens as members to the extent feasible, and shall provide for and encourage public participation in its deliberations and decisions.

"(b) The Recovery Planning Council (1) shall review existing development, land use and other plans for the affected area; (2) may make such revisions as it determines necessary for the economic recovery of the area, including the development of new plans and the preparation of a recovery investment plan for the five-year period following the declaration of the disaster; and (3) may make recommendations for such revisions and the implemention of such plans to the Governor and responsible local governments. The Council shall accept as one element of the recovery investment plan determinations made under section 402(f) of the Disaster Relief Act Amendments of 1974.

"(c)(1) A recovery investment plan prepared by a Recovery Planning Council may recommend the revision, delegation, reprograming, or additional approval of Federal-aid projects and programs within the area—

"(A) for which application has been made but approval not yet granted;

"(B) funds have been obligated or approval granted but construction not yet begun;

"(C) for which funds have been or are scheduled to be apportioned within the five years after the declaration of the disaster;

"(D) which may otherwise be available to the area under any State schedule or revised State schedule of priorities; or

"(E) which may reasonably be anticipated as becoming available under existing programs.

"(2) Upon the recommendation of the Recovery Planning Council and the request of the Governor, any funds for projects or programs identified pursuant to paragraph (1) of this subsection may be placed in reserve by the responsible Federal agency for use in accordance with such recommendations. Upon the request of the Governor and with the concurrence of affected local governments, such funds may be transferred to the Recovery Planning Council to be expended in the implementation of the recovery investment plan.

"PUBLIC WORKS AND DEVELOPMENT FACILITIES GRANTS AND LOANS

"SEC. 803. (a) The President is authorized to provide funds to any Recovery Planning Council for the implementation of a recovery investment plan by public bodies. Such funds may be used—

"(1) to make loans for the acquisition or development of land and improvement facility usage, including the acquisition or development of parks or open spaces, and the acquisition, construction, rehabilitation, alteration, expansion, or improvement of such facilities, including related machinery and equipment, and

"(2) to make supplementary grants to increase the Federal share for projects for which funds are reserved pursuant to subsection (c) of section 802 of this Act, or other Federal-aid projects in the affected area.

"(b) Grants and loans under this section may be made to any State, local government, or private or public nonprofit organization representing any major disaster area or part thereof.

"(c) No supplementary grant shall increase the Federal share of the cost of any project to greater than 90 per centum, except in the case of a grant for the benefit of Indians or Alaska Natives, or in the case of any State or local government which the President determines has exhausted its effective taxing and borrowing capacity.

"(d) Loans under this section shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, less 1 per centum per annum.

"(e) Financial assistance under this title shall not be extended to assist establishments relocating from one area to another or to assist subcontractors whose purpose is to divest, or whose economic success is dependent upon divesting, other contractors or subcontractors of contracts therefore customarily performed by them: *Provided however*, That such limitations shall not be construed to prohibit assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Commerce finds that the establishment of such branch, affiliate, or subsidiary will not result in an increase in unemployment of the area of original location or in any other area where such entity conducts business operations, unless the Secretary has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

"LOAN GUARANTEES

"SEC. 804. The President is authorized to provide funds to Recovery Planning Councils to guarantee loans made to private borrowers by private lending institutions (1) to aid in financing any project within a major disaster area for the purchase or development of land and facilities (including machinery and equipment) for industrial or commercial usage including the construction of new buildings, and rehabilitation of abandoned or unoccupied buildings, and the alteration, conversion, or enlargement of existing buildings; and (2) for working capital in connection with projects in major disaster areas assisted under paragraph (1) hereof, upon application of such institution and upon such terms and conditions as the President may prescribe: *Provided, however*, That no such guarantee shall at any time exceed 90 per centum of the amount of the outstanding unpaid balance of such loan.

"TECHNICAL ASSISTANCE

"SEC. 805. (a) In carrying out the purposes of this title the President is authorized to provide technical assistance which would be useful in facilitating economic recovery in major disaster areas. Such assistance shall include project planning and feasibility studies, management and operational assistance, and studies evaluating the needs of, and developing potentialities for, economic recovery of such areas. Such assistance may be provided by the President through members of the staff, through the payment of funds authorized for this title to other departments or agencies of the Federal Government, through the employment of private individuals, partnerships, firms, corporations, or suitable institutions, under contracts entered into for such purposes, or through grants-in-aid to appropriate public or private nonprofit State, area, district, or local organizations.

"(b) The President is authorized to make grants to defray not to exceed 75 per centum of the administrative expenses of Recovery Planning Council's established pursuant to section 802 of this Act. In determining the amount of the non-Federal share of such costs or expenses, the President shall give due consideration to all contributions both in cash and in kind, fairly evaluated, including but not limited to space, equipment, and services. Where practicable, grants-in-aid authorized under this subsection shall be used in conjunction with other available planning grants, authorized under the Housing Act of 1954, as amended, and highway planning and research grants authorized under the Federal-aid Highway Act of 1962, to assure adequate and effective planning and economical use of funds.

"DISASTER RECOVERY REVOLVING FUND

"SEC. 806. Funds obtained by the President to carry out this title and collections and repayments received under this title shall be deposited in a disaster recovery revolving fund (hereunder referred to as the "fund"), which is hereby established in the Treasury of the United States, and which shall be available to the President for the purpose of extending financial assistance under this title, and for the payment of all obligations and expenditures arising in connection therewith. There are authorized to be appropriated to carry out this title not to exceed $200,000,000 to establish such revolving fund and such sums as may be necessary to replenish it on an annual basis. The fund shall pay into miscellaneous receipts of the Treasury, following the close of each fiscal year, interest on the amount of loans outstanding under this title computed in such manner and at such rate as may be determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, during the month of June preceding the fiscal year in which the loans were made."

TITLE VI—MISCELLANEOUS

TECHNICAL AMENDMENTS

AUTHORITY TO PRESCRIBE RULES

SEC. 601. The President may prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this Act, and he may exercise any power or authority conferred on him by any section of this Act either directly or through such Federal agency or agencies as he may designate.

SEC. 602. (a) Section 701(a)(3)(B)(ii) of the Housing Act of 1954 (40 U.S.C. 461(a)(3)(B)(ii)) is amended to read as follows: "(ii) have suffered substantial damage as a result of a major disaster as determined by the President pursuant to the Disaster Relief Act Amendments of 1974".

(b) Section 8(b)(2) of the National Housing Act (12 U.S.C. 1706c(b)(2)) is amended by striking out the last proviso "section 102(1) of the Disaster Relief Act of 1970" and inserting in lieu thereof "section 102(b) and 301 of the Disaster Relief Act Amendments of 1974".

(c) Section 203(h) of the National Housing Act (12 U.S.C. 1709(h)) is amended by striking out "section 102(1) of the Disaster Relief Act of 1970" and inserting in lieu thereof "section 102(b) and 301 of the Disaster Relief Act Amendments of 1974".

(d) Section 221(f) of the National Housing Act (12 U.S.C. 17151(f)) is amended by striking out of the last paragraph "the Disaster Relief Act of 1970" and inserting in lieu thereof "the Disaster Relief Act Amendments of 1974".

(e) Section 7(a)(1)(A) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress, as amended; 20 U.S.C. 241-1(a)(1)(A)), is amended by striking out "pursuant to section 102(1) of the Disaster Relief Act of 1970" and inserting in lieu thereof "pursuant to sections 102(b) and 301 of the Disaster Relief Act Amendments of 1974".

(f) Section 16(a) of the Act of September 23, 1950 (79 Stat. 1158; 20 U.S.C. 646(a)) is amended by striking out "section 102(1) of the Disaster Relief Act of 1970" and inserting in lieu thereof "section 102(b) and 301 of the Disaster Relief Act Amendments of 1974".

(g) Section 408(a) of the Higher Education Facilities Act of 1963 (20 U.S.C. 758(a)) is amended by striking out "section 102 (1) of the Disaster Relief Act of 1970" and inserting in lieu thereof "section 102(b) and 301 of the Disaster Relief Act Amendments of 1974".

(h) Section 165(h)(2) of the Internal Revenue Code of 1954, relating to disaster losses (26 U.S.C 165(h)(2)) is amended to read as follows:

"(2) occurring in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Disaster Relief Act Amendments of 1974,".

(i) Section 5064(a) of the Internal Revenue Code of 1954 (26 U.S.C. 5064(a)), relating to losses caused by disaster, is amended by striking out the Disaster Relief Act of 1970" and inserting in lieu thereof "the Disaster Relief Act Amendments of 1974".

(j) Section 5708(a) of the Internal Revenue Code of 1954 (26 U.S.C. 5708(a)), relating to losses caused by disaster, is amended by striking out "the Disaster Relief Act of 1970" and inserting in lieu thereof "the Disaster Relief Act Amendments of 1974".

(k) Section 3 of the Act of June 30, 1954 (68 Stat. 330; 48 U.S.C. 1681.), is amended by striking out of the last sentence "section 102(1) of the Disaster Relief Act of 1970" and inserting in lieu thereof "section 102(b) and 301 of the Disaster Relief Act Amendments of 1974".

(l) Section 1820(f) of title 38, United States Code (80 Stat. 1316, as amended by 84 Stat. 1753), is amended by striking "the Disaster Assistance Act of 1970" and inserting in lieu thereof "The Disaster Relief Act Amendment of 1974".

(m) Whenever reference is made in any provision of law (other than this Act), regulation, rule, record, or document of the United States to the Disaster Relief Act of 1970 (84 Stat. 1744), or any provision of such Act, such reference shall be deemed to be a reference to the Disaster Relief Act Amendments of 1974 or to the appropriate provision of the Disaster Relief Act Amendments of 1974 unless no such provision is included therein.

REPEAL OF EXISTING LAW

SEC. 603. The Disaster Relief Act of 1970, as amended (84 Stat. 1744), is hereby repealed, except sections 231, 232, 233, 234, 235, 236, 237, 301, 302, 303, and 304. Notwithstanding such repeal the provisions of the Disaster Relief Act of 1970 shall continue in effect with respect to any major disaster declared prior to the enactment of this Act.

PRIOR ALLOCATION OF FUNDS

SEC. 604. Funds heretofore appropriated and available under Public Laws 91-606, as amended, and 92-385 shall continue to be available for the purpose of completing commitments made under those Acts as well as for the purposes of this Act. Commitments for disaster assistance and relief made prior to the enactment of this Act shall be fulfilled.

EFFECTIVE DATE

SEC. 605. This Act shall take effect as of April 1, 1974.

AUTHORIZATION

SEC. 606. Such funds as may be necessary are hereby authorized to be appropriated to the President to carry out the purposes of this Act.

DISASTER RELIEF ACT AMENDMENTS OF 1974 (REPT. NO. 93–778)

[To accompany S. 3062]

The Committee on Public Works, to which was referred the bill (S. 3062) the Disaster Relief Act Amendments of 1974, having considered the same, reports favorably thereon with an amendment and recommends that the bill (as amended) do pass.

GENERAL STATEMENT

The comprehensive Disaster Relief Act of 1970 has been more frequently and extensively applied during the three years of its existence than any similar previous legislation. The President declared 111 major disasters in 41 different States. In 1973, 46 major disasters covering about one-fourth of all United States counties in 31 States necessitated Federal help of some type to more than 75,000 families.

Although certain features of the 1970 Act have been criticized, the basic pattern of public and private assistance it provided has received wide support. The President's report to Congress on May 14, 1973, and the Administration-sponsored bill (S. 1840), while urging increased responsibility in disaster relief for the States and proposing several significant departures from the present system, recommended retaining many provisions of the 1970 Act with little or no change.

The majority of those who testified before the Disaster Relief Subcommittee during extensive hearings last year favored continuance of many of its programs. At the same time recommendations were made to modify, expand or curtail certain features which have contributed to the formulation of this bill.

Members of the Committee believe that the 1970 Act should be updated and strengthened, certain benefits should be modified, and several new provisions should be added.

The more significant amendments proposed by the Committee in S. 3062 include: (1) redefining "major disaster" to include additional causes for disasters and permitting a distinction between major disasters and those of lesser impact; (2) strengthening provisions for disaster planning, preparedness, and mitigation; (3) requiring acquisition of any available insurance to protect against future disaster losses any property repaired or restored with Federal assistance; (4) imposing civil and criminal penalties for violations of U.S. disaster relief laws; (5) authorizing Presidential assistance in allocating scarce building materials needed in major disaster areas; (6) authorizing 100% grants for repairing or reconstructing public educational and recreational facilities (in addition to other public facilities) and private, non-profit medical and educational facilities and utilities damaged by major disasters, and permitting State and local governments the option of 90% grants with greater administrative flexibility for damaged public facilities; (7) allowing direct expenditures for restoration of damaged homes to habitable condition; (8) creating a grant program to States for financial assistance for the extraordinary needs of disaster victims; (9) directing the procurement of food commodities for distribution in major disasters areas; (10) authorizing loans (subject to later forgiveness in part or whole) not to exceed 25% of annual operating budgets to local governments suffering revenue losses and in financial need because of major disasters; (11) providing professional counseling, training and services for mental health problems caused or aggravated by a disaster; and (12) establishing a new, long-range economic recovery program for major disaster areas.

It was the Committee's intention to legislation on the general subject of disaster relief in the near future. A meeting of the Subcommittee on Disaster Relief had been scheduled for April 9 prior to the terrible events that took place on April 4 when tornadoes struck in the Mid-west and South.

The tragic loss of life and widespread devastation which took place re-emphasized the need for swift action. The Chairman and Ranking Minority Member of the Subcommittee, Senators Burdick and Domenici, together with the Ranking Minority Member of the Committee, Senator Baker, made on-the-scene inspection of the disaster damage and recovery effort in Tennessee, Kentucky, Indiana and Ohio on April 5 and 6. Meetings were held with Senators and staff from affected States and with Secretary James T. Lynn of the Department of Housing and Urban Development on April 8. The legislation was considered and reported by the Committee on April 9.

The speed with which the Committee was able to act is directly attributable to the months of painstaking effort that went into the review of the program. While the Committee was able to act with dispatch, its action was in no way hasty.

To insure that the widest possible benefits and assistance will be made available to the people of the areas damaged by the recent tornadoes, this bill provides for its taking effect as of April 1, 1974.

HEARINGS

At the outset of the 93rd Congress, the Senate Committee on Public Works agreed that a review of the Federal role in providing disaster assistance was justified. Both the number of and loses inflicted by major disasters have risen remarkably in the last few years. It was also expected that recommendations would be made by the Administration for revising some of the programs.

The Subcommittee on Disaster Relief conducted an inquiry during the last nine months on the adequacy, cost, and effectiveness of such assistance. Special attention was devoted to an examination of the benefits provided by the Disaster Relief Act of 1970 (as amended) and the administration of that law in more than 100 major disasters.

Field hearings were held in four cities subjected to severe losses in recent major disasters: Biloxi, Mississippi (March 24, 1973); Rapid City, South Dakota (March 30–31, 1973); Wilkes-Barre, Pennsylvania (May 11–12, 1973); and Elmira, New York (June 1–2, 1973). Testimony on the Administration-sponsored bill (S. 1840) and on other proposed relief measures was received during three days of hearings in Washington (September 11–13, 1973), and a fourth day was devoted to reviewing S. 3062 (March 6, 1974).

More than 300 witnesses testified in person at these hearings and nearly 90 others submitted statements for the record, which totaled over 2,800 pages. Among those appearing before the Subcommittee were members of Congress, State legislators, Federal, State and local officials involved in administering disaster relief, representatives from various private relief organizations and interest groups, and many private citizens. These spokesmen from different sections of the country presented a cross-section of widely diversified groups and opinions and enabled members to raise relevant questions about the quantity and quality of disaster assistance.

MAJOR NEW PROVISIONS OF S. 3062

1. Disasters and Major Disasters Distinguished (Section 102)

Under present law a Presidential declaration of a major disaster at the request of a State Governor automatically "triggers" all benefits authorized by Federal disaster legislation. There are emergency situations, however, in which only limited aid is required.

To make it more practicable to extend help during lesser emergencies, the definition of major disaster is amended to create a new "emergency" category. This will permit such aid as technical assistance, advisory personnel, equipment, food, other supplies, personnel, medical care, and other essentials to be provided.

In accordance with this new definition, various sections of the bill refer only to emergency activities and do not contemplate providing other benefits unless a major disaster is declared by the President.

2. Disaster Preparedness Assistance (Sections 201 and 202)

Both the 1969 and 1970 Disaster Relief Acts authorized 50 percent matching grants not to exceed $250,000 per state to assist them in developing comprehensive plans and programs to combat major disasters. For various reasons, the States have not fully utilized this aid; fourteen States received a total of $217,000 in Federal disaster planning funds during the 15 months the 1969 law was operative, while eleven States have been granted $712,000 under the 1970 law. Only one State (California) has so far used the entire $250,000 apportionment. To encourage greater participation, Title II of the bill authorizes an outright, one-time grant of up to $250,000 for each State without required matching funds.

The President is empowered to establish a Federal disaster preparedness program using the services of all appropriate agencies to develop plans for disaster mitigation, warning systems, emergency operations, rehabilitation, and recovery and to conduct such activities as disaster training, coordination, research, evaluation, and statutory revision. He is also authorized to provide technical assistance to the States in developing their plans (including hazard reduction and mitigation), and for their assistance and recovery programs.

Any State receiving a $250,000 planning grant must submit, through an agency designated for that purpose, a comprehensive disaster preparedness program to the President which sets forth provisions for both emergency and permanent assistance and provides for the appointment and training of appropriate staff and for the formulation of necessary regulations and procedures.

The existing statutory provision for continuous revision and updating of disaster assistance plans, authorizing annual 50 percent matching grants not in excess of $25,000 to each State, is retained.

3. Insurance (section 314)

The increased Federal costs of providing disaster assistance in recent years, especially to the private sector, has focused attention on the need for more extensive insurance coverage against losses caused by natural hazards. It seems reasonable to expect property owners to purchase basic protection against such losses through any reasonably available insurance.

The bill stipulates that insurance adequate to protect against future loss must be obtained for any disaster-damaged property which has been replaced, restored, repaired, or constructed with Federal disaster funds. Unless such insurance is secured, no applicant for Federal assistance can receive aid for any damage to his property in future major disasters. State governments may elect to provide self-insurance on their public fa-

cilities. States which choose to act as self-insurers will not be eligible for disaster assistance because of damage to property on which they previously received aid.

4. Criminal and Civil Penalties (Section 317)

Previously enacted disaster relief acts have not provided specific penalties for those who wilfully failed to comply with their provisions.

The bill provides for a fine of not more than $10,000 or imprisonment for not more than one year, or both, for persons who wilfully make fraudulent claims. Anyone wrongfully applying the proceeds of any loan or cash benefit would be civilly liable for one and one-half times the original principal of any loan or cash benefit.

5. Availability and Distribution of Materials (Section 318)

At the request of the Governor of a State suffering damage caused by a major disaster, the President is authorized and directed to provide for a survey of the construction materials needed in the major disaster area for housing, farming operations and business enterprises and to take appropriate action to insure the availability and fair distribution of such materials for a period not to exceed 180 days. To the extent possible, the President is directed to implement any allocation program through companies which customarily supply construction materials in the affected area.

6. Repair and Restoration of Damaged Facilities (Section 402)

S. 3062 provides that assistance for damaged or destroyed public facilities can be provided under one of two plans at the option of eligible State or local governments. Grants may be made not to exceed 100 percent of cost for repair or reconstruction on a project-by-project basis, as authorized by current law or a Federal contribution based on 90 percent of the total estimated cost of restoring all damaged public facilities within its jurisdiction could be used to repair or restore selected facilities or to construct new ones. This will permit State or local choice as to reconstruction on a Federally-audited project-by-project basis, or with much greater freedom to construct with a minimum of Federal control the facilities it deems best for government functions in the area. In those jurisdictions incurring public facility damages totaling no more than $25,000, a block grant based on 100 percent of the total cost for repairing or reconstructing those facilities would be made.

Public educational and recreational facilities would also be eligible for grants. Since 1965, public elementary and secondary schools have received Federal funds for this purpose through Office of Education budgets. When such assistance was extended in 1966 (P.L. 89-279) to cover facilities used for public higher education, and in 1972 (P.L. 92-385) to non-profit private educational institutions, administration and funding of the program was given to the Office of Emergency Preparedness (now in FDAA). This bill vests authority in the President and provides funds from the same source—the President's emergency fund. It includes private non-profit educational, emergency, medical custodial care, and utility facilities—the latter being rural electrification and telephone membership cooperatives.

The 1970 Act expressly excluded from the disaster grant program public facilities used solely for park and recreational purposes. Many local officials and other witneses have requested the removal of this restriction. There seems to be no valid reason for treating such facilities differently, and the Committee has, therefore, included for assistance public parks and recreation areas. In the case of these newly eligible facilities, the Committee recognizes that while repair and reasonable reconstruction may always be desirable, complete restoration or replacement may be impractical—as in the case of a mature forest. The Committee expects the FDAA to exercise discretion in committing Federal funds to the restoration of parks, insofar as practical, but within reasonable limits taking into account the value of the investment to the affected area.

7. Temporary housing (section 404)

Temporary housing for disaster relief victims has been authorized for several years. Assistance can now be provided by using available Federal property, renting or purchasing vacant residential units, or employing mobile or other prefabricated homes.

In the summer of 1972 a new program of minimal basic repairs to partially-damaged homes was begun after disastrous flooding in the Wilkes-Barre area. If a damaged home could be made habitable in a relatively short period with limited expenditures, such repairs were performed without charge to the owners as a substitute for other temporary housing which the Federal government might have otherwise provided.

Although this action was taken under a broad interpretation of present law, it is preferable to establish the program specifically by statute. Accordingly, S. 3062 authorizes the President to make expenditures for such "mini-repairs" to restore owner-occupied private residential structures to a habitable condition, but such assistance may not be used for major reconstruction or rehabilitation of damaged property.

S. 3062 also authorizes the President to sell, or otherwise make available for disaster relief purposes, temporary housing units directly to States, other governmental entities and private voluntary organizations. At present such units may be disposed of only through the General Services Administration when declared to be in excess supply.

8. Extraordinary disaster expense grants (section 408)

S. 3062 authorizes the President to make grants to States of 75 percent of the actual cost of providing direct financial assistance to persons adversely affected by a major disaster. These grants are available to meet extraordinary disaster-related expenses or needs which are not provided for under this Act, under other programs, or by private means. Aid is limited to a maximum of $5,000 for each family, and is to be administered by the Governor (or his designated representative) according to national criteria, standards and procedures established by the President. Aid for this purpose should be related to financial need and to actual disaster expenses and losses of disaster victims. An advance payment of 25 percent of the estimated required Federal funds can be made to a State and the Committee expects that this will be done promptly so that States may implement the cash grants to families without delay.

9. Unemployment assistance (section 407)

Federal funds have been available since the Disaster Relief Act of 1969 for assistance to persons not adequately covered by unemployment insurance who are out of work because of a major disaster. Such individuals can now receive payments to the extent such payments do not exceed the maximum amount or the duration of compensation provided by the regular unemployment insurance system of the State in which the disaster occurs. Duplication of benefits is not possible because regular unemployment insurance payments, if any, must be deducted from those made for unemployment resulting from a disaster. It does, however, enable workers whose jobs are not included in the regular compensation system to be protected.

Changes in the administration and in the maximum benefit period of the program are proposed by the new bill. The Disaster Relief Acts of 1969 and 1970 both authorized unemployment assistance payments to be made by the President directly to the disaster victim. In view of the fact that competent agencies exist in every State to administer State unemployment insurance systems, and that payments for disaster purposes are closely connected by law and regulation to those systems, obvious advantages can be gained by using the services and personnel of those established State agencies. The bill authorizes the President to provide disaster unemployment compensation through agreements with States which, in his judgment, have adequate systems for administering the program.

Because unemployment compensation is provided by law in most States for a maximum of 26 weeks, those who lose their jobs because of a major disaster are now restricted to a like period for the duration of such payments. The Congress in recent years has authorized extended payments under certain conditions, and extended payments have been recommended by the Administration for certain purposes. Persons unemployed because of a disaster have not, however, been considered eligible under the Disaster Relief Act for extended compensation beyond the maximum period provided by State law.

In most major disasters a maximum unemployment payment period of one-half year will probably prove to be sufficient. The more than 200,000 beneficiaries under this program during the last four years received compensation for an average of six weeks. Nevertheless, in view of the serious and prolonged dislocations which may be caused by catastrophes of the magnitude of Hurricanes Camille and Agnes, the bill proposes authority to extend unemployment payments for six additional months.

10. Food commodities (section 410)

For at least two decades, general legislation has authorized the President to provide food without charge for use in a major disaster. Distribution of free food commodities and food coupons has proved a significant help in meeting vital human needs following a major disaster. Use of surplus food stuffs for mass feeding in evacuation shelters, mobile canteen units, and "meals on wheels" programs is especially essential during the emergency period after a flood, tornado, earthquake or other catastrophe when thousands may be dislocated and the normal economy has been seriously disrupted. Similarly, the distribution of food coupons without charge has enabled many lower-income families to obtain needed food supplies at a time when their livelihood and income have been adversely affected in recent disasters.

The current lack of surplus commodities, and the decision to replace the USDA family food distribution program by July 1 with food stamps, has raised questions about our ability to provide sufficient supplies for mass feeding and for home use after major disasters. In 1973 the Congress authorized the purchase of commodities by USDA without regard to price to fulfill commitments under other programs—including school lunch, family food, and disaster relief, but that authority is scheduled to expire within a few months.

To help meet these needs, the bill retains provisions of the 1970 Disaster Relief Act authorizing the President to make both food commodities and coupons available to disaster victims. In addition, it directs the Secretary to assure that adequate stocks of food will be readily and conveniently available for emergency mass feeding or use in any area of the United States in the event of a major

disaster. The effect is to continue authority to provide agricultural commodities for distribution in major disaster areas, even if the present family and child nutrition commodity procurement programs should be phased out.

11. Crisis counseling assistance (section 413)

Disasters are often the occasion of unforgettable personal crisis. Such sharp mental stress and abrupt hardship may lean, almost as with the shock of war, to persistent psychological disturbances, expecially among the elderly and the children. Expert observers have noted, for example, an increase in mental health problems following recent catastrophes.

In October 1972 the Office of Emergency Preparedness sponsored a conference to explore this problem and to develop proposals for better coping with the emotional and psychological effects of disasters. The conference report suggested three main approaches: Improved education and training of persons involved in disaster relief work, use of professional personnel from nearby community health centers; and reliance on mobile groups of professional people in areas lacking such centers.

Previous Federal disaster relief legislation has not provided specific assistance for "psychological first aid" to disaster victims. Grants totaling over $800,000 were made from regular appropriations by the National Institute of Mental Health, however, for programs to help treat those suffering traumatic exposure in the Rapid City and Wilkes-Barre areas.

The bill authorizes the President to provide professional counseling services and training for disaster workers, either directly or by financial assistance to State or local agencies to help relieve mental health problems caused or aggravated by a disaster or its aftermath.

12. Community disaster grants (section 414)

Section 241 of the 1970 Disaster Relief Act authorized grants for as long as three years to any local government suffering a "substantial" loss of tax property revenue because of damages caused by a major disaster. Only three cities have qualified for these benefits, although seven applications for such grants are still pending.

Application of the phrase "substantial loss," and the dependence of local governments on sources other than the property tax for a sizable portion of their revenues, has made the provision difficult to apply. Also, it is usually a year or more before lowered property assessments for disaster damages are reflected in the loss of tax income. The need of these areas for supplementary funds to carry on normal operations is often more crucial during the first six months or so after the disaster than it is a year or two later.

In order to provide cash flow to local governments at the time of their greatest need after major disasters, S. 3062 substitutes for the present community disaster grant program a new system of loans—a portion of which could be cancelled at a later date under certain conditions. Any local government suffering a substantial loss of tax and other revenues because of a major disaster, and demonstrating need for financial assistance to perform its governmental functions, would be eligible for a loan not exceeding 25 percent of its annual operating budget for the fiscal year in which the disaster occurred. The purpose of the loan is to permit the local governments to continue to provide municipal services, such as the protection of public health and safety and the operation of the public school system.

Part or all of the loan could be cancelled to the extent that local revenues during the following three full fiscal years are not sufficient to meet the operating budget of that government, including municipal disaster-related expenses. The loan, or any cancelled portion, cannot be used as the nonfederal share of any Federal program, including those under this Act.

13. Economic recovery for disaster areas (title V)

Implementation of economic recovery programs in severely damaged disaster areas requires development of unified long-range plans, a ready source of funds, and an area-wide agency to adjust priorities, allocate and schedule use of resources, and provide overall administrative direction.

To help attain these aims, Title V of the bill provides assistance for redevelopment in both public and private sectors. Because the functions of long range economic recovery are so similar to development in economically distressed areas, this program is proposed as a new Title VIII of the Public Works and Economic Development Act of 1965—over which the Committee on Public Works also has legislature jurisdiction. Authority is vested in the President, however, who may choose to delegate these functions either to the Secretary of Commerce or the Secretary of HUD. The Committee recognizes that the planning and coordination of long-range economic recovery are outside the scope of the emergency activities of FDAA, and it is precisely for this reason that it considers that additional specific legislative guidance is appropriate.

Determination of the need for special economic assistance and appointment of a Recovery Planning Council rests with the Governor. A majority of the Council members must be elected local officials. The national and State governments would each have one representative.

The Federal representative could be the Chairman of the Federal Regional Council (or another member designated by him)—or where a Federal Regional Commission has been established, under the Appalachian Regional Development Act or the Public Works and Economic Development Act, the Federal co-Chairman of that Commission. In any area where a multi-jurisdictional organization (such as a Council of Governments) exists and complies with these requirements, the Governor may designate that organization, with the addition of Federal and State representatives, to act as the Recovery Planning Council.

The Recovery Planning Council may revise existing land use, development or other plans, develop new ones, and prepare a five-year Recovery Investment Plan for submission to the Governor and to responsible local governments. The Council also may recommend changes in the programming of available or anticipated Federal funds.

Funds authorized for Federal-aid projects or programs in a major disaster area may be placed in reserve according to such recommendations. If the Governor requests, and affected local governments concur, these funds may be transferred to the Recovery Planning Council to implement the Recovery Investment Plan.

Loans may be made by the Recovery Planning Council to any State or local government, and private or public non-profit organization in a major disaster area to carry out the Recovery Investment Plan. Loans can be made for the acquisition or development of land and improvements for public works, public service or public development facilities (including parks and open spaces), and for acquiring, constructing, rehabilitating, expanding or improving those facilities (including machinery and equipment).

The Federal share of project costs may be increased by supplementary grants to a maximum of 90 percent, but no such limit would apply to grants benefiting Indians and Alaskan natives and to those where the President determines that a State or local government has exhausted its taxing and borrowing capacity. The interest rate for loans made under this section is to be fixed by the Secretary of the Treasury at a rate of one percent less than the current average market yield on outstanding marketable U.S. obligations (adjusted to the nearest one-eighth).

The language of Title V contains an anti-pirating provision. Loan guarantees to help finance industrial and commercial projects in major disaster areas can be made for such purposes as the purchase and development of land, the acquisition of machinery and equipment, and the construction, rehabilitation, alteration, conversion or enlargement of buildings. Loans made by private lending institutions for working capital in connection with such projects may be guaranteed up to a maximum of 90 percent of their unpaid balance.

Both public and private agencies may be provided technical assistance in handling such matters as project planning, feasibility studies, management and operation problems, and the analysis of economic needs and potential. Such assistance can be extended by use of Federal personnel, by reimbursement of other Federal agencies for services by contract with private individuals, firms, and institutions, or by grants-in-aid. Organizations receiving grants for technical assistance may also, subject to certain limitations, be awarded supplementary grants to defray up to 75 percent of their administrative expenses.

A disaster recovery revolving fund, for which no more than $200 million is authorized to be appropriated, is to be established in the United States Treasury. Funds appropriated to carry out this Title, and any collections or repayments received under this Act, are to be deposited in the revolving fund. Payment of all financial assistance, obligations and expenditures for economic recovery under Title V is to be made from the fund. Sums necessary to replenish the funds annually are authorized to be appropriated, and interest on outstanding loans under the Act is to be paid by the fund into the Treasury at the end of each fiscal year.

SECTION-BY-SECTION ANALYSIS

Title I.—Findings, declarations and definitions

Section 101. Findings and Declarations; Because of losses and adverse effects caused by disasters, this section declares that special measures are necessary to provide emergency services and assistance and to help reconstruct and rehabilitate devastated areas.

The purpose of the bill is to provide assistance by (1) revising existing disaster relief programs, (2) encouraging development of State and local disaster relief plans and capabilities, (3) improving coordination and responsiveness of disaster relief programs, (4) encouraging acquisition of insurance coverage, (5) encouraging hazard mitigation measures to reduce disaster losses, (6) providing Federal assistance programs for both public and private losses sustained in disasters; and (7) providing a long-range economic recovery program for major disaster areas.

Section 102. Definitions: An "emergency" is defined to include damage caused by any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, explosion, earthquake, volcanic eruption, landslide, snowstorm, drought, fire or other catastrophe which requires emergency assistance.

A "major disaster" is defined as any damage caused by these hazards determined by the President to be of sufficient severity and magnitude to warrant assistance above and beyond emergency services to supplement State and local efforts.

The words "United States", "State", "Governor", "local government", and "Federal agency", are given standard definitions, except that "local government" includes any rural community, unincorporated town or village, or any other public or quasi-public entity for which an application for assistance is made by a State or political subdivision.

"Administrator" is defined for the first time as the Administrator of the Federal Disaster Assistance Administration in the Department of Housing and Urban Development.

Title II.—Disaster preparedness assistance

Section 201. Federal and State Disaster Preparedness Programs: The President is empowered to establish and conduct disaster preparedness programs, using the services of all appropriate agencies, to acomplish the following: (1) preparation of plans for disaster mitigation, warnings, emergency operations, rehabilitation and recovery; (2) disaster training and exercises; (3) post-disaster evaluations; (4) annual reviews; (5) coordination; (6) application of science and technology; (7) disaster research; (8) revision of legislation.

Technical assistance may be provided the States by the President for the development of disaster mitigation, relief, and recovery plans and programs.

Grants to the States not in excess of $250,000 may be made by the President within one year after enactment for the preparation of comprehensive disaster plans and programs, including provisions for aid to individuals, businesses and local governments, for training of staffs, for formulating regulations and procedures, and for conduct of exercise. Anual 50% matching grants not in excess of $25,000 may be made to States for improving, maintaining and updating disaster assistance plans.

Section 202. Disaster W .rnings: The President is authorized to insure that agencies are prepared to issue disaster warnings, to use or make available the civil defense or other Federal communications systems for threatened or imminent disasters, to make agreements for the use of private communications systems for disaster warnings, and to assist State and local governments to provide timely and effective disaster warnings.

Title III.—Disaster assistance administration

Section 301. Procedures: Based upon a Governor's request that Federal disaster assistance beyond State and local capabilities is necessary, the President is authorized to declare that a major disaster exists or to take other appropriate action in accordance with this Act.

Section 302. Federal Assistance: In providing Federal disaster assistance, the President may coordinate the activities of all Federal agencies and may direct them to use their available personnel, equipment, supplies, facilities and other resources in support of State and local efforts. The President may also prescribe rules and regulations to carry out any provisions of this Act and may exercise any authority conferred on him either directly or through Federal agencies.

Any Federal agency administering disaster assistance programs is authorized to modify or waive administrative conditions if such conditions cannot be met because of a disaster.

All disaster assistance under this Act must be provided according to a Federal-State agreement unless specifically waived by the President.

Section 303. Coordinating Officers: Upon the declaration of a major disaster, the President shall appoint a Federal coordinating officer to operate in the disaster area under the Federal Disaster Assistance Administration. The Federal coordinating officer shall make an appraisal of the relief needed, establish field offices, coordinate the administration of relief, and take other actions to assist local citizens and public officials in promptly obtaining assistance.

The President shall request the Governor of a disaster affected State to designate a State coordinating officer to coordinate State and local disaster assistance efforts with those of the Federal coordinating officer.

Section 304. Emergency Support Teams: The President is authorized to form emergency support teams of Federal personnel to be deployed in disaster areas to assist the Federal coordinating officer. For this purpose the head of any department or agency may detail personnel to temporary duty with such emergency support teams without loss of seniority, pay or other status.

Section 305. Emergency Assistance: The President is authorized to provide, upon request of an affected State, such emergency services as he deems necessary to save lives and protect public health and safety because a disaster either threatens or is imminent.

Section 306. Cooperation of Federal Agencies in Rendering Disaster Assistance: As directed by the President, Federal agencies are authorized in a disaster to provide assistance in the following ways: (1) using or lending to States and local governments (with or without compensation) their equipment, supplies, facilities, personnel and other resources; (2) distributing medicine, food and other consumable supplies through relief and disaster assistance organizations or by other means; (3) donating or lending surplus Federal equipment and supplies; (4) performing on public or private lands or waters any emergency work or services not within State or local government capability that is essential for protection and preservation of public health and safety.

Section 307. Reimbursement: Federal agencies may be reimbursed from appropriated funds for expenditures under this Act, with such funds deposited to the credit of current appropriations.

Section 308. Nonliability: The Federal government is not liable for any claim based on performance or failure to perform by any Federal agency or employee of any discretionary duty or function under this Act.

Section 309. Performance of Services: Federal agencies carrying out the purposes of this Act may accept and use (with their consent) the services or facilities of State or local governments, may appoint and fix compensation of necessary temporary personnel, may employ experts and consultants without regard to classification and pay rates, and may incur obligations on behalf of the United States for the acquisition, rental, or hire of equipment, services, materials and supplies for shipping, drayage, travel and communications and for supervision and administration of such activities.

When directed by the President, such obligations may be incurred without regard to the availability of funds.

Section 310. Use of Local Firms and Individuals: To the extent feasible and practicable, preference is to be given in the expenditure of Federal disaster assistance funds to those organizations, firms and individuals who reside or do business primarily in a disaster area.

Section 311. Nondiscrimination in Disaster Assistance: The Administrator shall issue regulations insuring the equitable and impartial distribution of supplies and processing of applications and forbidding discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status in the handling of disaster assistance.

Section 312. Use and Coordination of Relief Organizations: The personnel and facilities of such disaster relief or assistance organizations as the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and others may be used (with their consent) by the Administrator for distributing medicine, food supplies or other items, and in the restoration, rehabilitation or reconstruction of community services, housing and essential facilities after a disaster. Such disaster relief or assistance organizations shall enter into agreements with the Administrator assuring that use of Federal facilities, supplies and services will comply with regulations prohibiting duplication of benefits and guaranteeing nondiscrimination promulgated by the Administrator under this Act as well as such other regulations the Administrator may require.

Section 313. Priority to Certain Applications for Public Facility and Public Housing Assistance: Priority and immediate consideration is to be given, during a period prescribed by the President, to applications for assistance from public bodies situated in major disaster areas under several Housing Acts, the Public Works and Economic Development Act, the Appalachian Regional Development Act, and the Federal Water Pollution Control Act.

Section 314. Insurance: Applicants for assistance under this Act must obtain any reasonably available, adequate and necessary insurance to protect against losses to property which is replaced, restored, repaired or reconstructed with that assistance.

Property for which assistance was previously provided under this Act is not eligible to receive additional assistance in the future unless all insurance required by this section has been obtained and maintained.

Section 315. Duplication of Benefits: The Administrator is required to ascertain that no person, business concern or other entity receives financial assistance from more than one source for the same damage or loss from a disaster.

No person, business or other entity could receive Federal aid for any loss compensated by insurance, but partial compensation for a particular loss would not preclude additional assistance for that part of the loss not compensated for otherwise.

The Administrator is to determine whether any person, business concern or other entity may have received duplicate benefits and, on such a finding, to direct that person, business concern or other entity to reimburse the Federal Government for that part determined to be excessive.

Section 316. Reviews and Reports: The President is to conduct annual reviews of the disaster assistance activities of the Federal, State and local governments to assure maximum coordination and effectiveness of these programs and to report periodically thereon to Congress.

Section 317. Criminal and Civil Penalties: Persons fraudulently or willfully misstating facts in request for assistance under this Act would be subject to a fine of not more than $10,000, imprisonment for not more than one year, or both.

Each violation of any order or regulation under this Act would be subject also to a civil penalty of not more than $5,000.

Any persons wrongfully applying proceeds of a loan or other cash benefit would be civilly liable to the Federal Government for an amount 1½ times the original principal of a loan or cash benefit.

Section 318. Availability of Materials: At the request of the Governor of a State suffering damage caused by a major disaster, the

President is authorized and directed to provide for a survey of the construction materials needed in the major disaster area for housing, farming operations and business enterprises and to take appropriate action to insure the availability and fair distribution of such materials for a period not to exceed 180 days. To the extent possible, the President is directed to implement any allocation program through companies which customarily supply construction materials in the affected area.

Title IV.—Federal disaster assistance programs

Section 401. Federal Facilities: The President may authorize immediate repair, reconstruction, restoration or replacement of any disaster-damaged facility owned by the United States if he determines that such action is so important and urgent that it cannot be deferred until required legislation, appropriations, or Congressional committee approval is obtained.

Section 402. Repair and Restoration of Damaged Facilities: The President is authorized to make grants to help repair, restore, reconstruct or replace the following facilities damaged or destroyed by a major disaster: (1) public facilities belonging to State or local governments, including those used for educational and recreational purposes; (2) private non-profit educational, utility, emergency, medical and custodial care facilities, including those for the aged and disabled; (3) facilities on Indian reservations as defined by the President; and (4) facilities listed above in the process of construction.

Federal grants for these purposes shall not exceed 100% of the net cost of restoring such facilities as they previously existed in conformity with applicable codes, specifications and standards.

If a State or local government determines that public welfare would not be best served by repairing, restoring, reconstructing or replacing particular publicly owned or controlled facilities damaged in a disaster, in lieu of the above grant it may elect to receive a contribution equal to 90% of the total estimated cost of restoring all damaged public facilities within its jurisdiction. Such funds may be used to repair or restore certain selected damaged public facilities or to construct new public facilities which would better meet its needs for governmental services and functions. In those jurisdictions where public facility damages total no more than $25,000, a block grant equal to 100% of the total cost for repairing or reconstructing these facilities would be made.

Section 403. Debris Removal: The President is authorized, either by using Federal departments and agencies or by making grants to States and local governments, to clear debris and wreckage resulting from a disaster from publicly and privately owned lands and waters.

In order for this section to be carried out, a State or local government must first arrange unconditional authorization for removal of debris from public or private property and, in the latter case, must agree to indemnify the Federal Government for any claims resulting from such removal.

Section 404. Temporary Housing Assistance: The Administrator is authorized to provide, either by lease or purchase, temporary housing or other emergency shelter for persons and families displaced by a major disaster. Such housing may include, but not be limited to, unoccupied habitable dwellings, suitable rental housing, mobile homes or other readily fabricated dwellings.

No rental is to be charged during the first twelve months occupancy of such emergency shelter, but thereafter rentals based on fair market value and on financial ability of the occupants are to be established. Emergency housing acquired by purchase may be sold directly to occupants at fair and equitable prices.

Mobile homes or fabricated dwellings are to be installed on sites complete with utilities without charge to the United States provided either by the State or local government or by the owner or occupant of a site displaced by a major disaster. However, the Administrator is authorized to provide other more economical and accessible sites or to authorize installation of essential utilities at Federal expense if it is in the public interest.

The President is authorized to provide, for a period not to exceed one year, grants for mortgage or rental payments for individuals or families who, because of financial loss caused by a major disaster, have received an eviction or dispossession notice resulting from foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease.

The President is authorized, in lieu of providing other types of temporary housing, to make expenditures to repair or restore to a habitable condition owner-occupied private residential structures made uninhabitable by a disaster which are capable of being restored quickly to a habitable condition with minimum repairs.

Section 405. Protection of Environment: No action taken or assistance provided pursuant to sections 305, 306, or 403 of this Act or any assistance provided pursuant to section 402 of this Act that has the effect of restoring facilities substantially as they existed prior to the disaster, shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 852).

Section 406. Minimum Standards for Public and Private Structures: Recipients of disaster loans or grants must agree to comply with applicable standards of safety, decency and sanitation and with applicable codes, specifications and standards in any repair or reconstruction financed by such assistance.

State and local governments must agree that, in areas where disaster loans or grants are to be used, natural hazards will be evaluated and action taken to minimize them, including safe land-use and construction practices according to standards prescribed by the President.

Section 407. Unemployment Assistance: Individuals unemployed as a result of a disaster who are not eligible for or who have exhausted their eligibility for unemployment compensation may be authorized by the President to receive assistance not exceeding the maximum weekly amount authorized under the unemployment compensation program of the State in which the disaster occurred. The amount of such assistance, which cannot be provided for more than one year, is to be reduced by the amount of unemployment compensation or of private income protection insurance payments otherwise available to the unemployed person.

Reemployed services to those unemployed as a result of a major disaster may also be provided by the President under other laws.

Section 408. Extraordinary Disaster Expense Grants: The President is authorized to make grants to States for financial assistance not in excess of $5,000 to families adversely affected by a major disaster who are unable to meet extraordinary disaster related expenses and needs not provided for by this Act or by other means.

Grants to States for this purpose cannot exceed 75% of the actual cost of providing such needs and services and are to be administered by the Governor or his designated representative. As much as 25% of the estimated Federal contribution may be provided as an initial advance, but no more than 3% of the total grant may be used by the State for administrative purposes.

National criteria, standards and procedures for eligibility and administration of individual assistance grants are to be provided in regulations promulgated by the President.

Section 409. Food Coupons and Distribution: The President is authorized to distribute through the Secretary of Agriculture food coupons and surplus commodities to low-income households which, because of a disaster, are not able to purchase adequate amounts of nutritious food.

The distribution of food coupons and surplus commodities may continue as long as the President determines it to be necessary in view of a major disaster's effects on the earning power of recipients.

Section 410. Food Commodities: The Secretary of Agriculture is authorized and directed to provide food commodities which will be readily and conveniently available for mass feeding and distribution purposes in major disaster areas, and to utilize funds appropriated to the Department of Agriculture for the purchase of commodities necessary to provide adequate food supplies in any major disaster area.

Section 411. Relocation Assistance: No person otherwise eligible for replacement housing payments under the Uniform Relocation Assistance Act of 1970 is to be denied that eligibility because he is prevented by a major disaster from meeting the occupancy requirements of that Act.

Section 412. Legal Services: The Administrator is authorized to assure the availability in a disaster area, with the advice and assistance of Federal agencies and State and local bar associations, of legal services to low-income individuals not able to secure such services because of a major disaster.

Section 413. Crisis Counseling Assistance: The President is authorized to provide professional counseling services and training through the National Institute of Mental Health, including financial assistance to State or local agencies or to private mental health organizations, in order to relieve mental health problems caused or aggravated by a major disaster.

Section 414. Community Disaster Loans: Loans not exceeding 25% of annual operating budgets may be made by the President to local governments suffering substantial tax and revenue losses and demonstrating need for financial assistance because of major disasters.

To the extent that revenues of a local government receiving a disaster loan are not sufficient to meet the operating budget of that government during the following three fiscal years, the President is authorized to cancel all or part of the community disaster loan.

Section 415. Emergency Communications: The Administrator is authorized to establish temporary communications systems in any major disaster area to help carry out his functions and to make them available to other government officials and individuals.

Section 416. Emergency Public Transportation: Temporary public transportation service may be provided by the Administrator in a major disaster area to meet emergency needs and to provide transportation to governmental, supply, educational and employment centers in order to restore normal life patterns.

Section 417. Fire Suppression Grants: The President is authorized to provide assistance and grants to States to assist in the suppression on publicly or privately owned lands of any fire which threatens to become a major disaster.

Section 418. Timber Sale Contracts: If damages caused by a major disaster result in additional costs for constructing roads spec-

ified in existing timber sale contracts made by the Secretaries of Agriculture and Interior, such additional costs will be borne by the Federal government under the following conditions: (1) if the cost is more than $1,000 for sales under one million board feet; (2) if the cost is more than $1 per thousand board feet for sales of one to three million board feet; or (3) if the cost is more than $3,000 for sales over three million board feet.

The appropriate Secretary may allow cancellation of a contract entered into by his department if he determines that disaster damages are so great that construction, restoration or reconstruction of roads is not practical under the above cost-sharing arrangement.

Whenever the Secretary of Agriculture determines that the sale of timber from national forests in an area damaged by a major disaster will assist in construction of that area, will assist in sustaining the economy of that area, or is necessary to salvage the value of damaged timber, he may reduce to seven days the minimum period of time for advance public notice of such sale required by the Act of June 4, 1897 (16 U.S.C. 476).

The President is authorized to make grants to States or local governments to remove timber damaged by a major disaster from privately owned lands. State or local governments may reimburse any person from these funds for those expenses incurred in removing such damaged timber which exceed the salvage value of the timber.

Title V.—Economic recovery for disaster areas

Section 501. Purposes of Title: The purpose of Title V is to authorize additional recovery assistance for any major disaster area in which economic dislocation is so severe that cooperative planning for development, restoration of employment base, and continued coordination of Federal-aid programs are required for long-range restoration and rehabilitation of normal commercial, industrial and other economic activities in the area.

Section 502. Disaster Recovery Planning: After determining that special assistance is required under this title because of a major disaster in his State, a Governor may designate a Recovery Planning Council of not less than 5 members, a majority of whom are to be local elected public officials from political subdivisions in the disaster area. One appointed member is to represent the State, while the Federal government be represented by the Chairman of the Federal Regional Council (or another member designated by him), or the Cochairman of the Federal Regional Commission (or his designee) in those areas where such a body has been established under the Appalachian Regional Development Act or the Public Works and Economic Development Act. If a qualified multijurisdictional organization already exists in the major disaster area, the Governor may elect to designate that organization, with Federal and State representatives added, to act as the Recovery Planning Council.

The Recovery Planning Council is to review existing development, land use or other plans, revise those plans it determines to be necessary, develop new plans, prepare a 5-year Recovery Investment Plan, and make recommendations to the Governor and to local governments for revising and implementing those plans. It may recommend revising, deleting, reprogramming or further approval of Federal-aid projects in the major disaster area for which applications are pending, funds have been obligated but construction not started, funds have been or may be apportioned during the next five years, State scheduling may become available, or approval might be reasonably anticipated.

If recommended by the Council and requested by the Governor, any funds for Federal-aid projects or programs noted above may be placed in reserve by the responsible Federal agency to be used in accordance with such recommendations of the Council. If affected local governments concur with a request by the Governor for such action, these funds may be transferred to the Recovery Planning Council to be expended according to the Recovery Investment Plan.

Section 503. Public Works and Development Facilities Grants and Loans: The President is authorized to provide funds to Recovery Planning Councils for the implementation of Recovery Investment Plans in major disaster areas. Loans can be made from these funds to any State or local government and to public or private nonprofit organizations representing all or part of any major disaster area. Such loans can be used for the acquisition or development of land and improvements for public works, public service or public development facilities (including parks and open spaces), for acquiring, constructing, rehabilitating, expanding or improving those facilities (includng machinery and equipment). The Federal share for Federal aid projects may be increased by supplementary grants to a maximum of 90% in some cases and without limit for grants benefiting Indians (or Alaskan Natives) or in those cases the President determines that a State or local government has exhausted its taxing and borrowing capacity. The interest rate for loans made under this section is to be fixed at a rate one percent less than the current average market yield on outstanding marketable U.S. obligations.

No grant or loan is to be made which would help establishments relocate from one area to another or would assist subcontractors in divesting other contractors or subcontractors of the contracts they customarily perform. If the Secretary of Commerce finds, however, that the establishment of a branch, affiliate or subsidiary would not increase unemployment in the original location of an existing business, aid for such expansion is not prohibited unless the Secretary believes that it is being done with the intent of closing down operations of the existing business.

Section 504. Loan Guarantees: Loans made by private lending institutions to private borrowers in connection with projects in major disaster areas and for working capital may be guaranteed to a maximum of 90% of the unpaid balance of such loans.

Section 505. Technical Assistance: To help facilitate economic recovery in major disaster areas, technical assistance may be provided to both public and private agencies in accordance with the purposes of Title V. Included among the types of assistance to be provided are project planning, feasibility studies, management and operational assistance, and analyses of economic recovery needs and potential. Technical assistance may be extended through grants-in-aid, contracts, employment of persons, firms, or institutions, reimbursement of other Federal agencies, or direct use of personnel under the Administrator's direction. Not to exceed 75% of the administrative expenses incurred by organizations which receive grants for technical assistance may be authorized as supplementary grants, subject to certain specified limitations.

Section 506. Disaster Recovery Revolving Fund: Not to exceed $200 million is authorized to be appropriated for a disaster recovery revolving fund which is to be established in the Treasury and is to be replenished annually. Funds obtained to carry out Title V and all collections or repayments received from its programs are to be deposited in this special fund. Financial assistance extended under this title and payment of all related obligations and expenditures are to be made from the revolving fund. At the end of each fiscal year interest on the amount of loans outstanding under the act, based on current average yield on outstanding marketable U.S. obligations, is to be paid by the fund into miscellaneous receipts of the Treasury.

Title VI.—Miscellaneous

Section 601. Authority to Prescribe Rules: The President is authorized to prescribe such rules and regulations as may be necessary and proper to carry out this Act and to exercise any power or authority in the Act through such Federal agency or agencies he may designate.

Section 602. Technical Amendments: A number of existing statutes are amended by substituting the title of this Act for that of the Disaster Relief Act of 1970.

Section 603. Repeal of Existing Law: All sections of the Disaster Relief Act of 1970 are repealed except those dealing with disaster loan programs and interest rates (sections 231, 232, 233, 234, 235, 236 and 237), technical amendments (section 301), repeal of prior law (section 302), prior allocation of funds (section 303) and effective date (section 304).

Section 604. Prior Allocation of Funds: Funds previously appropriated under P.L. 91-606 and P.L. 92-385 will continue to be available for purposes of completing commitments made under those acts as well as for purposes of this act, and any prior commitments are to be fulfilled.

Section 605. Effective Date: The effective date of this act is April 1, 1974.

Section 606. Authorization: Funds necessary for the purposes of this act are authorized to be appropriated.

COST OF LEGISLATION

Section 252 (a)(1) of the Legislative Reorganization Act of 1970 requires publication in this report of the Committee's estimate of the reported legislation, together with the estimates prepared by any Federal agency. The Committee believes that it is impossible to determine realistically the cost of activities authorized by this legislation. The timing and extent of disasters is not predictable, and, therefore, the cost of responding to them in any given year cannot be ascertained. Likewise, it was not possible to obtain from any Federal agency an estimate of costs.

ROLLCALL VOTES DURING COMMITTEE CONSIDERATION

Section 133 of the Legislative Reorganization Act of 1970 and the Rules of the Committee on Public Works require that any rollcall votes be announced in this report. During the Committee's consideration of this bill, no rollcall votes were taken.

COMMITTEE VIEWS

Disasters of many types can strike without warning in any location. They vary in frequency and intensity. Major disasters almost inevitably bring with them extensive human suffering and community disruption. The Federal Disaster Relief Act provides the mechanism by which the resources of various agencies of the Federal government can be brought to bear on alleviating these conditions.

Experience with the operation of the program in recent years and new information about the nature of disaster relief needs resulted in this legislation. It refines the existing program, modifying its provisions to make it conform to contemporary conditions and resources. In developing this leg-

islation, the Committee conducted extensive hearings, both in disaster-stricken areas and in Washington; it conducted field investigations and met with disaster victims and public officials at all levels. The bill, as reported, would significantly increase the ability of the Federal government to respond effectively and with dispatch to disasters and to expedite long-range recovery operations. For these reasons the Committee recommends passage of the bill.

CHANGES IN EXISTING LAW

In the opinion of the Committee, it is necessary to dispense with the requirements of subsection (4) of Rule XXIX of the Standing Rules of the Senate in order to expedite the business of the Senate. This legislation re-enacts provisions of the Disaster Relief Act of 1970 (Public Law 91-606) with the exception of sections 231, 232, 233, 234, 235, 236, 237, 301, 302, 303 and 304 of that Act which are not amended by this legislation.

By Mr. SPARKMAN, from the Committee on Foreign Relations, without amendment:

S. 3304. A bill to authorize the Secretary of State or such officer as he may designate to conclude an agreement with the People's Republic of China for indemnification for any loss or damage to objects in the "Exhibition of the Archeological Finds of the People's Republic of China" while in the possession of the Government of the United States (Rept. No. 780).

By Mr. SYMINGTON, from the Committee on Armed Services, with an amendment:

S. 2999. A bill to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, and other weapons and research, development, test and evaluation for the Armed Forces, and to authorize construction at certain installations, and for other purposes (Rept. No. 93-781).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. EASTLAND, from the Committee on the Judiciary:

Wendall A. Miles, of Michigan, to be U.S. district judge for the western district of Michigan.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. CURTIS (by request):

S. 3327. A bill to amend Section 208 of the Social Security Act. Referred to the Committee on Finance.

By Mr. YOUNG:

S. 3328. A bill to amend section 501 (c) (12) of the Internal Revenue Code of 1954 (relating to the taxation of telephone cooperatives). Referred to the Committee on Finance.

By Mr. METCALF:

S. 3329. A bill for the relief of Nostratollah Moradi. Referred to the Committee on the Judiciary.

By Mr. HARTKE:

S. 3330. A bill to amend title 10 of the United States Code to provide severance pay for regular enlisted members of the U.S. Armed Services with 5 or more years of continuous active service, who are involuntarily released from active duty, and for other purposes. Referred to the Committee on Armed Services.

By Mr. CRANSTON:

S. 3331. An original bill to clarify the authority of the Small Business Administration, to increase the authority of the Small Business Administration, and for other purposes. Placed on the calendar.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 3332. A bill to repeal the Act of June 23, 1936, to authorize the Secretary of the Interior to exchange certain lands, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BENTSEN:

S. 3333. A bill for the relief of Aurora Rodriguez Ramirez. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 3334. A bill to amend the Interstate Commerce Act in order to improve service in the transportation of household goods by motor common carriers. Referred to the Committee on Commerce.

By Mr. MAGNUSON:

S. 3335. A bill to establish a Marine Fisheries Conservation and Management Fund. Referred to the Committee on Commerce.

By Mr. KENNEDY:

S. 3336. A bill to amend the Fair Labor Contractor Registration Act of 1963 by extending its coverage and effectuating its enforcement. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. YOUNG:

S. 3328. A bill to amend section 501 (c) (12) of the Internal Revenue Code of 1954 (relating to the taxation of telephone cooperatives). Referred to the Committee on Finance.

Mr. YOUNG. Mr. President, under present law, mutual or cooperative telephone companies are eligible for income tax exemption under section 501(c) (12) of the Internal Revenue Code, if 85 percent of its income consists of amounts collected from members for the pupose of meeting the cooperative's losses and expenses. Cooperatives unable to meet the 85-percent test have been allowed by the Service to exclude from taxable income all overcollections returned to patrons.

A problem has come to my attention in this area, however. In the telephone industry, cooperatives and other companies complete or terminate calls to their subscribers which are made by individuals who are subscribers of another company. Apparently, the Internal Revenue Service has taken the position, under its accounting rules, that when the cooperative phone company performs this service of terminating a call placed through another company to one of the cooperative's members, the cooperative receives a payment for this service from the other company. This payment rarely, if ever, consists of cash. Instead the payment is usually in the form of having the other company perform similar terminating services for the cooperative.

Since the other phone company is not a member of the cooperative, and since these constructive payments for terminating calls are quite large, according to the Service, this intepretation would probably cause every telephone cooperative in the United States to fail to qualify as tax exempt because it could not meet the income source test. This same reasoning by the Service would also greatly reduce the amount of excludable patronage refunds for the nonexempt cooperatives.

I do not know if the Service's interpretation of the law is correct as a technical reading of the statute. But I am sure that this result cannot have been the intention of Congress. There would be no point to legislating a requirement which no telephone cooperative could meet.

My bill would correct this situation, for all open years in question, by providing that income received by a cooperative from a nonmember telephone company for the performance of services would not be considered in applying the income test.

By Mr. HARTKE:

S. 3330. A bill to amend title 10 of the United States Code to provide severance pay for regular enlisted members of the U.S. armed services with 5 or more years of continuous active service, who are involuntarily released from active duty, and for other purposes. Referred to the Committee on Armed Services.

REDUCTIONS IN FORCE AND ITS EFFECT ON NCO'S

Mr. HARTKE. Mr. President, today I introduce legislation that will correct an injustice that exists in our Nation's military laws, the failure to provide severance pay for noncommissioned officers.

Under title 10, United States Code, almost any and all regular commissioned officers and commissioned warrant officers may be released from the Armed Forces with a certificate of honorable service. If they are ineligible to receive a retirement annuity, the Federal Government provides them with severance pay equal to an amount not to exceed 1 year of their basic pay. In dollars and cents, this could mean from $7,200 to $18,000, depending upon the grade of the officer at the time of his or her release.

Other officers, such as those in the Reserves, may be released after serving 5 years of continuous active duty and be entitled to readjustment pay in an amount not to exceed $15,000. Temporary officers and warrant officers may also receive severance pay up to $15,000, yet remain in the services as regular enlisted members—*normally in the* noncommissioned and petty officer grades—and continue on active duty long enough to obtain sufficient service for retirement purposes.

I *might* add that a commissioned officer or warrant officer may be removed from the services for dereliction of duty, or for moral reasons, yet he or she will receive a certificate of honorable service and still be eligible to draw severance or readjustment pay.

It is not my intention to demean the officers corps because they have this advantage. We are all aware that these

men and women have served their country in war and peace, and deserve the support of a grateful Nation. We hand them their "walking papers," yet our system of government provides them with some financial aid for readjustment in the civilian communities. I believe it is the least we as Members of Congress can do for our officer veterans.

On the other hand, the armed services, because of a congressional edict to reduce its forces, releases thousands of our noncommissioned and petty officers, and gives them not "one red cent" for their service to their country.

I speak of the men and women who are the "backbone of the Armed Forces"—the noncommissioned and petty officers who recruit, train, mold, supervise, and set the example for our junior-enlisted personnel. The NCO's and PO's have more Medals of Honor winners than any other group in our military services. The NCO's and PO's have been as devoted, as dedicated, and as loyal as any of our military patriots.

Nevertheless, we cast many of them out of the Armed Forces for reasons they cannot control. And we have done this following World War II, the Korean war and now the Vietnam conflict, without sympathy, without concern, and without offering them severance allowance for the years of service to our Nation when we needed them, and which would ease their transfer into civilian life.

Mr. President, I ask unanimous consent that a statement from the 146,000-member NCO Association be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. HARTKE. Mr. President, the bill that I introduce today calls for an amendment to chapter 59 of title 10 of the United States Code. My proposal calls for a severance allowance to be paid to any individual in the U.S. armed services who has served on active duty for at least 5 years, but less than 20 and is therefore ineligible for service connected pension benefits, and who is involuntarily released from the service with an honorable discharge. The individual would be paid a lump sum payment equal to the number of years of service multiplied by one-half the individual's monthly basic pay.

For example, a staff sergeant (E6) with over 8 years' service receives a monthly basic pay of $557. One-half of the basic pay multiplied by 8 years would give the member a lump sum severance payment of $2,228. Likewise, a sergeant first class with over 8 years service would receive a lump sum payment of $2,508 when the individual is involuntarily released from the armed services.

This unequal treatment within the armed services of its members should be removed. My bill would give the backbone of our armed services an even break.

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. 3330

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

That chapter 59 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"1173: Regular enlisted members: severance pay:

"(a) A regular enlisted member who has served a minimum of five continuous years, but less than twenty years of active duty for retirement purposes, and who is involuntarily separated from or denied immediate reenlistment in one of the United States armed services, shall if having served honorably, be entitled to a severance pay. Such pay shall be computed by multiplying the enlisted member's years of active service by one-half of one month's basic pay of the grade in which the member is discharged. Total payment, however, shall not exceed $10,000 for any one individual member. A full year shall be credited for any period in excess of six months. Active service as a commissioned officer shall be included in computing severance pay under this section.

"(b) A regular enlisted member of the United States armed services who was a prior recipient of severance pay or readjustment pay under this or any other section of this title, shall not be entitled to a second payment if the member is involuntarily separated subsequent to another enlistment or reenlistment in one of the United States armed services."

SEC. 2. This Act shall be effective as of January 1. 1972.

EXHIBIT 1

REDUCTIONS IN FORCE AND ITS EFFECT ON NONCOMMISSIONED AND PETTY OFFICERS OF THE UNITED STATES ARMED SERVICES

(By Non Commissioned Officers Association of the United States of America)

FOREWORD

For the third time in less than 30 years the U.S. Armed Services are involuntarily separating numerous members for cause.

As it happened in the post-war years of World War II and the Korean war, Congress is again reducing the size of the Armed Forces following the Vietnam conflict.

Congress calls for cut-backs and DOD orders the Services to discharge or release thousands of commissioned officers, noncommissioned and petty officers, and junior-enlisted personnel. Of the three groups, only the NCOs and POs are really affected by these reductions in force.

OFFICERS

Commissioned and warrant officers removed from active duty by these cut-backs are, in the majority, entitled to either severance pay or readjustment pay dependent upon their service component. They may receive an amount equal to one year's pay or $15,000, whichever applies.

In the case of certain temporary and warrant officers, they may receive severance pay then immediately enlist as a regular enlisted member. They may further continue on active duty until they have sufficient service to retire and subsequently receive a monthly retirement annuity for the rest of their natural lives.

JUNIOR-ENLISTED

In order to reduce the numbers of junior-enlisted members the Services may reduce enlistment quotas and/or provide early discharges. In the latter case, the early releases from active duty are voluntary and normally concern only those members who do not desire to remain on active duty.

NCOS AND POS

The "man in the middle" is the one who suffers. As career-oriented military members, the NCOs and POs have anywhere from 6 to 18 years of honorable service and are planning to retire following the attainment of sufficient years of active duty. With normally no more training than received in the military, and with families to support, they are suddenly released from the Armed Services or denied the authority to reenlist.

They receive no "mustering out" payments, no severance pay nor readjustment pay. The Services pay only their normal wages to the date of discharge and provides for their travel and transportation of dependents and household goods to their homes of record.

In most cases the NCO/PO fairs worse than the civil service or civilian employees who are "riffed" in their local communities. The NCO/PO has been away from home for years and does not have the feel of the economy. He may return unknowingly to an area that is suffering from a lack of available employment, housing, schooling, or whatever.

Even if all is well, the NCO/PO must find housing, seek and obtain employment, and accomplish all the normal commitments forced upon a person who moves with a family. All this without a penny in his pocket other than a final pay check!

THE INEQUITY

A commissioned officer may be separated from the service because he has failed in his performance of duty or is morally unfit, yet the law will provide him. with the same entitlements of travel and transportation as accorded the NCO/PO plus a payment of severance pay in an amount equal to one month's basic pay in grade multiplied by his years of active service (not to exceed one full year of basic pay).

Further there is no requirement of time for most regular officers to qualify for severance pay, and even Reserve officers may receive up to $15,000 in readjustment pay for serving a minimum of five continuous years on active duty. Yet the NCO/PO receives absolutely nothing regardless of the time involved and the reason for the separation.

HOW HE IS SEPARATED?

Primarily the Services convene certain Boards of officers (and sometimes senior enlisted) to screen the records of NCOs/POs to determine those who shall be separated or denied reenlistment. All things being normal, the boards will recommend separations for the NCOs/POs who fail to maintain satisfactory performances of duty, or whose retention is not in the best interests of the Services because of personal deficiencies.

However, when there is a large-scale reduction of force (as we are experiencing today), the Boards must work extra hard to find enough NCOs/POs to "riff." There just aren't enough "bad cases" to go around so they search until they can find something on which they can base an unfavorable recommendation.

For example, the NCO Association discovered a young married Army Staff Sergeant (E-6) who was being denied reenlistment because of "misconduct." A review of his records, however, indicated that his misconduct occured some years ago when he first entered the service. Meanwhile, in six successive years he received a promotion in every one of those years, had been issued a "Top Secret Clearance," and possessed an exemplary conduct and performance record since his last courts-martial.

In another case (see attached exhibit) a Master Sergeant (E-7), U.S. Army, with five

dependent children was denied reenlistment after 16 years of honorable service to his country.

Neither one would receive a "plug-nickel" from the Nation they served in war (both were Vietnam veterans) and in peace.

QUESTION

Why is it that the Services will retain these men (and women) on active duty when they are needed, but suddenly find they are unfit for duty whenever cut-backs are necessary?

Why are these men (and women) promoted to or within the NCO/PO grades with normal time in grade and time in service yet are suddenly "riffed" because the same Service that promoted them is now declaring them "unfit for further duty?"

Why is it that these men (and women), who entered the Services when the pay was insufficient, and remained on active duty beyond their first enlistments, are not entitled to some remuneration for their years of service?

NCOA POSITION

The Non Commissioned Officers Association of the United States of America (NCOA) strongly feels that this "honorable separation with remuneration" is the most unjust and one of the cruelest inequities in our Nation's military laws.

The Noncommissioned or Petty Officer "riffed" involuntarily from, or denied reenlistment in the Armed Services without severance or readjustment pay, is being treated with much more niggardliness by our government than that which is received by some of the Nation's worst enemies.

The NCO/PO involved probably has given no thought to being "riffed" from the service for he believed his government would serve him as he served it. He is normally unprepared and has little if anything to fall back on when the decision arrives for his removal. Many of them were not even aware that they could be "riffed" if they served honorably. They became victims of a seemingly unconcerned government and a Service that no longer cared for their welfare.

Civil service employees as do many other civilian workers, build a vested interest in some type of a retirement plan. If they leave that employ, or are "riffed," they receive a certain amount of money that they may use for readjustment purposes.

The NCO/PO, however, has no vested retirement rights under our military laws. If he (or she) serves 5, 10, 15, or any period of time on active duty that is less than 19½ years, there is no investment. He receives absolutely nothing.

The U.S. Army has already "riffed" more than 2,000 NCOs since the end of the Vietnam conflict and more are promised. No doubt the other Services have contributed or will contribute their fair share. And all of this has come about with little fanfare from the press, or concern to the general public. The military is an unpopular subject today as it has been at other times in this Nation's history.

Yet the recent announcements of base closures with their probable reductions in force of civilian federal workers brought forth a cry at all levels of the Nation's citizenry. Legislators reacted swiftly and new laws were introduced and some passed unhesitantly to aid the federal worker. An early-retirement provision was swiftly added to the civil service retirement laws, and many previously unqualified civilian workers were able to leave the government's employ with a reduced retirement annuity for life.

Congress earlier in this session, swung into action to assist railroad employees, to further aid social security annuitants and to increase benefits for certain veterans, but nothing has been done about the NCOs and POs being thrown out of the service because they are no longer needed by a seemingly ungrateful government. This is nothing new, however, for it has happened before, but it is now time to correct that inequity.

The NCOA respectfully requests that our lawmakers review this unfortunate problem, and to do what they feel is necessary to correct this inequity against these men and women who have honorably served our Nation. They cannot help the fact that their government no longer requires their services.

To release these NCOs and POs without compensation or without some form of readjustment assistance, is one of the cruelest forms of government frugality ever perpetrated on a few of our Nation's veterans.

As President Theodore Roosevelt once said: "No other citizen deserves so well of the Republic as a veteran. They did the one deed which, if left undone, would have meant all else in history went for nothing. But for their steadfast promise, all of our annals would be meaningless, and our great experience in popular freedom and self-government would be a gloomy failure."

Of the greater dedications offered to the Nation by its living veterans, none may be as important to our future defense than that which has been provided by the Noncommissioned and Petty Officers Corps—"the backbone of our Armed Services." It was they who recruited, trained, molded, supervised and set the example for the young men and women who man our Armed Services today and tomorrow.

For those no longer needed in our Nation's shrinking military forces, the NCOA submits that they deserve better than a slap in the face.

(REFERENCES)

(Sections 687, 1167, 3786, 3796, 5864, 5865, 6382, 6383, 6384, 6395, 6396, 6401, 6402, 8786, and 8796 of title 10, United States Code.)

[From the Washington Post, June 18, 1973]

ARMY TRIES TO DROP "DEDICATED SOLDIER"

(By John Saar)

In 1971 Gen. Creighton Abrams commanded U.S. forces in Vietnam and Sgt. 1C James McShane ran the 25-man unit that printed his highly classified battle orders. The two men almost met again one day recently as Abrams, a four-star general promoted to army chief of staff, bustled out of the Pentagon when McShane arrived in a last-ditch effort to save his job, career and pension.

Besides his 32 months of Vietnam service, McShane regularly has earned glowing efficiency reports and is graded "outstanding" in his current job as instructor in offset printing at Ft. Belvoir, Va. Yet he is being dropped from the army—the Pentagon calls it "denial of re-enlistment"—under a screening program designed to weed out nonprogressive and nonproductive soldiers.

Believing the decision unjust, McShane has appealed to President Nixon, Acting Secretary of the Army Howard (Bo) Calloway and Abrams. Unless they intervene, the 35-year-old father of five will end his 16-year army career July 2 without a cent of severance pay and forego, by just more than three years, the right to a lifelong half-pay pension.

The army maintains that under a qualitative management program started in 1971, McShane is one of 40,000 senior noncoms to have his record reviewed by screening boards. With 1,644 others he has been denied reenlistment.

McShane's case was reviewed by a second board, an army spokesman explained, after his record was found to contain omissions and inaccuracies. But the decision again went against him.

Citing McShane's below average scores in skill tests and four "nonjudicial punishments in his record since 1964", the spokesman, Col. William E. Weber said last week: "We demand people abide by our system and our rules. The army is not a free ride."

Weber defended the screening program as a means of producing a post-Vietnam army of high caliber and reduced numbers.

"I know it's hard and I'm sorry for him (McShane), but it's beneficial for the nation because we are going to have a better army."

McShane has been angered and shaken by the Pentagon's handling of his case: "I've always been proud of the army—it's been my whole adult life. And this is the thanks I get? I haven't had a fair shake. It's got me bewildered."

There are others, friends and superiors of McShane's at Fort Belvoir, who support his case. "He's a dedicated professional soldier," said fellow instructor, S. Sgt. Robert Mitchman. "It's a drastic mistake."

Col. Maurice Kurtz, director of the Defense Mapping School at Belvoir, where McShane has been teaching offset printing for the past two years observed:

"I was surprised and supported his appeal for reconsideration because he has done a good job for us. If there's anything else we can do I'd like to be the first to know."

The ouster has been a special shock, McShane says, because security, early retirement and good pension—inducements still offered to army recruits—were *strong factors* in his decision to join at the age of 18 in Philadelphia.

Officers phased out of the army in similar circumstances are eligible for severance pay of $15,000 after only five years' service. There is no equivalent system for enlisted men.

A law firm McShane considered retaining to fight the case, until it requested an initial deposit of $1,500, told him the lost pension might have amounted to $200,000 over the rest of his life.

He did get the travel and early promotions which were his other reasons for joining the army. Since 1956 McShane has been based in Korea, Hawaii, and Vietnam and has received rapid promotions. The jobs also do not seem to match the notion of a soldier now being dismissed as "less than top-notch."

On his two Vietnam tours he was the printing supervisor at two major headquarters. Satisfied customers ranging in rank from generals on down wrote letters of appreciation and McShane submitted them to the review board with his records.

An efficiency report on McShane's performance in Vietnam in 1970 praised him highly. It stated in part: ". . . *clearly* outstanding . . . supervised printing of five million copies . . . in a flaw-less manner . . . the picture of efficiency . . . technical knowledge is unparalleled . . . recommend his early promotion."

While McShane has never been court-martialed or reduced in rank, he has had four nonjudicial offenses, including misappropriating an army vehicle while intoxicated and requesting an officer to back-date a curfew pass. Calling the latter "a breach of the honor code," Weber said he guessed the offenses must have weighed heavily with the screening board.

"Four days out of 17 years," McShane reflected when he heard that comment. "I've already been punished for them once, it seems very hard."

Asked about McShane's voluntary extension of his first Vietnam tour to 22 months, Weber replied, "He stayed over there because he had it made."

"That's not true," said McShane later. I extended to get the promotion. To my family, to me, it was my future."

One of his last efficiency reports, written late last year, says: "As an instructor . . . this man is exceptional."

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 3332. A bill to repeal the act of June 23, 1936, to authorize the Secretary of the Interior to exchange certain lands, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. CRANSTON. Mr. President, I today introduce a bill to repeal the act of June 23, 1936, which granted special Federal land purchase rights to the city of Los Angeles; to provide for the continuation of existing water gathering operations by the city of Los Angeles; and to facilitate an exchange of lands between the U.S. Forest Service and the city of Los Angeles, within Mono County, Calif.

This measure is introduced in the particular interest of Mono County and is the product of long and careful negotiations among Mono County officials, the city of Los Angeles Department of Water and Power, and the U.S. Forest Service. It is cosponsored by my California colleague, Senator JOHN V. TUNNEY. A companion measure is being introduced today in the House of Representatives by Congressman JOHN MCFALL.

Mr. President, the act this measure would repeal was passed by the Congress in 1936 to facilitate construction of vitally needed water and hydroelectric power supply facilities for the city of Los Angeles. Los Angeles presently receives approximately one-half of its water supply and hydroelectric power—equivalent to more than 1 million barrels of fuel oil per year—from the water originating in Mono County. The act granted to the city of Los Angeles the right to purchase, subject to approval by the Secretary of the Interior, Federal property for $1.25 per acre.

The act, however, has outlived its usefulness. The legislation which served some purpose 32 years ago is now an unnecessary impediment to both Mono County and the Federal Government in the efficient exercise of long-range planning and land-use control. The city of Los Angeles recognizes that necessary easements and rights-of-way across Federal land will be adequate to preserve the city's authority to manage its existing water and power resource facilities.

Therefore, over a 10-year period, the Los Angeles Department of Water and Power has worked with Mono County officials on legislation that removes the burden of the 1936 act while providing easements for such existing water gathering facilities as Crowley Lake Reservoir, Grant Lake Reservoir, Mono Basin Aqueduct, and related facilities. The result of these negotiations is the bill I introduce today.

Maps showing the location of these existing facilities have been prepared by the Los Angeles Department of Water and Power which has agreed to make the maps available for inclusion in the legislative record at the time of hearings on this bill.

Most of the land in Mono County is today in either Federal ownership or city of Los Angeles ownership. More than half of the Federal lands are part of the U.S. Forest System. The proposed legislation will not affect the continued management of these lands by the U.S. Forest Service. The bulk of the remaining Federal lands are Bureau of Land Management lands which were withdrawn from entry to protect the city of Los Angeles' water supply in 1931 and 1932 by act of Congress and Executive order, respectively. This bill does not affect the withdrawn status of Bureau of Land Management lands. City of Los Angeles lands will continue to be managed cooperatively with the Federal lands to maintain the existing open-space environment which is a major recreational resource for the millions of people in southern California.

The bill I introduce today includes an exchange of land of approximately equal value between the U.S. Forest Service and the city of Los Angeles, to facilitate management of the respective land ownerships. The city of Los Angeles would receive 165 acres of U.S. Forest Service lands covered by the existing Grant Lake Dam, the easterly portal of the Mono Craters Tunnel, and property presently leased to the city for the family recreational Camp High Sierra at Mammoth Lakes. The Federal Government would receive 440 acres of city of Los Angeles property adjoining the Lee Vining Ranger Station, shoreline property at Grant Lake Reservoir, and property for expansion of the Sherwin Creek Campground.

In sum, I believe the bill I introduce today contributes greatly to a continuing climate of cooperation among the Federal Government, the city of Los Angeles, and Mono County, in managing the land resources of Mono County.

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

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

S. 3332

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act authorizing and directing the Secretary of the Interior to sell to the City of Los Angeles, California, certain public lands in California, and granting rights-of-way over public lands and reserved lands to the City of Los Angeles in Mono County in the State of California", approved June 23, 1936, is hereby repealed.

SEC. 2. (a) In consideration of the repeal of the Act of June 23, 1936, the Secretary of the Interior and the Secretary of Agriculture, with respect to lands under their jurisdiction or control, are authorized and directed to convey, by appropriate instrument, to the City of Los Angeles, such easements and rights-of-way on, over, under, through, and across such Federal lands in Mono County, California, as may be necessary to enable the City of Los Angeles to operate, maintain, and reconstruct any and all works, structures, or facilities (including communication facilities) which are in existence on the date of the enactment of this Act and which are necessary, convenient, incidental, or appurtenant to, the generation, transformation, transmission, distribution, and utilization of electric energy, or to the collection, extraction, diversion, transportation, storage, and distribution of water. Such conveyance shall be made subject to the condition that the City of Los Angeles shall, within the five year period following the date of the enactment of this Act, submit to the appropriate Secretary maps setting forth the location of such works, structures, and facilities, but maps which accurately set forth location of such works, structures, of facilities and which are on file with the Secretary of Agriculture and the Secretary of the Interior on the date of the enactment of this Act need not be refiled.

(b) In further consideration of the repeal of the Act of June 23, 1936, and notwithstanding any other provision of law, the City of Los Angeles is hereby granted the right through its existing water-gathering operations to affect Federal land in Mono County, California, within the watersheds of the Mono Basin and the Owens River, including but not limited to, the level of surface waters and waters underlying such Federal lands.

(c) Subject to the provisions of subsection (d) of this section, the appropriate Secretary of the department having jurisdiction or control over the following described lands shall convey, by appropriate instrument, all right, title, and interest of the United States in and to such lands to the City of Los Angeles:

(1) Camp High Sierra (5 acres) W ½ of SW ¼ of SW ¼ of SW ¼ of Sec. 34, T3S, R27E, MDB&M.

(2) Grant Lake Dam (80 acres) W½ of NW ¼ of Sec. 15, T1S, R26E, MDB&M.

(3) East Portal (80 acres) E ½ of NE ¼ of SW¼; NW ¼ of SE ¼; and W ½ of NE ¼ of SE ¼ of Sec. 21, T2S, R28E, MDB&M.

(d) The conveyances authorized by subsection (c) of this section shall be made subject to the condition that the City of Los Angeles, California, convey, by appropriate instrument, to the United States, all right, title, and interest of the City of Los Angeles in and to the following described lands excepting and reserving to the City of Los Angeles all water and water rights in accordance with section 219 of the Charter of the City of Los Angeles:

(1) Sherwin Creek (40 acres) NW ¼ of SE ¼ of Sec. 6, T4S, R28E, MDB&M.

(2) Lee Vining Ranger Station (50 acres) SE ¼ of SW ¼; W ½ of W ½ of SW ¼ of SE ¼ of Sec. 17, T1N, R26E, MDB&M.

(3) Upper and Lower Horse Meadow—

(a) Upper (160 acres) NE ¼ of Sec. 30, T1N, R26E, MDB&M.

(b) Lower (160 acres) W ½ of SE ¼; NE ¼ of SE ¼ of Sec. 20 and NW ¼ of SW ¼ of Sec. 21, T1N, R26E, MDB&M.

(4) Grant Lake Shore (30 acres) Portion NW ¼ of NE ¼ of Sec. 28, T1S, R26E, MDB&M above max. H.W. level and portions of SE ¼ of NW ¼; NE ¼ of SW ¼; and Lot 4 of Sec. 21, T1S, R26E, MDB&M which are above max. H.W. level.

SEC. 3. Nothing in this Act shall be construed as modifying, altering, or otherwise affecting, or be construed in any manner which would result in an interference with, the laws of the State of California relating to the ownership of, or rights to the use of, water or land or the control thereof, or with any right, power, or privilege of the State of California.

By Mr. MONDALE:

S. 3334. A bill to amend the Interstate Commerce Act in order to improve service in the transportation of household

goods by motor common carriers. Referred to the Committee on Commerce.

Mr. MONDALE. Mr. President, every year millions of American families change residences. Some merely move from one apartment to another, or one home to another, in the same city. Others move long distances; many across the country. The moving American turns to the moving company—or more properly the household goods carrier—at a time when his life is often in a state of turmoil, whether by virtue of the move itself or by virtue of a significant change in his job or lifestyle. The American family depends upon the moving company to provide an accurate estimate of charges, perform its service on time, take care to avoid damage in the handling of his goods, and to settle any claims speedily and fairly. Yet, the American family is often greatly disappointed.

In 1963, Consumers Union conducted an extensive survey of the problems consumers encounter when they move. The survey revealed that moving could be a "nightmarish experience." As summarized by the group's publication, Consumer Reports, the survey revealed:

> Companies failed to pick up or deliver belongings on time, causing people to violate leases or forcing them to seek makeshift accommodations. Salesmen grossly underestimated costs, frequently causing unexpected financial crises at the point of delivery. And all too often furniture was damaged or lost in transit, and there were frustrating experiences as customers tried to settle claims.

Consumers Union took followup surveys in 1968 and again in 1973. While conditions had improved somewhat, largely as the result of action taken by the Interstate Commerce Commission, Consumer Reports concluded that the problems uncovered in 1963 "still exist to an alarming degree."

The article "Moving? Still Lots of Potholes Along the Way" which appeared in the May 1973 issue of Consumer Reports provides a comprehensive and enlightening survey of the problems encountered by many Americans who turn to moving companies for help and pay well for that help. I ask unanimous consent that the article be printed in the RECORD following my statement.

From the Consumers Union survey and other sources, including information collected by the ICC, it appears that the consumer encounters many problems when he uses a moving company. First ICC records reveal that the 20 largest carriers underestimated charges in 23 percent of their moves in the last half of 1972. The underestimate not only causes a significant disruption of the consumer's financial planning, it also often forces him to come up with additional cash at the destination of the move in order to claim his goods. Some of the underestimates are legitimate errors; others, however, are undoubtedly the result of so-called low balling—a deliberate low quotation by the estimator used to entice the consumer. The practice is encouraged by commission compensation of salesmen. Whether or not a significant percentage of underestimates are deliberate, the problem of underestimates is widespread and results, according to the president of the National Furniture Warehousemen's Association, in "untold hardship among the public—and ill feeling toward the whole industry."

Most people making a long-distance move plan it to coincide with the expiration of a lease, the commencement of a new job, or other important plans. Therefore, it is important that household goods arrive on time. Even if the move is only across town, a consumer may be greatly inconvenienced by delay. The second major problem arises in the area of timeliness. ICC figures reveal that more than 30 percent of the moves are not on time. While in this, as in other areas, the ICC has rules, they are difficult to enforce and appear ineffectual.

Finally, it is natural to expect that, because of the difficulties involved in transporting household goods, damage will occur. However, the prevalence of damage is shocking. The ICC statistics reveal that damage claims are filed in more than 20 percent of shipments. Filing a claim frequently only represents the beginning of a troublesome process. Many moving companies do not accept repair estimates, delay settlements for lengthy periods of time, and ultimately refuse to settle.

Overall, the moving industry has many problems. An ICC Commissioner has described the situation as having reached "a crisis stage." The Department of Transportation has recently proposed new ICC regulations dealing with many of the problems mentioned above. The ICC has agreed to take some preliminary steps. In my opinion, however, the regulatory mechanism has had ample time to act. It is now up to Congress to do something for those Americans who experience the frustrations of dealing with moving companies—to do something for the American consumer.

I am today, Mr. President, introducing a bill which I am confident will represent an important first step toward rectifying the needs of the American consumer who deals with a household goods carrier. The bill amends the Interstate Commerce Act, 49 U.S.C. 320. By the terms of the bill, all motor common carriers of household goods, as defined in other provisions of the act, are required to keep records during each calendar year of several enumerated items:

First. The number of shipments of household goods carried;

Second. The number of shipments which were picked up later than the time specified in the service order and the percentage of that number to the total number of shipments;

Third. The number of shipments which were delivered within the date and time specified in the service order and the percentage of that number to the total number of shipments;

Fourth. The number of shipments which were both picked up and delivered late and the percentage of that number to the total number of shipments;

Fifth. The number of shipments on which there was an underestimation of 10 percent or more and the percentage of such number to the total number of shipments;

Sixth. The number of shipments on which there was an overestimation of 10 percent or more and the percentage of such number to the total number of shipments;

Seventh. The number of shipments on which there was a damage claim and the percentage of such number to the total number of shipments;

Eighth. The number of claims settled during the year, the average percentage which the settlement was of the claim, and the dollar value of the settlements as a percentage of the dollar value of claims filed;

Ninth. The number and percentage of claims settled prior to the institution of judicial process and prior to the completion of judicial process;

Tenth. The dollar value of claims filed as a percentage of gross revenue and the dollar value of claims paid as a percentage of gross revenue;

Eleventh. The length of time between submission of the claim and settlement;

Twelfth. Any other information the Commission determines will assist it in carrying out the purposes of the bill.

The information must be filed with the ICC quarterly. The information will then be compiled by the Commission and made a matter of public record.

Those carriers authorized by the ICC to transport household goods among all 48 contiguous States are required to provide each customer with a *copy* of the comparative information supplied to it by the ICC about all carriers with cross-country authority. All other carriers must furnish their customers with the latest information they have filed with the ICC. The ICC will make the comparative information and individual information available in a readable and convenient form.

Providing the consumer with this information is intended to serve two purposes. First, armed with accurate and up-to-date comparative information, the consumer can make an informed choice when deciding which moving company to use. He will be able to compare the performance of the companies with cross-country authority in important aspects of service and pick the one with the record that impresses him the most in the services that are important to him. Second, when the records of these companies are not only exposed to general public scrutiny, but also disseminated in a comparative way, performance will naturally improve. Knowing that its record will be exposed to public view, the moving company will have a strong incentive to do better.

One feature of the bill deserves further explanation. Comparative information is required to be furnished to the consumer by the moving companies with authority to transport household goods among the 48 contiguous States, but

other companies need only furnish their customers with their own data. There are three reasons for this distinction. First, the 20 companies with cross-country ICC authority account for approximately 80 percent of the household goods moving business in this country. Surely, requiring comparative information to be provided by them will help a significant portion of the moving public. Second, it would be administratively impossible to require the ICC to assemble comparative data as to all 2,500 household goods carriers. Finally, most consumers would have no need for such information. Giving the consumer, who uses these smaller companies, information on their own record should serve the purpose of providing the consumer with sufficient information to make an intelligent choice. He would not need information about all 2,500 carriers.

The Commission is given the authority to require further information to be furnished by the carriers. And the carriers are not prevented by the bill from furnishing the ICC or the consumer with additional information by way of explanation of their record. The ICC is required to make the terms of this bill effective through regulation within 6 months of its enactment.

The American public has been subjected to the deplorable performance of some moving companies for long enough. It is time for Congress to take action. I believe that this bill, which will allow the consumer to make an intelligent choice and which will expose the company's records to comparative, public view, represents an important way to deal with the "crisis" in moving company performance.

I ask unanimous consent that the text of my bill and the article from Consumer Reports be printed in the RECORD at this point.

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

S. 3334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 220 of the Interstate Commerce Act (49 U.S.C. 320) is amended by inserting at the end thereof the following:

"(h) (1) The Commission shall require each motor common carrier of household goods to keep records during each calendar year of the following:

"(A) the number of shipments of such goods carried;

"(B) the number of such shipments which were picked up later than the time specified in the order for service and the percentage of such number to the total number of such shipments;

"(C) the number of such shipments which were delivered within the date and time specified in the order for service and the percentage of such number to the total number of such shipments;

"(D) the number of such shipments which were both picked up later than, and not delivered within, the time specified in the order and the percentage of such number to the total number of such shipments;

"(E) the number of such shipments on which there occurred an underestimation of charges of ten percent or more and the percentage of such number to the total number of such shipments;

"(F) the number of such shipments on which there occurred an overestimation of charges of ten percent or more and the percentage of such number to the total number of such shipments;

"(G) the number of such shipments with respect to which a claim for damages was filed and the percentage of such number to the total number of such shipments;

"(H) the number of such claims which were settled during the year, the average percentage which the settled amount was of the claimed amount, the dollar value of claims paid as a percentage of the dollar value of claims filed;

"(I) the number and percentage of such claims settled prior to the institution of judicial process and prior to the completion of judicial process;

"(J) the dollar value of claims filed as a percentage of gross revenue, the dollar value of claims paid as a percentage of gross revenue;

"(K) the length of time between submission of the claim and settlement; and

"(L) such other information as the Commission determines will assist in carrying out the purposes of this subsection.

"(2) The Commission shall require that information kept pursuant to paragraph (1) shall be filed with it, in such form as the Commission prescribes, quarterly. Such information for all motor common carriers shall be compiled by the Commission and made available as a matter of public record.

"(3) Such information for all motor common carriers authorized to transport household goods among all 48 of the contiguous States shall be furnished by the Commission to each such carrier, and the Commission shall require each such carrier to give or deliver such information to each prospective shipper of household goods, to obtain a receipt therefor, and to preserve such receipt as part of the records of shipment.

"(4) The Commission shall require each other motor common carrier transporting household goods to give or deliver to each prospective shipper of household goods the information with respect to such carrier last filed with the Commission pursuant to this subsection, to obtain a receipt therefor, and to preserve such receipt as part of the records of shipment.

"(5) The Commission may require the furnishing of such additional information pursuant to paragraphs (3) and (4) as it determines will assist it in carrying out the purposes of this subsection.

"(6) Nothing in this subsection shall prevent a carrier from furnishing as part of the information required pursuant to paragraph (3) or (4) additional accurate information for the purpose of explaining other information furnished."

SEC. 2. Regulations required by the amendment made by this Act shall be prescribed and made effective with respect to actions of motor common carriers written six months of the date of enactment of this provision.

MOVING?—STILL LOTS OF POTHOLES ALONG THE WAY

Ten years ago, when CU conducted its first survey of the problems consumers encounter when they move, a significant percentage of those replying told us how a move could be a nightmarish experience. Companies failed to pick up or deliver belongings on time, causing people to violate leases or forcing them to seek makeshift accommodations. Salesmen grossly underestimated costs, frequently causing unexpected financial crises at the point of delivery. And all too often furniture was damaged or lost in transit, and there were frustrating experiences as customers tried to settle claims.

After our first survey, the Interstate Commerce Commission introduced some mildly consumer-oriented rules and, in 1968, when CU polled its readers again, some improvement was noted. One out of four of our 1968 respondents, however, was seriously dissatisfied with his move. Not too long after our 1968 survey, the ICC and the moving industry did surveys of their own, confirming CU's findings. Then, in 1970, the ICC held a lengthy hearing that resulted in further regulatory changes designed to protect consumers. What has been the result? Here is the opinion of one very knowledgeable observer, Rupert L. Murphy, one of the 11 ICC Commissioners:

"We hoped that the warnings made and regulations promulgated in that proceeding would be a major step towards significant improvements in the moving experience of the public," he said last October at a meeting of the American Movers Conference, a trade group. "But we have now discovered that our job is far from done and that a far greater effort will be required. . . . In fact," he continued, "the Commission is of the opinion that the situation has reached a crisis stage. . . . Complaints continue to be received at an alarming rate. And the number and bitterness of these complaints is, I fear, indicative of the type of service being received by the moving public from many of the household goods carriers."

Indeed, the ICC says it receives from 8,000 to 10,000 letters a year from disgruntled consumers, and such complaints are a steady subject of mail to CU. Public clamor has become so pronounced, in fact, that the ICC has completed special investigations against five carriers—Allied Van Lines, Inc., Aero Mayflower Transit Co., Bekins Van Lines Co., United Van Lines, Inc. and Red Ball Van Lines, of New York—and as of this writing is in the process of investigating four others, North American Van Lines, Inc., Atlas Van Lines, Inc., National Van Lines, Inc. and American Red Ball Transit Co. of Indianapolis.

Furthermore, the Department of Transportation has petitioned the ICC to initiate another rulemaking proceeding to strengthen household-moving regulations again. "As an advocate for the right of the American consumer to safe and dependable moving services," former Transportation Secretary John Volpe wrote to ICC Chairman George Stafford last year, "I feel that every effort should be made to reduce, and hopefully eliminate, unfair and deceptive practices by household goods movers." In light of such evidence that the problems CU uncovered in its surveys in 1963 and 1968 still exist to an alarming degree, we decided this year to forgo a third survey and let the public record speak for itself.

THE GUESSING GAME

Potential problems begin the minute a moving company's salesman walks in your door. Upon request, you must be given an estimated cost of your move by the representative of the moving company who calls on you and checks out your shipment. (Moves paid for by the military and big corporations are often made without estimates; for private moves, estimates are almost always made, even when the customer doesn't request one.)

Most of the cost of getting your belongings from one house to another in an interstate move is based on the weight of your shipment and the distance it must travel. All the big moving companies belong to rate bureaus that, in accordance with ICC regulations, set

uniform rates. So among the big companies there is no price competition. That's important to remember, since two widely varying estimates from two companies merely means that one of them—maybe even both—has guessed the weight of your shipment incorrectly. You are obligated to pay on the basis of the actual weight—determined by putting the truck on a scale—no matter what you were told the move would cost.

By the moving companies' own admission, the accuracy of their estimates is not good. Carriers must file quarterly reports with the ICC on the number of estimates that were off by more than 10 per cent. When CU checked those records for the last half of 1972, we found that the 20 biggest carriers underestimated the bill 23 per cent of the time. The chart on page 357 shows the record.

Low guesses can be enormously wide of the mark. "I write to you in hopes of advising others of the pitfalls of moving," Kathie Florsheim told CU in recounting her moving experience. "I moved from Oakland, Calif., to Providence, R.I. . . . The estimate was made on 1000 pounds, and the cost was to be $472.75. The actual weight was 2040 pounds at a cost of $713.55," a money error of 51 per cent.

It used to be that a customer faced with that kind of error had but two choices—either come up with the cash or a certified check (personal checks are rarely accepted) or let the goods be put in storage, incurring storage charges and additional loading, transporting and unloading charges. Fortunately, a 1970 rule change stopped that. Now, you are obligated to pay the driver no more than the amount of the estimate plus 10 per cent at the time of delivery. You then have 15 days, excluding weekends and holidays, to pay the balance. Another ICC rule that enables you to prepare yourself for the unpleasantness of a higher-than-expected bill requires the carrier to notify you of the charge immediately after it determines the weight of your shipment. That's done shortly after the van leaves your home. But to get that service you must ask for it when you place the order and you must provide an address or phone number where you can be contacted between homes.

It's difficult to determine how many gross underestimates are the result of "low-balling"—a deliberate low quotation by the salesman, whose objectives is to entice you into hiring his company. But the practice does exist, resulting in "untold hardship among the public we serve and ill feeling toward the whole industry," as the president of the National Furniture Warehousemen's Association put it recently in that trade group's journal. Many moving companies contend that while low-balling causes some gross underestimates, people who don't show the salesman everything they want to ship cause many more. Many customers don't understand that weight and distance govern most of the cost of the move, and mistakenly think that the estimate is binding. Certainly inexperience on the part of estimators or honest bad guessing accounts for some of the disparities. In fact, the 20 biggest movers in the nation claim that in the last half of 1972, 27 per cent of their salesmen's estimates were *more* than the actual charge. But that's small comfort for the thousands stunned by much higher bills than they expected. The system tends to encourage underestimates, while providing no incentives for accuracy.

One practice of the industry that encourages low-balling is commission-compensation for salesmen; a salesman's income depends on the number of moves he books. The Department of Transportation has suggested that the ICC either require salesmen to be paid fixed salaries with bonuses for accuracy or require that commission-compensation be reduced for underestimates, proportionate to the error. Moving companies might show greater concern about underestimates, the DOT has suggested, if the ICC imposed a ceiling on final charges, limiting them, say, to the estimated cost plus 10 per cent.

HURRY UP AND WAIT

Most people making a long-distance move plan it to coincide with the expiration of a lease, the starting date of school or a new job, and other exigencies of life. So it's important to them that the mover pick up and deliver their goods on time. ICC rules give the mover the option of specifying the exact date of pickup and delivery or specifying a time period, say, a span of three days. The rules also state that as soon as it becomes apparent to the moving company that it cannot honor its commitment, it must notify the shipper of the delay, at the company's expense, by telephone, telegram or in person. The company must give the reason for the delay, the new time of arrival and, in the case of late deliveries, the condition and location of the shipment. Complaints indicate that many carriers not only fail to meet promised dates, but also don't tell customers they'll be tardy. Mr. and Mrs. Donald Weed's experience is typical. The mover picked up their belongings in Amityville, N.Y., late in October, and promised delivery five days later in St. Petersburg, Fla. "We hurried off to St. Petersburg to satisfy our part of the contract," Mrs. Weed wrote the ICC. When the van didn't show up on time, the Weeds contacted the mover's St. Petersburg agent and were told the van was delayed. No reason was given. Later the Weeds were told the van was in Jacksonville and would arrive on November 6. November 6 came and went and still no van. "When we called again we were told the van had not yet left Amityville," Mrs. Weed wrote the ICC on November 15—two weeks after the promised date. Meanwhile, the Weeds were living in a motel, waiting each day for a van that didn't arrive until November 16. "I was just appalled," Mrs. Weed told CU. "We had enough money, but what about people who might not?"

In 1968, from a statistically designed sampling of bills of lading, the ICC's Bureau of Economics determined that moving companies were late on 32 deliveries out of 100. A similar finding was made in a survey conducted with an ICC questionnaire last year (see box on page 358). Delays sometimes result when a company picks up a partial load (a van can hold furniture from as many as six or seven households), then waits to load or even book shipments to fill the rest of the van. Unrealistically tight scheduling—the opposite kind of pressure on the mover-can also cause delays. One agent told CU that some big national companies, trying to book as many moves as possible, often don't allow enough loading time. The agent added that, in his experience, the customer seldom is to blame for holding up the mover.

Although present ICC rules require movers to serve customers with "reasonable dispatch," they're difficult to enforce. Reasonable dispatch means that a company must honor the dates on the bill of lading except for unavoidable occurrences, such as mechanical breakdowns, accidents and other events beyond the mover's control. The rules also state that "no carrier shall knowingly and willfully give false or misleading information as to the reasons for delay" and provide penalties for lying. Enforcing such rules requires a detailed check by the ICC of every tardy delivery to see if the carrier is telling the truth, a formidable task. No wonder, then, that in the first seven months of last year, only five fines were imposed for violations of the late pickup and delivery rules.

In CU's judgment, the situation calls for a tougher, self-enforcing regulation that directly affects the carrier's pocketbook when he's tardy. The DOT has suggested a schedule of alternative rates, with the highest rate applicable only if the goods are picked up and delivered on time, and a progressively lower rate for each day the company is late. A simpler alternative would be to make the carrier deduct a set amount—say, $50 for each day he is late. Either reform, in addition to providing the carrier an economic incentive to be on time, would also directly reimburse the customer who must shell out money for meals, motels and lease violations because of late pickups and deliveries. As the regulations stand now, customers faced with such expenses must file a claim with the carrier, and there's no guarantee of reimbursement.

MAKING GOOD ON DAMAGE AND LOSS

Problems over damage and loss are a third major source of consumer complaints to the ICC. In the sampling of bills of lading done by the ICC's Bureau of Economics, claims were filed in 22 per cent of the shipments. CU's last survey and one done for the American Movers Conference turned up even higher percentages. Judging from the tone of letters received by CU and the ICC, nothing seems more exasperating than the experience of having belongings lost or damaged, followed by one's inability to reach an equitable settlement—or any settlement—with the mover. "I write this letter in desperation," Joan M. McGrath told the claims director of one moving company. "When [the driver] opened the truck, I couldn't believe my eyes—everything was helter-skelter." After inspecting her belongings, Miss McGrath filed a claim, mainly for damage to her bedroom furniture. Next, she related, she had problems with the furniture repairman designated by the moving company. Her letter, dated last October 23, was prompted, she said, by her inability to get the repairman even to look at the damaged furniture.

"Since August 7," she wrote, "I have been deprived of the use of my night stand, which sits in the middle of my living room upside down because the leg is broken. Since August 7, I have been unable to use the dresser to my bedroom suite because the drawers will not open. My mattress is filthy with black handprints, which were not on it. . . .

"I have not been unreasonable in my demands in asking only that my relatively small amount of damages be repaired so that I can forget the entire episode," Miss McGrath summed up, pleading for the company to assign a different repairman.

Many claim problems begin when the mover is presented with a repair estimate. One man complained to the ICC that the moving company simply refused to accept the figure its repairman presented. "I cannot understand why, when it is their man and he estimates how much it would take to repair or replace the furniture, that they, from the distance of approximately 1000 miles . . . adjust same to their own whim and fancy," he wrote of his lengthy and exasperating correspondence with employees at the mover's headquarters.

Worse than a low settlement is no settlement. And that was the result for 17 per cent of those who filed claims with the 20 big moving companies in the final half of last year. The chart on page 357 shows the percentage of claims each carrier refused. It also shows the percentage of claims closed in 30 days or less, and the percentage taking more than 120 days to close, which should give you a guide to how fast various companies act on claims. Allied Van Lines settled a larger proportion of claims than any of the other carriers, refusing only 3 per cent. Burnham Van Service Inc. refused the most, 39 per

cent. (Be aware, however, that the chart only indicates how easy it might be to get paid *something* on a claim, not necessarily what the claimant thinks is enough.) Burnham closed the most claims within 30 days—78 per cent—and Trans-American Van Service the least, only 13 per cent. Atlas had the most claims still pending after 120 days—27 per cent. Burnham, Fernstrom Storage and Van Co., King Van Lines and Republic Van and Storage Co. had no claims—or nearly none—pending after 120 days.

Many of the damage claims result from accidents that occur while the furniture is being loaded or unloaded, and the frequency of those accidents relates directly to the experience and training of the men who do the job. Many of the helpers are woefully inexperienced. The pay is low, and there's little opportunity for job advancement, so it's tough to find and retain good men. It's not uncommon for a cross-country driver to arrive alone at a destination and have to make do with whatever help he can find. Drivers for one company told a Wall Street Journal reporter that they sometimes hire hitchhikers and derelicts. The reporter learned first-hand what was behind some consumer complaints about damage by concealing his professional identify and hiring on as a helper with a company in Texas. He warned his employer he had no experience, and was told, "Don't worry, we'll teach you." The reporter received no formal training, however, and what he was "taught" he picked up on the job. Soon after his inexperienced start, he burned a table with a cigarette he was smoking and learned that smoking was against the rules. In his efforts to get rid of the cigarette while carrying the table, he crunched the table against an iron railing, scarring a leg.

THE PROBLEM OF LOCAL AGENTS

To a large degree, big, national moving companies use independent, local movers as their agents on a contractual basis. The big carriers have ICC authority to haul shipments interstate, perhaps nationwide, while local agents may have only intrastate rights, or perhaps limited interstate rights. Thus, representing a national concern enables the local companies to book more moves. Last July, the ICC put into effect new rules requiring national carriers to file detailed reports on the working agreements with their agents. One purpose of those reports is to enable the ICC to monitor the quality of the agents' personnel and equipment, and also to enable the ICC to make the national carriers crack down on agents with poor service records. That's a step in the right direction, if the ICC is able to monitor the agent as closely as it says the new rules will enable it to do. It's too early to evaluate the results.

BIG CARRIERS' PERFORMANCE RECORDS

[This chart shows the 20 biggest household-goods movers' performance records in some important consumer areas for the last 6 months of 1972. The information was obtained from reports the companies themselves prepared and submitted to the ICC in accordance with that agency's regulations. Companies are listed alphabetically]

[In percent]

	Claims refused	Claims closed in 30 days or less	Claims taking over 120 days to close	Frequency of underestimates
Aero Mayflower Transit Co	10	57	13	21
Allied Van Lines	3	43	10	24
American Red Ball Transit Co	15	27	20	23
Atlas Van Lines	13	15	27	24
Bekins Van Lines	6	64	2	25
Burnham Van Service	39	78	0	35
Fernstrom Storage & Van Co	17	58	0	24
Global Van Lines	11	38	26	18
Greyhound Van Lines	14	38	15	29
John F. Ivory Storage Co	12	66	12	22
King Van Lines	8	57	0	15
Lyon Van Lines	11	70	11	29
National Van Lines	20	54	4	35
Neptune World Wide Moving	20	58	3	16
North American Van Lines	28	38	13	23
Republic Van & Storage Co	31	27	0	23
Trans-American Van Service	34	13	24	8
United Van Lines	13	22	17	21
U.S. Van Lines	17	71	2	21
Wheaton Van Lines	7	42	7	23
Average for all 20 carriers	17	47	10	23

Until poor service records are identified and the service can be upgraded, however, a mechanism for arbitrating disputes over claims settlements is badly needed. When the mover won't pay what the customer feels is just, there's no recourse but the courts. That's too time consuming and too costly for any but the largest of claims. For years, CU has urged that the ICC itself provide an arbitration service. The ICC has maintained that it lacks the authority to do that, but it never sought such authority until last year. Then, in a rulemaking procedure in which it tightened regulations for handling commercial shipping claims, the ICC stated: "We are of the view that the unique and specialized problems related to loss and damage claims arising from transportation in interstate commerce, in the clear absence of other effective remedies, literally cry out for their resolution in innovative and simplified proceedings." The ICC went on to say that "the nationwide facilities, and the oganizational structure of this Commission render it uniquely qualified to determine the facts with respect to claims." It foresaw no major problems in setting up the arbitration service, the ICC stated, as long as Congress would give it additional budget and staff for implementation. CU believes Congress should move quickly to grant the ICC arbitration powers.

The ICC's move toward an arbitration service, its investigations into some big companies, its intended closer scrutiny of local agents, and the tough talk of Commissioner Murphy are all positive signs that the ICC is beginning to move from its traditional role of protecting commercial trucking interests toward watching out for the consumer. Still, there is considerable room for more vigorous action.

Take, for example, the resolution of the Aero Mayflower investigation. Following several weeks of testimony about many kinds of problems, the ICC—even before the hearings were conducted—issued a cease-and-desist order that merely prohibited Aero Mayflower from hauling *office and institutional furniture and equipment* for 15 days. Bekins received the same slap on the wrist, as did Allied, the nation's largest household-goods carrier. (Allied, in an action separate from the investigation, did pay $20,000 in civil penalties for household-goods violations.) The only company so far to receive a fairly stiff ICC penalty is Red Ball of New York, a regional carrier. Red Ball had its authority to haul household goods in New England suspended for 45 days.

Of more than 500 civil penalties handed out to all carriers last year for violations of ICC regulations, less than 30 were for violations of household-goods rules. Nearly all the rest were penalties against commercial haulers for invading the territories of other commercial haulers—such as operating outside the geographical areas granted by the ICC or carrying materials for which approval was lacking. CU wishes the ICC would pursue household-goods violations as vigorously as it does violations of commercial rules.

There is another good opportunity for the ICC to prove its interest in helping consumers. It has in its possession a wealth of information on the quality of service carriers are providing—the same kind of information CU has published in the chart accompanying this report. Why couldn't the ICC itself regularly publish data on late pickups and deliveries, underestimates, loss and damage, settlements of claims and the number of complaints received against each carrier? That would give the public a better basis for choosing a company, while at the same time forcing carriers with poor records to improve or lose business. Certainly there is a regulatory agency precedent for publishing that type of information in the Civil Aeronautics Board's monthly list of complaints against airlines (see CONSUMER REPORTS, August 1972). Such information could even be printed in the booklet of rules the ICC now requires carriers to give customers before they can sign them up for a move.

The best way of all, however, for the ICC to demonstrate it's on the consumer's side would be for it to move expeditiously to adopt tougher rules along the lines suggested in this report. The peak moving season (June through September) is here again. It has been nearly one year since the DOT asked the ICC to strengthen its rules to protect consumers. Yet a firm decision by the ICC is not at hand. The crisis in household moving Commissioner Murphy has talked about is still with us and will not be resolved unless the ICC takes more positive steps.

IT IS YOUR MOVE

It is possible to choose a moving company at random, put yourself entirely in the driver's hands, and have the whole experience turn out to your total satisfaction. It's possible, too, to watch all the elements carefully at each step along the way, and have a grossly unpleasant experience. Unfortunately, given all the variables involved, there's no way to guarantee satisfaction. Nevertheless, we think the odds are on your side if you arm yourself with as much information as possible. The chart on page 357 will give you some idea about the overall service records

of the biggest companies. Be aware, however, that a carrier's overall record does not necessarily reflect the quality of service given by its agent in a specific locale. The agent could be better or worse. Still, lacking other information, it's a good place to start. We also suggest that you check with friends and neighbors who might have had experience with the agent on a local move.

Have a few companies come to your home and give you an estimate. Be suspicious of an estimate that is significantly lower than others. The salesman may be low-balling you to get the job, and, if so, that may signal a company attitude that will be reflected in other problems. Before you sign an order for service, the mover is required to give you an ICC booklet entitled "Summary of Information for Shippers of Household Goods (BOp 103)." It spells out the rules and offers some advice. Read it and keep it handy. We also recommend consulting page 385 of the 1973 CONSUMER REPORTS Buying Guide Issue for additional advice on planning your move and avoiding potential pitfalls.

THE ICC SURVEYS CONSUMERS

Since August 1971, the Interstate Commerce Commission has distributed more than 100,000 copies of a questionnaire to household-goods carriers, asking the carriers, in turn, to give them to their customers. In 1972, only 1310 questionnaires were returned to the ICC.

The small return, plus the lack of any mechanism to insure that the returns are a representative sample, virtually guarantees that the tabulations reflect biases. But which way? Some industry representatives declare that customers with gripes are more likely to take the trouble to fill out such a questionnaire than those who are satisfied. On the other hand, since distribution of the questionnaire was left to the moving companies, it's possible that some companies didn't place them in the hands of customers they knew to be dissatisfied with their service.

As an indicator of how unrepresentative the tabulations are, consider that a fourth of the total response came from customers of one small Ohio firm. That firm, confident of its good record, mailed a copy of the questionnaire to *everyone* it had moved, accompanied by a letter urging that the form be completed. Only a few of that firm's customers expressed dissatisfaction, and those returns skewed the overall results in favor of the industry. We wish that the ICC had planned its survey more carefully, but despite its methodological flaws the tabulations cannot be ignored.

Forty-six per cent said their move was not satisfactory. Sixteen per cent said their shipment was picked up late, and 33 per cent experienced a late delivery. Of some 440 who reported late delivery, 75 per cent said the carrier did not notify them of the reason for the delay or the location of the shipment. Nearly 30 per cent of the 1310 responding said actual charges exceeded estimates by more than 10 per cent, and more than half of the 1310 filed—or intended to file—a claim for loss or damage. Nearly 40 per cent of those making claims said the mover had not acknowledged receipt of the claim in writing; companies are required to do so within 30 days. About 18 per cent of those replying to the ICC questionnaire said the mover had not given them a copy of the ICC booklet, "Summary of Information for Shippers of Household Goods," as required by ICC regulations.

By Mr. MAGNUSON:

S. 3335. A bill to establish a Marine Fisheries Conservation and Management Fund. Referred to the Committee on the Commerce.

Mr. MAGNUSON. Mr. President, when the Congress unanimously adopted Senate Concurrent Resolution 11 on December 21, 1973, we not only agreed once again that our Nation's fishing industry is in a depressed condition, but we also recognized the incontrovertible evidence demonstrating that the valuable fishery resources off our shores are either in a state of depletion or are seriously threatened, primarily from foreign fishing activity. Further, we agreed that, as national policy, the fisheries and the industry were vital to our national well-being.

Obviously, the adoption of this policy must necessarily bear a price tag. The legislative proposal which I offer today, although admittedly not fully adequate to the total need, will redirect fisheries related funds which are currently being spent elsewhere to fishery improvement purposes. I introduce for appropriate referral a bill to establish a Marine Fisheries Conservation and Management Fund. This "Fund" will be composed of: First, all collected fines and penalties obtained by the Federal Government as a result of violations of Federal fisheries laws; and second, all the gross receipts from duties on foreign-source fish and fish products. The "Fund" is, therefore, not new money, but money which now goes into the general fund in the Treasury for general governmental purposes.

For several years, the United States has been levying fines for violations of fishing laws against both American and foreign fishermen who break the rules. From 1967 through last year, a total of 90 seizures resulted in fines adding up to $2,321,655, a sizable sum. The chart printed below gives a summary breakdown of seizures and fines over that time period:

SUMMARY OF FISHING PENALTIES[1]

Year and country	Number of violations	Total fines
1967:		
U.S.S.R.	3	$35,000.00
Japan	1	5,000.00
Canada	4	1,720.51
United States	4	979.95
Total		42,700.46
1968:		
Canada	3	1,105.80
United States	4	1,179.12
Total		2,284.92
1969:		
Japan	3	19,000.00
Canada	1	419.31
United States	5	133,852.63
Total		153,271.94
1970:		
Japan	4	160,000.00
West Germany	1	20,000.00
Canada	4	10,589.53
United States	11	297,896.22
Total		488,485.75
1971:		
U.S.S.R.	2	100,000.00
Japan	1	115,000.00
Cuba	4	25,000.00
Canada	5	5,755.14
United States	8	50,063.98
Total		295,819.12
1972:		
U.S.S.R.	2	250,000.00
Japan	2	180,000.00
Total		430,000.00
1973:		
Japan	1	230,000.00
Republic of Korea	1	90,000.00
Canada	2	200.00
United States	11	588,893.54
Total		909,093.54
Total penalties:		
1967	$42,700.46	12
1968	2,284.92	7
1969	153,271.94	9
1970	488,485.75	20
1971	295,819.12	20
1972	430,000.00	4
1973	909,093.54	15
Total	2,321,655.73	90

[1] National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Nov. 21, 1973.

I believe this money is best used to manage and protect our offshore fish stocks by research and assistance to the States and the fishermen themselves, rather than applied to general purposes.

Import duties on fish and fish products are assessed under authority contained in subpart A, Tariff Schedules of the United States, section 1202 of title 19 of the United States Code. The total annual amount of these duties has been running about $25 million. Pursuant to the Saltonstall-Kennedy Act, 30 percent of the total gross receipts are now being applied to fishery programs under the aegis of the National Oceanic and Atmospheric Administration Department of Commerce. (15 U.S.C. 713c–3(a)). The bill I am introducing would divert all gross receipts into the "Fund." With this steady supply of moneys, fisheries programs will be at least susceptible to the vicissitudes of the Office of Management and Budget.

The improvement and protection of our fisheries requires steady financial support from our Federal Government. I feel that the creation of a Marine Fisheries Management and Conservation Fund will provide stability in funding. Sums derived from the above mentioned sources would be deposited in a separate account in the Treasury of the United States to be expended for specific "fisheries" purposes. To assist in determining the proper priority needs, the Secretary of Commerce—NOAA—would appoint an advisory committee from Government, State, and Federal, and from the private sector, including the fishermen themselves.

The time is running out on our fisheries. Neither we nor the rest of the fishing nations of the world can afford to dilly-dally on the conservation question. We must begin meeting our commitment to future generations. I hope this fund will add to our *capability* to manage and to expand our knowledge of the fish we seek.

I ask unanimous consent to print the bill at this point in the RECORD.

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

S. 3335

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 "Marine Fisheries Conservation and Management Fund Act of 1974."

DEFINITIONS

SEC. 2. As used in this Act—

(1) "Committee" means the Advisory Committee established under section 4 of this Act.

(2) "Fund" means the Marine Fisheries Conservation and Development Fund established under section 3 of this Act.

(3) "Secretary" means the Secretary of Commerce.

FUND

SEC. 3. (a) ESTABLISHMENT.—There is established a separate account in the Treasury of the United States to be known as the Marine Fisheries Conservation and Development Fund. The Fund shall be used, in accordance with the provisions of this Act, for conservation, management, protection, and development of the marine fisheries of the United States.

(b) ADMINISTRATION.—Amounts made available from the Fund shall be allocated and used by the Secretary for the purposes described in section 5 of this Act in accordance with priorities, standards, and procedures set forth in regulations which shall from time to time be prescribed by him after consultation with the Committee.

ADVISORY COMMITTEE

SEC. 4. The Secretary shall establish an Advisory Committee to assist him in carrying out his functions under this Act. The Committee shall consist of officers and employees of Federal departments and agencies and individuals from State and local governments and the private sector selected by the Secretary, who are determined by the Secretary to have special knowledge and experience in activities relating to the purposes of this Act. Members who are selected from Federal departments and agencies shall serve at the request of the Secretary with the approval of the heads of their departments or agencies and shall receive no additional compensation for their services as members of the Committee. Members of the Committee selected from State and local governments and the private sector, while serving on business of the Committee, shall receive compensation at rates fixed by the Secretary not to exceed $100 per day. All members of the Committee, while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. The Secretary shall make available to the Board such office space and facilities, and such secretarial, clerical, technical, and other assistance and such information and data in his possession or under this control, as the Committee may require to carry out its functions.

FUNDING

SEC. 5. (a) DEPOSITS.—Notwithstanding any other provision of law, there shall be deposited in the Fund:

(1) all fines and penalties derived from violations of the Federal fisheries laws or levied by the Federal Government against fishing vessels or their masters or owners; and

(2) an amount equivalent to 100% of the gross receipts from duties collected under the customs laws on fisheries products, including, but not limited to, fish, shellfish, mollusks, crustecea, aquatic plants and animals, and any products thereof, including processed and manufactured products.

(b) EXPENDITURES.—Sums appropriated from the Fund shall be made available until expended to cover the costs, as the Secretary may direct, or conserving, managing, protecting, and developing marine fisheries, including, but not limited to:

(1) activities under the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661–666c), and with respect to those species for which the Secretary has jurisdiction under Reorganization Plan No. 4 of 1970, effective October 3, 1970;

(2) activities under the Fish and Wildlife Act of 1956 (16 U.S.C. 742(a)–754);

(3) the so-called Lacey Act (18 U.S.C. 43–44);

(4) such other legislation relating to the conservation, management, protection, and development of marine fisheries as may subsequently be enacted.

By Mr. KENNEDY:

S. 3336. A bill to amend the Fair Labor Contractor Registration Act of 1963 by extending its coverage and effectuating its enforcement. Referred to the Committee on Labor and Public Welfare.

Mr. KENNEDY. Mr. President, I am introducing a legislative proposal today to amend the Farm Labor Contractor Registration Act of 1963 to expand its coverage, to provide greater protections for the individual farmworker, to strengthen the penalties for violating the act, and to assure its enforcement.

Since the original law's enactment, the pattern of enforcement has been haphazard and ineffective. The Labor Department's own spokesman acknowledged in testimony that spot checks of some 900 contractors in 1973 disclosed 375 violations for failure to register, 321 violations for failure to post notice, 184 violations for failure to keep records, 289 violations for failure to give earnings statements to workers, and 183 violations for failure to insure vehicles.

Perhaps more compelling evidence of the need to add more teeth to the current law is the estimate by the Labor Department that only 1,855 farm labor contractors—the crew leaders who recruit farmworkers—had registered in 1973, of a total number of more than 5,000 crew leaders subject to the act. Equally revealing is the fact that only two contractors had been prosecuted for any violation of the act since its enactment.

The migrant legal action program, in a rulemaking petition filed with the Department of Labor's Employment Standards Administration, on behalf of 26 low-income farmworkers and 4 migrant organizations, charged that the Department of Labor's policy is to write letters to all law violators as the sum total of the sanctions imposed against law violators.

The migrant legal action program cited examples of a labor contractor using firearms to threaten farmworkers to stay on the job, and of another crew leader carrying more than 40 persons in the back of a truck which was reported to be "mechanically unsafe, overcrowded."

The implications of such charges are evident in the aftermath of the tragedy in Blythe last year when 19 of 47 migrants were killed when the bus they were being transported in ran off the road and into a ditch. The bus was later found to have numerous mechanical failures and to be driven by a driver who had only 4 hours sleep.

In addition, last year the Justice Department informed me of several instances where conditions that fit the legal definition of slavery involving east coast crew leaders had been investigated and prosecuted.

These facts do not reveal the farmworkers who have received false promises from contractors. It does not reveal the farmworkers who had inadequate housing. It does not reveal the farmworkers who had no say over the conditions under which they and their families were forced to work.

The average income of the migrant worker's family, according to a recent Labor Department study remains at the bottom of America's pecking order of labor and they have the most limited legal protections of any American worker.

For these reasons, I am pleased that Senator GAYLORD NELSON, chairman of the Senate Migratory Labor Subcommittee of the U.S. Senate, has undertaken a series of hearings on this subject. His leadership in this area complements the work being put forward in the House of Representatives by Congressman WILLIAM FORD.

I am hopeful that an amalgam of the best provisions of a bill that has been acted upon by the House committee. H.R. 12516, a bill introduced by Senator NELSON, S. 3202, and the legislation I am introducing today can be acted upon by the Congress in this session.

In addition to tightening the registration requirements and increasing the mechanisms available for the enforcement of the law, the bill I am introducing will substantially expand its coverage.

The exemption in current legislation to all intrastate labor contractors and the exemption of day haulers has meant that several thousand crew leaders have been exempt from even the minimal provisions of the previous law from the outset.

My bill would substantially plug those loopholes. Exemptions only would apply for local recruitment transporting workers within a 50-mile radius, and for small farmers who employ less than 10 seasonal farmworkers for the entire year.

Vast numbers of farmworkers have been denied the protections of the law because they were transported by crew leaders within a single State or because they were hauled back and forth—sometimes more than 100 miles—each day. This provision will insure that those workers are protected as well.

The bill also includes for the first time the corporate farmer who usually hires someone to act as his farm labor contractor. And it provides for equal responsibility residing with the grower in assuring adequate conditions for workers.

Perhaps the most flagrant violations of the rights of farmworkers occurs between the time the crew leader offers a worker a job at a specific rate of pay, under specific conditions, and the reality when the farmworker and his family have traveled hundreds of miles, across State lines and have arrived at the fields.

The pay may be less. The housing may be virtually nonexistent. The health conditions may be abysmal. But the reality is that these workers are effectively denied any redress. They do not have the funds to return home or to find other work. They do not have proof to present to a court, since the current law merely requires verbal promises to be made to workers.

My bill will provide for a written agreement between the crew leader and the worker. It will spell out the minimal period of employment, the area of em-

ployment, the crops and operations on which he may be employed, transportations, housing and insurance to be provided, wage rates, charges to be made by the contractor for services and whether there is any labor dispute or strike at the place of employment. Recruitment for the purpose of strikebreaking also would be prohibited under the act. The worker will have a firm record upon which to base a complaint against a crew leader.

More important, the crew leader will know this at the outset and he will be required to post a $5,000 bond for any violation. As a result, the violations of individual rights which have occurred not once but thousands of times each season, may be reduced.

For along with the clear delineation of the rights of the farmworkers and the responsibilities of the crew leaders go substantially increased penalties for violation of the law.

First, an initial offense, now punishable by a $500 fine, would also have a 1-year prison sentence attached as a maximum penalty.

Second, each subsequent violation would be punishable by a fine not to exceed $10,000 or a 3-year prison term or both.

The Secretary also is directed to report all information concerning law violations—to the Attorney General for prosecution although he retains the power to suspend the registration of the farm labor contractor.

Retaliation against employees who seek to exercise their rights under the law is prohibited. Farm workers further would have a private right of action under the law to seek a civil remedy for the violation of any of its provisions.

These alterations in the law are designed to insure for the first time that at least some of the protections that most workers take for granted—the right to know what one is being paid, the right to have some say about your working conditions, the right to use the law when those contractual agreements are broken—these rights would be granted to farm workers.

I ask unanimous consent that the full text of this bill be printed in the RECORD at the conclusion of my remarks.

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

S. 3336

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 "Farm Labor Contractor Registration Amendments of 1973".

SEC. 2. (a) Section 2 (b) (relating to the findings of Congress) of the Farm Labor Contractor Registration Act of 1963 (78 Stat. 920) is amended by striking the word "for" the second time it appears, and by inserting in lieu thereof the words "in or affecting".

(b) Section 3 (b) (relating to definition of farm labor contractor) of such Act is amended to read as follows:

"(b) The term 'farm labor contractor' means any person who, for a legal consideration, either for himself or on behalf of another person or business entity, recruits, solicits, hires, furnishes, or transports ten or more seasonal or casual laborers at any one time during any calendar year for agricultural employment, including day-haul agricultural employment. Such term shall also include individuals, corporate farmers, growers, processors, canners, packing shed operators, nursery operators, land owners or associations, where they engage directly in the supply of seasonal agricultural employment solely for their own purposes. Such term shall not incude any person who engages in any such activity for the purpose of obtaining migrant workers of any foreign nation for employment in the United States, if the employment of such workers is subject to (1) an agreement between the United States and such foreign nations, or (2) an arrangement with the Government of any United States territorial possession, commonwealth or foreign nation under which written contracts for the employment of such workers are provided for and the enforcement thereof is provided for in the United States by an instrumentality of such entity. In any case in which an individual or corporate farmer, grower, processor, canner, packing shed operator, nursery operator or land owner or association engages in such activity for the purpose of supplying seasonal farm workers solely for his or its own operation, or in which an employee thereof engages in such activity, the term 'farm labor contractor' means such individual, corporate employer or association to the extent that he or it engages directly in the activities of a farm labor contractor."

(c) Section 3(d) (relating to the definition of agricultural empolyment) of such Act is amended to read as follows:

"(d) The term 'agricultural employment' means employment in any service or activity included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or section 3121(g) of the Internal Revenue Code of 1954 (26 U.S.C. 3121(g)) where such service or activity involves employment of ten or more migrant workers (excluding members of the employer's immediate family) at any one time during any calendar year, and where any such service or activity involves the act of soliciting, promising, transporting, or assisting in transporting, any person for the purpose of performing farm labor where any transportation of such person to the job site occurs, or is to occur (1) from one State to another, (2) from any place outside of a State to any place within a State, (3) intrastate, where such person resides more than fifty miles from the job site or (4) in any case where the party conducting recruitment furnishes or bears the cost of transportation of a farm worker from the place of permanent residence of such farm worker to the area of farm labor employment".

(d) Section 5(a)(2) (relating to insurance coverage) of such Act is amended by striking out "$5,000" wherever it appears and inserting in lieu thereof "$25,000", and by striking out "$20,000" and inserting in lieu thereof "$100,000".

(e) Section 5(b) (relating to refusal, suspension, and revocation of a certificate) of such Act is amended by striking "or" at the end of paragraph (9); by striking the period at the end of paragraph (10) and inserting in lieu thereof "; or"; and by adding at the end thereof the following new paragraph:

"(11) is not in fact the real party in interest in holding such certificate of registration and that the real party in interest in any such application or certificate of registration is a person, firm, partnership, association, or corporation who previously has applied for such certification and has been denied such certification, or who previously had been issued a certification of registration which subsequently was revoked, suspended, or not renewed by the Secretary".

(f) Section 5 of such Act is amended by adding at the end thereof the following new subsection:

"(c) The acceptance of a certificate of registration shall constitute an authorization by the person named in such certificate that the Secretary is designated as the agent for such person for the purpose of accepting a summons in any action against such person arising out of the provisions of this Act where such person cannot be served within the jurisdiction where the course of action arose."

(g) Section 6(b) (relating to obligations and prohibitions) of such Act is amended to read as follows:

"(b) provide to each worker or head of each worker's household at the time of recruitment a written contract of employment, either for himself as employer or as designated agent for another employer, stating the terms and conditions of employment in a manner calculated to be understood by the person to be employed in such form and in such manner as the Secretary may prescribe, including—

(1) the area of employment,

(2) the crops and operations in which he may be employed,

(3) the transportation, the housing, and insurance to be provided the worker or workers,

(4) the wage rates to be paid, the period and total hours of employment,

(5) the charges to be made by the contractor for services,

(6) the nature of any strike, slowdown or labor-management dispute occurring at the place of employment, or which is expected to occur during the term of employment solicited, regardless of whether such strike, slowdown or dispute is conducted by a collective bargaining agent recognized by the employer".

(h) Section 6(e) (relating to payroll records) of such Act is amended by striking the word "interstate" wherever it appears.

(i) Section 6 of such Act is further amended by striking "and" at the end of subsection (d) and by striking the period at the end of subsection (e) and inserting in lieu thereof a semicolon and by adding at the end thereof the following new subsections:

"(f) promptly pay or contribute when due to the individuals entitled thereto all moneys or other things of value entrusted to the farm labor contractor by any third person for such purpose, and comply on his part with the terms and provisions of all legal agreements and contracts entered into between himself in his capacity as a farm labor contractor and any third person;

"(g) refrain from recruitment of workers for agricultural employment where such employment is the subject of a strike, slowdown or labor-management dispute where the effect of such recruitment is to interfere with such strike, slowdown or labor-management dispute on behalf of the employer."

(j) Section 7 (relating to information) of such Act is amended by adding at the end thereof the following new sentence: "The Secretary shall in conducting such investigations respect the confidentiality of the identity of any employee who files a complaint or communicates information to the Secretary with respect to which the Secretary commences an investigation. In addition the Secretary shall monitor and investigate the activities and operations of farm labor contractors as described in this Act without respect to specific complaints, at such times and in such manner as is reasonably necessary to assure the enforcement of the provisions of this Act."

(k) Section 9 (relating to penalties) of

such Act is amended by inserting before the period at the end thereof a comma and the following: "sentenced to a prison term not to exceed one year, or both, and, upon conviction for each subsequent violation of this Act, shall be punishable by a fine not to exceed $10,000 or a prison term not to exceed three years, or both. Every violation of any provision of any section of this Act shall be considered a subsequent offense for the purposes of this section if the person convicted shall previously have been convicted of a violation of any provision of any section of this Act. Prosecution for the violation of any section of this Act shall not bar prosecution for a violation of any other section of this Act, or of any other law, staute, or ordinance proceeding from any action of the offender."

(l) (1) Section 14 (relating to rules) of such Act is amended by striking the words "Rules and Regulations" in the caption thereto and inserting in lieu thereof the words "Rules, Regulations and Duties of the Secretary".

(2) Such section is further amended by adding at the end thereof the following new sentence: "The Secretary shall report and refer all information concerning such violations or probable violations of section 4 and subsections (b), (e), or (g) of section 6 of this Act to the Attorney General. The Secretary may suspend the registration of the farm labor contractor against whom evidence of a violation of this Act is discovered until such time as he is satisfied that the basis for such suspension no longer exists."

SEC. 3. The Farm Labor Contractor Registration Act of 1963 is amended by adding at the end thereof the following new sections:

"RETALIATORY ACTS

"SEC. 16. (a) It shall be unlawful for any farm labor contractor to terminate, suspend, demote, transfer, or threaten, or take adverse action against any employee in retaliation of the exercise by such employee of any rights secured under this Act or any other provision of Federal law.

"(b) In any civil or administrative proceeding, a presumption that an action is retaliatory, shall arise from any action described in subsection (a) on the part of a farm labor contractor, which occurs within a period of sixty days following the exercise by an employee of any right secured under the provisions of this or under any other Federal law which establishes the rights of persons engaged in agricultural employment or which establishes duties of employers of persons engaged in agricultural employment.

"PRIVATE RIGHT OF ACTION

"SEC. 17. (a) Any person claiming to be aggrieved by the violation of any provision of this Act or any regulation prescribed thereunder may file an action in any District Court of the United States having jurisdiction of the parties without respect to the amount in controversy or without regard to the citizenship of the parties. Upon application by the complainant and in such circumstances as the Court may deem just, the Court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. If the Court finds that the respondent has intentionally violated any provision of this Act or any regulations prescribed thereunder, it may—

"(1) order reinstatement of such employee;

"(2) order payment of wages not paid as a result of the violation in question;

"(3) award damages in an amount equal to three times the amount of the wages determined to be due under clause (2) or $500 for each violation, whichever is greater;

"(4) allow the prevailing party a reasonable sum for attorney's fees and court costs. Any civil action brought under this section or under section 9 of this Act shall be subject to appeal as provided in section 1291 and 1292 of title 28, United State Code.

"(b) Any agreement by an employee purporting to waive or to modify his rights hereunder, shall be void as contrary to public policy, except that a waiver or modification of rights or obligations created under section 6 of this Act shall be valid when contained in a bona fide collective bargaining agreement.

"(c) Nothing in this Act shall limit the rights of any employee to sue directly or through an assignee for any wages or other damages or for the enforcement of any rights secured to him under this Act. It shall not be a defense to any such action that such employee or assignee has failed to exhaust any administrative remedy provided hereunder prior to commencement of such action.

"(d) A respondent in an action brought under this section may be required to post a bond in an amount not less than $5,000 for each alleged violation of this Act.".

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 18. There are authorized to be appropriated to carry out the purposes of this Act $5,000,000 for the fiscal year ending June 30, 1975, and a like amount for each fiscal year thereafter."

ADDITIONAL COSPONSORS OF BILLS

S. 1129

At the request of Mr. RIBICOFF, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 1129, Retirement Income Tax Credit.

S. 2333

At the request of Mr. PACKWOOD, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 2333, a bill to exempt from duties, under the Tariff Schedules of the United States, specified types of fish netting and fish nets.

S. 2782

At the request of Mr. NELSON, the Senator from Florida (Mr. GURNEY) was added as a cosponsor of S. 2782, to establish a National Energy Information System, to authorize the Department of the Interior to undertake an inventory of United States energy resources on public lands and elsewhere, and for other purposes.

S. 2801

At the request of Mr. PROXMIRE, the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of S. 2801, to amend the Food, Drug, and Cosmetic Act with respect to safe vitamins and minerals, and for other purposes.

S. 2814

At the request of Mr. MONDALE, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 2814, to provide for increases in the readjustment allowances paid to Peace Corps volunteers and volunteer leaders, and to provide for the handling of such allowances.

S. 2854

At the request of Mr. CRANSTON, the Senator from Nevada (Mr. BIBLE), the Senator from Kentucky (Mr. COOK), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Washington (Mr. MAGNUSON), and the Senator from Maine (Mr. MUSKIE) were added as cosponsors of S. 2854, to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolic and Digestive Diseases in order to advance a national attack on arthritis.

S. 3045

At the request of Mr. BELLMON, the Senator from Kentucky (Mr. COOK) was added as a cosponsor of S. 3045, the Rural Development Health Care Services Act of 1974.

S. 3181

At the request of Mr. KENNEDY, the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 3181, the National Health Service Corps Amendments of 1974.

S. 3234

At the request of Mr. HUMPHREY, the Senator from Wyoming (Mr. MCGEE), the Senator from Oregon (Mr. PACKWOOD), the Senator from New Jersey, (Mr. CASE), and the Senator from Iowa (Mr. CLARK) were added as cosponsors of S. 3234, a bill to authorize a vigorous Federal program of research and development to assure the utilization of solar energy as a major source for our national energy needs, to provide for the development of suitable incentives for rapid commercial use of solar technology and to establish an Office of Solar Energy Research in the U.S. Government.

S. 3259

At the request of Mr. TAFT, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 3259, to amend the Rail Passenger Service Act of 1970 in order to authorize certain use of rail passenger equipment by the National Railroad Passenger Corporation.

S. 3277

At the request of Mr. DOMENICI, the Senator from Kentucky (Mr. Cook) was added as cosponsor to S. 3277, a bill to amend the Solid Waste Disposal Act, to encourage full recovery of energy and resources from solid waste, to protect health and the environment from the adverse effects of solid waste disposal, and for other purposes.

SENATE CONCURRENT RESOLUTION 80—SUBMISSION OF A CONCURRENT RESOLUTION EXPRESSING THE SENSE OF CONGRESS REGARDING THE ANNEXATION OF THE BALTIC NATIONS

(Referred to the Committee on Foreign Relations.)

Mr. CURTIS submitted the following concurrent resolution:

SENATE CONCURRENT RESOLUTION 80

Resolved by the Senate (the House of Representatives concurring)

Whereas the three Baltic nations of Estonia, Latvia, and Lithuania have been illegally occupied by the Soviet Union since World War II; and

Whereas the Soviet Union will attempt to obtain the recognition by the European

Security Conference of its annexation of these nations, and

Whereas the United States delegation to the European Security Conference should not agree to the recognition of the forcible conquest of these nations by the Soviet Union: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the United States delegation to the European Security Conference should not agree to the recognition by the European Security Conference of the Soviet Union's annexation of Estonia, Latvia, and Lithuania and it should remain the policy of the United States not to recognize in any way the annexation of the Baltic nations by the Soviet Union.

SENATE CONCURRENT RESOLUTION 81—ORIGINAL CONCURRENT RESOLUTION REPORTED RELATING TO UNACCOUNTED FOR PERSONNEL (S. REPT. NO. 93-779)

(Placed on the calendar.)

Mr. SPARKMAN, from the Committee on Foreign Relations, reported the following original concurrent resolution:

SENATE CONCURRENT RESOLUTION 81

Senate Concurrent Resolution relating to unaccounted for personnel captured, killed, or missing during the Indochina conflict

Whereas the Agreement on Ending the War and Restoring Peace in Vietnam, signed in Paris on January 27, 1973, and the joint communique of the parties signatory to such agreement, signed in Paris on June 13, 1973, provide that such parties shall—

(1) repatriate all captured military and civilian personnel,

(2) assist each other in obtaining information regarding missing personnel and the location of the burial sites of deceased personnel,

(3) facilitate the exhumation and repatriation of the remains of deceased personnel,

(4) take such other steps as may be necessary to determine the fate of personnel still considered to be missing in action; and

Whereas the Government of the Democratic Republic of Vietnam and the Provisional Revolutionary Government of Vietnam have failed to comply with the obligations and objectives of the agreement and joint communique, especially the provisions concerning an accounting of the missing in action; and

Whereas the Lao Patriotic Front has failed to supply information regarding captured and missing personnel or the burial sites of personnel killed in action, as provided in the Laos agreement of February 21, 1973, and the protocol of September 14, 1973; and

Whereas it has not been possible to obtain information from the various Cambodian authorities opposed to the Government of the Khmer Republic concerning Americans and international journalists missing in that country: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that new efforts should be made by the Government of the United States through appropriate diplomatic and international channels to persuade the Government of the Democratic Republic of Vietnam, the Provisional Revolutionary Government of Vietnam, and the Lao Patriotic Front to comply with their obligations with respect to personnel captured or killed during the Vietnam conflict and with respect to personnel still in a missing status; that every effort should be made to obtain the cooperation of the various parties to the conflict in Cambodia in providing information with respect to personnel missing in Cambodia; and that further efforts should be made to obtain necessary cooperation for search teams to inspect crash sites and other locations where personnel may have been lost, and be it further

Resolved by the Senate (the House of Representatives concurring), That the Government of the United States should use every effort to bring about such reciprocal actions by the parties to the peace agreements, including the Government of the Republic of Vietnam and the Royal Lao Government, as will be most likely to bring an end to the abhorrent conduct of the Government of the Democratic Republic of Vietnam, the Provisional Revolutionary Government of Vietnam, and the Lao Patriotic Front regarding the missing in action, and be it further

Resolved by the Senate (the House of Representatives concurring), That the Congress declares its support and sympathy for the families and loved ones of the Americans missing in action, who have suffered such deep human anguish for so long due to the undisclosed fate of the missing in action, who have suffered such deep human anguish for so long due to the undisclosed fate of the missing in action.

SEC. 2. Upon agreement to this resolution by both Houses of the Congress, the Secretary of the Senate shall transmit a copy of such resolution to the President of the United States.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 66

At the request of Mr. PERCY, the Senator from Florida (Mr. GURNEY) was added as a cosponsor of Senate Concurrent Resolution 66, to urge the release from prison of Simas Kudirka, the Lithuanian seaman.

SENATE CONCURRENT RESOLUTION 79

At the request of Mr. GOLDWATER, the Senator from Oregon (Mr. HATFIELD), the Senator from Vermont (Mr. STAFFORD), the Senator from Mississippi (Mr. EASTLAND), the Senators from Iowa (Mr. CLARK and Mr. HUGHES), the Senator from Arkansas (Mr. MCCLELLAN), the Senators from New York (Mr. BUCKLEY and Mr. JAVITS), the Senator from Arizona (Mr. FANNIN), the Senator from Pennsylvania (Mr. HUGH SCOTT), the Senator from Michigan (Mr. GRIFFIN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Wyoming (Mr. HANSEN), the Senator from New Mexico (Mr. DOMENICI), the Senator from New Hampshire (Mr. COTTON), the Senator from Ohio (Mr. TAFT), the Senator from Kansas (Mr. DOLE), the Senator from Connecticut (Mr. WEICKER), the Senator from New Jersey (Mr. CASE), the Senator from Illinois (Mr. STEVENSON), the Senator from Florida (Mr. GURNEY), the Senator from Colorado (Mr. DOMINICK), the Senator from Utah (Mr. BENNETT), the Senator from Texas (Mr. TOWER), and the Senator from California (Mr. TUNNEY) were added as cosponsors of Senate Concurrent Resolution 79, a concurrent resolution expressing the sense of the Congress with respect to the celebration of the 100th anniversary of the birth of Herbert Hoover.

Mr. HUMPHREY. Mr. President, I am very pleased to respond to the invitation of the distinguished Senator from Arizona (Mr. GOLDWATER) and request that my name be added as a cosponsor of a Senate concurrent resolution which has been held at the desk, Senate Concurrent Resolution 79, relating to the celebration of the 100th anniversary of the birth of Herbert Hoover. I was honored to know President Hoover personally. I believe this resolution, calling upon the Secretary of the Interior and the Administrator of General Services to cause appropriate ceremonies to be conducted at West Branch, Iowa, the birthplace of the 31st President of the United States, on August 10, 1974, is an entirely fitting mark of respect, and merits early approval by Congress.

The PRESIDING OFFICER. Without objection, the name of the Senator from Minnesota (Mr. HUMPHREY) will be added as a cosponsor.

At the request of Mr. MOSS, his name was added as a cosponsor of Senate Concurrent Resolution 79, supra.

SENATE RESOLUTION 306—SUBMISSION OF A RESOLUTION RELATING TO COMPARATIVE PRINTS OF BILLS AND JOINT RESOLUTIONS CONSIDERED BY COMMITTEES AND SUBCOMMITTEES THEREOF

(Referred to the Committee on Rules and Administration.)

Mr. HATHAWAY submitted the following resolution:

SENATE RESOLUTION 306

Resolved, That rule XXIX of the Standing Rules of the Senate is amended by adding at the end thereof the following paragraph:

"5. Whenever a committee or subcommittee thereof considers at committee or subcommittee meetings (including hearings), a bill or joint resolution repealing or amending any statute or part thereof, the committee or subcommittee, as the case may be, shall have at hand an accompanying document (to be prepared by the staff of such committee or subcommittee) which includes (1) the text of the statute or part thereof which is proposed to be repealed, and (2) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italic, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form in which it was introduced, or, in the case of such a bill or joint resolution first considered by a subcommittee of a committee, in the form recommended by the subcommittee. The requirements of this subsection may be waived when, in the opinion of the committee or subcommittee chairman, it is necessary to expedite the business of the committee or subcommittee."

SENATE RESOLUTION 307—SUBMISSION OF A RESOLUTION REQUESTING THE CONCLUSION OF A NEW NATIONAL WETLANDS INVENTORY BY THE YEAR 1974

(Referred to the Committee on Commerce.)

Mr. FULBRIGHT submitted the following resolution:

SENATE RESOLUTION 307

Whereas the national wetlands inventory is an essential part of our wetlands preservation effort because it points out areas of critical needs;

Whereas the last national wetlands

inventory was conducted in 1956 and is now therefore inadequate;

Whereas the year 1976, the United States Bicentennial, is an appropriate time to reaffirm our efforts to preserve our natural resources; and

Whereas the Bureau of Sport Fisheries and Wildlife currently plans no wetlands inventory until 1980: Now, therefore, be it

Resolved, that it is the sense of the Senate that the Bureau of Sport Fisheries and Wildlife is hereby urged and requested to conclude a new national wetlands inventory by the year 1976.

Mr. FULBRIGHT. Mr. President, among the various efforts of the Federal Government to protect our natural resources, one of the most important is the effort being made by the Bureau of Sport Fisheries and Wildlife to preserve our wetlands. Wetland ecosystems support much of the Nation's fishery resources by supplying nutrient and life history requirements, and provide a wide variety of sport fishing and hunting and other recreational opportunities. Wetland areas also serve as nesting, feeding, and resting areas for migratory birds, furbearers and other birds and mammals, some of which are threatened or endangered species. Unfortunately, a large number of our wetland ecosystems are being threatened by rapid development—development which endangers significant fish and wildlife habitat.

The Bureau of Sport Fisheries and Wildlife preserves wetlands by the acquisition of such lands through the national wildlife refuge program and through the preservation or enhancement of wetlands in conjunction with developments proposed by other Federal agencies or under Federal permit or license.

Additionally, the Department of Agriculture administers the water bank program under which the Secretary of Agriculture is authorized to enter into 10-year agreements with landowners and operators in important migratory waterfowl nesting and breeding areas to preserve, restore, and improve the Nation's wetlands. In 1974, the program is being operated in 62 counties in 15 States, including Prairie County, Ark.

An intergal part of the wetland preservation effort is the national wetlands inventory. This inventory is vital in order to obtain a factual basis for an effective wetlands policy. I therefore find it most disturbing that the last inventory was conducted in 1956. In view of the great changes in our environment that have taken place in the last 18 years, I certainly believe a new wetlands inventory is long overdue. Unfortunately, I have recently been informed by the Bureau of Sport Fisheries and Wildlife that the next wetlands inventory is not set for completion until fiscal year 1980. We simply cannot afford such a delay. Once a valuable wetland has been lost, it can never again be recovered.

The resolution I am introducing today requests that the new national wetlands inventory be concluded by the year 1976. That date is appropriate for three reasons: first, it gives the Bureau of Sport Fisheries and Wildlife sufficient time to complete the inventory; second, it is 20 years after the last inventory was completed; and third, it is the U.S. Bicentennial.

According to the Bureau, additional funds may be necessary to complete the inventory by 1976. Should this be the case, I would hope the Senate would see fit to appropriate sufficient money for this much needed project.

I can think of no more appropriate way to celebrate our Bicentennial than by renewing our dedication to preserve our natural resources. I believe a new national wetlands inventory would be an important step in this direction.

ADDITIONAL COSPONSORS OF SENATE RESOLUTION

SENATE RESOLUTION 67

At the request of Mr. KENNEDY, the Senator from Indiana (Mr. HARTKE) and the Senator from Kansas (Mr. DOLE) were added as cosponsors of Senate Resolution 67, calling on the President to promote negotiations for a comprehensive test ban treaty.

COAL CONVERSION ACT OF 1974—AMENDMENT

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

COAL SLURRY PIPELINES

Mr. JACKSON. Mr. President, I am submitting an amendment to the Coal Convention Act of 1974 (S. 2652). The amendment is designed to facilitate the construction of coal slurry pipelines.

Increased use of coal is widely viewed as an important factor in moving the United States toward energy self-sufficiency. Mixing coal with water and pumping the resulting slurry through an underground pipeline is an economical and reliable way of getting coal where it is most needed without putting additional strains on the present transport system. It is a new method of transportation, but one that has been proven in a variety of applications around the world.

Coal slurry pipeline also have an environmental advantage. They are safe, silent, and virtually invisible in operation.

The first slurry line was built in Ohio in 1957, and the world's longest line has been shipping coal 273 miles from the Black Mesa mine in Arizona to the Mohave powerplant in Nevada since 1970 Several other lines are under construction or planned, including one which would carry Wyoming coal more than a 1,000 miles to a new powerplant complex in Arkansas.

The technology of commercial slurry pipelines is uncomplicated and well established. The raw material is ground fine enough to mix well with water and form a slurry. It then is pumped through a pipeline to its destination, where the water is removed and the material is used in the same way as if it arrived by rail or some other means of transportation. In the case of electric utilities, the water can be used for power production after it has been separated from the coal.

The Ohio pipeline established the reliability of slurry pipeline technology immediately with an availability record of 98 percent during its 6 years of operation. The Black Mesa line has recorded an availability of better than 99 percent in the past 2 years. This kind of reliability is especially important to electric utilities. It stems in large measure from the simplicity of the system, which requires a relatively small work force and thus diminishes the risk of interruption from labor strife. And since coal slurry pipelines generally run underground, they are virtually immune to weather effects. Slurry pipelines also have a very good safety record.

My amendment would do two things. First, it would amend the law governing issuance of rights-of-way over Federal lands for oil and gas pipelines to include coal slurry pipelines. The existing law was recently updated by the Congress in connection with its consideration of the trans-Alaska pipeline and is found in title I of the Act of November 16, 1973. Thus, the most modern and environmentally responsible Federal law would apply to coal slurry pipelines on Federal lands.

Second, my amendment would give a right of eminent domain over private property to the operator of a coal slurry pipeline. This would be similar to the right of eminent domain granted to natural gas pipelines by the Natural Gas Act.

I recognize that the exercise of eminent domain particularly for private individuals is a very sensitive matter which should be permitted only in very unusual circumstances. Thus, my amendment provides that before the right could be exercised, the Secretary of the Interior would have to find that the particular coal slurry pipeline involved would: first, help meet national needs for coal utilization; second, be superior to available alternate means of transportation of coal; third, perhaps be impeded or delayed unless granted the power of eminent domain; and fourth, involve no greater disruption to the environment than other modes of transportation or utilization of the coal resources involved.

Because any major pipeline will cross lands owned by many different people and excessive delay in negotiations could impede transportation of the coal needed to meet national energy needs, I believe that carefully restricted Federal eminent domain authority is probably necessary. This is particularly true in light of the fact that coal slurry lines would frequently have to cross rights-of-way owned by railroads. Since railroads would in many instances be direct competitors of the pipeline in the coal transportation business, they could be unwilling to grant rights-of-way for pipelines. Where the pipeline is in the national interest, we cannot allow private self-interests to prevent its construction.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

AMENDMENT NO. 1176

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

Mr. BROCK submitted an amendment intended to be proposed by him to the

bill (S. 3044) to amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns.

AMENDMENT NO. 1177

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

Mr. CRANSTON submitted an amendment intended to be proposed by him to the bill (S. 3044), supra.

AMENDMENT NO. 1180

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

Mr. ALLEN submitted an amendment, intended to be proposed by him, to Senate bill 3044, supra.

AMENDMENT NO. 1181

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

Mr. BROCK submitted amendments, intended to be proposed by him, to Senate bill 3044, supra.

AMENDMENT NO. 1182

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

Mr. CRANSTON submitted an amendment, intended to be proposed by him, to Senate bill 3044, supra.

AMENDMENTS NOS. 1183 THROUGH 1186

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

Mr. JAVITS submitted four amendments, intended to be proposed by him, to Senate bill 3044, supra.

AMENDMENT NO. 1187

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

Mr. KENNEDY (for himself, Mr. HUGH SCOTT, Mr. HART, Mr. SCHWEIKER, and Mr. MATHIAS) submitted amendments, intended to be proposed by them, jointly, to Senate bill 3044, supra.

AMENDMENT NO. 1188

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

Mr. CLARK submitted an amendment, intended to be proposed by him, to Senate bill 3044, supra.

EDUCATION AMENDMENTS OF 1974—AMENDMENTS

AMENDMENT NO. 1178

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

Mr. SPARKMAN submitted amendments, intended to be proposed by him, to the bill (S. 1539) to amend and extend certain acts relating to elementary and secondary education programs, and for other purposes.

DISASTER RELIEF ACT AMENDMENTS OF 1974—AMENDMENT

AMENDMENT NO. 1179

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

Mr. STEVENSON submitted an amendment, intended to be proposed by him, to the bill (S. 3062) entitled the "Disaster Relief Act Amendments of 1974."

ADDITIONAL COSPONSORS OF AMENDMENT

AMENDMENT NO. 1125

At the request of Mr. CRANSTON, the Senator from Alaska (Mr. GRAVEL), and the Senator from Wyoming (Mr. MCGEE) were added as cosponsors of amendment No. 1125, to the bill (S. 3044) to amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns.

NOTICE OF HEARING ON INDIAN HOUSING

Mr. JACKSON. Mr. President, I wish to announce to the Members of the Senate and other interested parties that the Subcommittee on Indian Affairs has scheduled an open hearing for April 11, 1974, on Indian housing.

This week representatives of Indian tribes and housing authorities plan to gather in Washington to discuss common problems concerning the area of housing.

The meeting offers a unique opportunity for the subcommittee to hear a good cross-section of ideas, experience, and suggestions from people from around the country.

Therefore, the Subcommittee on Indian Affairs will hold an open hearing immediately following the completion of the full committee hearing already scheduled for 10 a.m. on S. 2938, the Indian Health Care Improvement Act, for April 11 in room 3110 of the Dirksen Senate Office Building.

ADDITIONAL STATEMENTS

FEAR AND LOATHING IN VERMONT

Mr. AIKEN. Mr. President, last Sunday the New York Times carried an article on the editorial page written by Franklin B. Smith, an editor for the Burlington Free Press, of Burlington, Vt.

This article sets forth the reasons why more people are becoming skeptical of the news media.

I commend the New York Times for printing this article by Mr. Smith and ask now that it be printed in the RECORD.

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

FEAR AND LOATHING IN VERMONT
(By Franklin B. Smith)

BURLINGTON, VT.—As a veteran newspaperman dedicated to the principle of objective and fair reporting without fear or favor, I find repugnant the vast coverage of the Watergate affair. Much of this coverage by the press—and here I include newspapers, television, radio and magazines—has been blatantly abusive both of our traditional American sense of justice and of the First Amendment's guarantee of press freedom.

There have been countless instances of clear distortion or curious neglect on the part of the press in the coverage of this unhappy affair, but for starters I offer the following baker's dozen:

Item 1: For several weeks now the press has carried reports suggesting that President Nixon's tax problems may encourage a great many Americans to take every conceivable tax deduction, thus costing the Treasury untold millions of dollars in revenue. The reports are highly inflammable, intended to "make news" rather than report it.

Item 2: Relatively few Americans had ever heard of the junior United States Senator from New York, James L. Buckley until he recently issued a call for President Nixon's resignation. The press suddenly found him to be a prominent and effective leader and spokesman for Republican conservatives nationally, something which he clearly is not.

Item 3: The press has conducted wide-ranging investigations into allegations that the Nixon Administration provided ambassadorships to well-healed campaign contributors. The American people have been led to believe that this practice, corruptible or not, is peculiar to this Administration, an assumption that is demonstrably erroneous.

Item 4: The press has quoted again and again the comment of Gerald R. Ford, when he was minority leader of the House and was promoting the impeachment of Supreme Court Justice William O. Douglas, that an impeachable offense is "whatever a majority of the House of Representatives considers" it "to be at a given moment in history."

But the press has nearly totally ignored the fact that Mr. Ford also said the following in the 1970 debate: "The President and Vice President can be thrown out of office by the voters at least every four years. To remove them in midterm . . . would indeed require crimes of the magnitude of treason and bribery. . . ."

Item 5: The press has recently carried headline stories on Representative Wilbur D. Mills' prediction that President Nixon would be forced to resign over his tax troubles. But almost completely ignored by the press, during the same period, was a speech in Cleveland on March 10 by the Senate Watergate Committee's chairman, Sam Ervin Jr., in which he declared that no evidence had been produced in the Senate Watergate hearings to support impeachment of Mr. Nixon.

Item 6: The press appears to be vitally interested whenever Archibald Cox, the former special Watergate prosecutor, comments on the culpability of the Nixon Administration. But apparently the national media discerns no "news value" whatever when Mr. Cox criticizes the role of the press itself, as he did recently in New Hampshire when he declared that the media was trying to shape events in the Watergate affair.

Item 7: Last November the Roper organization, in a survey of public reaction to discussion of possible impeachment conducted for 51 subscribers, including the American Civil Liberties Union, found that 79 per cent of the respondents believed one or none of the most serious charges against President Nixon to be justified.

The press exploited the poll for weeks but consistently failed to note that poll had been conducted among a sample of 2,020 people who had been presented with a list of 13 charges or criticisms *against the* President and asked to "go down the list and call off any that you personally are concerned about both *because* you think it is a serious offense and because you think he may be responsible for it."

Surely even the most ardent Nixon supported would agree that some of the 13 were serious offenses and that the President might be responsible for one or more of the 13, and this means that he would be included in the 79 per cent who thought the charges against the President were justified. This is a plain absurdity that the press made no attempt to clarify.

Item 8: The press *has fostered* the notion that President Nixon's huge tax deduction of $576,000 for the gift of his Vice-Presi-

dential papers to the National Archives is a unique situation. Yet the General Services Administration has reported that a great many high Government officials have received tax deductions by contributing their private papers to tax-deductible institutions. The press quickly noted this report, and just as quickly forgot it.

Item 9: The involvement of E. Howard Hunt in the Watergate affair is a matter of common knowledge, and rightly so. Yet last December he told the Senate Watergate Committee that he spied on Barry Goldwater for the Democrats during the 1964 Presidential campaign—a vital fact that would provide essential perspective if only the press had not failed to acknowledge it.

Item 10: Much continues to be made of the financial contributions to President Nixon's re-election campaign by various special-interest groups. But the press has studiously avoided more than cursory mention of the fact that the American Federation of Labor and Congress of Industrial Organizations—which is vigorously pro-impeachment—contributed about $191,000 to the 1972 campaigns of members of the House Judiciary Committee, which is considering impeachment charges against the President. The biggest contribution, $30,923, was received by the committee's chairman, Peter W. Rodino Jr. Why has the press failed to report adequately this volatile matter?

Item 11: This year's first special Congressional election, in the Johnstown area of Pennsylvania, was billed weeks in advance as a Watergate referendum of national significance. Yet when the Democrat won by fewer than 300 votes out of more than 120,000 cast, the national press decided it was not so significant after all. But then the Democrats won two more special Congressional elections in Michigan and Ohio, and the Pennsylvania election quickly regained significance as one of the three straight Democratic victories.

It did not seem to matter that a Republican had won more than 50 per cent of the vote against a field of seven Democrats in yet another special Congressional election, in California. The press described the Republican's margin of victory as "slight" although it was larger than the Democratic margins of victory in two of the other three elections. This was advocacy reporting and it was irresponsible.

Item 12: The national press seems determined not to give President Nixon credit for accomplishment. When the accomplishment is undeniable the credit is given to others—as the credit is being given now to Secretary of State Kissinger for the apparent success of America's negotiating posture in the Middle East.

It is profoundly said that Egypt's President, Anwar el-Sadat, through an interview in Newsweek magazine, had to be the one to acknowledge that Mr. Kissinger "under the guidance of President Nixon—and you cannot separate the two"—was doing "the unthinkable in the Mideast." The American press, not Mr. Sadat, bore the obligation to acknowledge as much.

Item 12: Two months ago Robert G. Baker, the long-time aide to Lyndon B. Johnson when he was the Senate Majority Leader, agreed to pay $40,000 into the Treasury in return for the dropping of a Federal suit charging him with influence-peddling. Thus the Bobby Baker case, first reported a decade ago, came to a quiet end—so quiet, in fact, that much of the press completely ignored it. The plain and unvarnished truth is that if the press had handled the Watergate affair in the same manner it handled the Baker case there would be no controversy today over alleged Government corruption.

Nearly a year ago I wrote the following: "If the press continues in its zealous overkill on this affair, it is not likely to destroy either President Nixon or the Nixon Administration but it will gravely injure something more important: The faith of the people in our system of government and all that it provides and protects—including, most pointedly, freedom of the press."

This has now come to pass, and most certainly this period will be remembered, with more sadness than outrage, as the darkest chapter in the long history of American press freedom. As a veteran newspaperman of principled dedication, I grieve for my profession.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, it has been 23 years since the U.S. Senate first considered the Treaty on Genocide. In the years since, 75 other nations have ratified the treaty. Action by this body is long overdue.

As President Harry S. Truman said when he submitted the Genocide Convention to the Senate in June of 1949 for its advice and consent:

America has long been a symbol of freedom and democratic progress to people less favored than we have been . . . we must maintain their belief in us by our policies and our acts. By the leading part the United States has taken in the United Nations in producing an effective legal instrument outlawing the world-shocking crime of genocide, we have established before the world our firm and clear policy toward that crime. By giving its advice and consent to my ratification of this convention, which I urge, the Senate of the United States will demonstrate that the United States is prepared to take effective action to contribute to the establishment of the principles of law and justice.

Now that statement was made 25 years ago, and still no action has been taken by this body.

President Nixon has urged ratification, as has every President since Harry Truman. The matter is on the Executive Calendar, and all that must happen is that this body must give its support—the support that it has failed to show for so long.

Mr. President, I urge every Member of this body to join with me in speeding the ratification of this most important treaty.

IMPEACHMENT ISSUE SHOULD BE SETTLED BY EVIDENCE ONLY

Mr. FANNIN. Mr. President, recently I received a thought-provoking letter from a gentleman in Indiana. The letter very appropriately points out that some Members of Congress appear to be approaching the impeachment issue as though it were a matter to be settled according to public opinion polls.

Our system of government is in deep trouble indeed if Members of Congress decide the impeachment issue not on the basis of evidence but on the basis of their reading of public opinion within their districts or States.

Mr. President, I believe this letter from a Mr. William Riley Greear presents the danger much more eloquently and forcefully than I could. I ask unanimous consent that the text of Mr. Greears' comments be printed in the RECORD.

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

WILLIAM RILEY GREEAR'S LETTER

We recently received a letter from our U.S. Congressman. The front featured a picture of the Congressman and stated in large print that he, "——— ——— asks your opinion".

The first question asked was: "1. Do you think that President Nixon should resign from the Presidency, or not?"

The second question was: "2. Do you think President Nixon should be impeached?"

All of my family are registered Democrats who supported Truman, Kennedy and Johnson and so have no party preference on behalf of President Nixon.

The above questions from our Congressman, however, were a distinct shock to us as a matter of principle.

Since when does a duly elected official's right to office rest upon my or anyone else's vagrant opinion. No Way!

The second question about impeachment was particularly offensive. Impeachment amounts to a charge or indictment of guilt.

At the local level within a county—a grand jury brings charges or indicts if evidence of guilt is presented.

At the national level and in regard to the President, the House of Representatives acts as a grand jury.

Upon sufficient hard evidence of guilt a grand jury may indict or the U.S. House may pass a bill of impeachment which also is an indictment.

At the county level a judge or a jury may decide guilt or innocence. Fundamental to justice, however, is the fact that evidence and evidence alone is the first and final proof of guilt or innocence.

If reason, right and the rule of law are to continue in America this basic and vital principle of justice must be observed. Guilt and innocence depend entirely upon hard facts of evidence and not upon opinions and popularity contests. If we forget this we fall as citizens and become the equals of a lynch mob.

For a U.S. Congressman to ask the opinion of the people in his district in such a matter is equal to a grand juror sticking his head out of a court house window and questioning a passing crowd with "Hey, People, do you think that John Smith should be indicted?"

Naturally and properly such a person would be disqualified as a grand juror.

The same simple rule of reason certainly applies to the U.S. House of Representatives. Justice demands that any congressman who has measured right or wrong or justice in terms of popular opinion shall be disqualified from voting upon a related bill of impeachment.

Neither the House nor the Senate are bound by the rules of evidence in their function as legislators. In impeachment, however, they are assuming a judicial role. They are acting as a court to determine guilt or innocence. If they do so without following the basic and fundamental rules of justice—justice is no more in this land.

MORE STRINGENT GUN CONTROLS

Mr. STEVENSON. Mr. President, on March 11, John Cardinal Cody, archbishop of Chicago, addressed a letter to the Roman Catholics in his archdiocese. In that letter he called upon legislators "to reinvestigate the possibility—and indeed, the necessity—of more stringent gun controls." Cardinal Cody suggested that "stringent firearm controls" become "a Federal priority."

What prompted Cardinal Cody's letter was the recent tragic slaying—by handgun—of two Chicago policemen, William Marsek and Bruce Garrison. And although he did not mention it in his letter, Cardinal Cody himself was a recent

victim of an armed robbery—across the street from Holy Name Cathedral in Chicago on February 14. Cardinal Cody's concern in this area was not, however, spurred by the attack on him—he has been an active advocate for stronger gun control legislation for many years.

To support his point of view, Cardinal Cody in his letter cited some general—and deplorable—statistics. He noted that in Chicago alone in 1973 there were 864 murders, 71 percent of these involved firearms and 63 percent, handguns. He also noted that in November and December alone in Chicago there were 3,291 crimes of violence reported, and that 91 percent of these involved handguns.

It is, of course, highly ironic that the cardinal's letter was dated just 2 days before the Senate voted to table two handgun control amendments to the capital punishment bill. One amendment which would have required the Federal licensing of all handgun owners, the registration of all handguns, and the banning of "Saturday night specials"—an amendment similar to S. 708, which I introduced early in the first session of this Congress. Another amendment would have banned the future sale and manufacture of "Saturday night specials," a measure the Senate passed in 1972.

Mr. President, I ask unanimous consent that at the end of my remarks Cardinal Cody's letter to the members of his archdiocese be printed in the RECORD. And I would urge that we all pay heed to the cardinal's words, for although sent only to the members of his archdiocese, the letter contains a thoughtful message for anyone who holds a concern for human life and deplores the rising tide of crime and violence, violence made possible to a great extent by the availability of the lethal and easily concealable handgun, the crime gun.

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

ARCHDIOCESE OF CHICAGO,
Chicago, Ill., March 11, 1974.

To the Priests, Religious and Faithful of the Archdiocese of Chicago:

During the past week, as Chairman of the Pro-Life Committee of the National Conference of Catholic Bishops, I was called upon to give testimony before the United States Senate Sub-Committee on Constitutional Amendments. Our concern on that day was to speak out clearly and unreservedly in behalf of life. The tragic statistics describing the number of abortions in our country mount so quickly that we barely realize the effect this has on our national conscience. We are becoming a nation that exhibits little concern for life and the rights of the defenseless.

My thoughts turned on that day to another expression of disregard for life. Officers William Marsek and Bruce Garrison had just been buried. Headlines told of new, equally senseless shootings and deaths in Chicago. The concern of the Pro-Life Committee of the National Conference of Catholic Bishops is not only for the defenseless unborn. It is a concern for human life wherever it is under attack or threatened.

As Archbishop of Chicago, I call upon legislators to re-investigate the possibility—and indeed, the necessity—of more stringent gun controls. Statistics from our Chicago Police Department show that in 1973, there were 864 murders, 71% of these by use of firearms and 63% by use of handguns. In the months of November and December alone, there were 3,291 crimes of violence reported; 91% of these were crimes by handguns. In the area of accidental deaths, it is pointed out by the National Safety Council that accidents with firearms are the fifth most common cause. It is estimated that there are more than 170 million guns in America—more than triple the number of families.

There are obvious vested interests which oppose regulation of firearms since this would lead to the drastic curtailment of the manufacturing and sale of such weapons. But there is a greater awareness on the part of all citizens today that the right to arm is an anachronism in the 20th Century. Moreover, the would-be "sportsmanship" of handguns which is a luxury of the few, must give way to the natural rights of all people to safety and public protection from those who misuse such weapons.

Vigorous public support is needed to establish realistic gun controls. To the tearful questions asked after each tragic murder: "Are they ever going to outlaw guns?" we need to answer "Yes," and we need to do it now!

At the recent deaths of Officers Marsek and Garrison, I called upon you for prayers for them and their bereaved families. I now call upon you for action. Write to your Congressmen, urging that stringent firearm controls might become a federal priority. Speak out for life.

Very truly yours in Christ,
JOHN CARDINAL CODY,
Archbishop of Chicago.

UNIONS VERSUS PARLIAMENT

Mr. FANNIN. Mr. President, like most Americans, I have great respect for England.

From our very beginning we have benefited by the English example. Our Founding Fathers took what was good, and came up with new concepts to replace that which was bad, in the English system of government.

It sometimes seem that, by observing the problems of Britain, we see what may happen shortly in the United States—unless we take steps to make corrections.

We saw England fall into an energy crisis before it really struck the United States.

We have seen how England has suffered from socialization of industries.

Now we are seeing how England suffers under the domination of unions. Let me make it clear that I am not condemning the Labour Party; I am talking about the unions themselves and what they are doing to that once proud country.

Here in America we see that the union leaders are plotting to gain the same stranglehold on our Government as the unions hold in England.

If the unions are successful in the campaign financing proposals they now are trying to push through this Congress, if the unions can elect the "veto-proof" Congress they are seeking in the fall elections; if they can force an impeachment trial of President Nixon, then they will have the stranglehold they seek. We as a Nation will find ourselves in the same malaise as the British.

Mr. President, I think there are great parallels between what has happened in England and what could happen here if the unions are successful. For that reason, I request unanimous consent to have printed in the RECORD an article, "Unions Versus Parliament," by the noted British essayist, George Malcom Thomson, as it appeared on April 2, 1974, in the Christian Science Monitor.

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

UNIONS VERSUS PARLIAMENT

(By George Malcolm Thomson)

LONDON.—The general election we have just had in Britain is one of the most significant in the long series of British electoral contests. This is not because of the Parliament it has produced; although that is odd enough! The two big parties—Labour and Tory—each holding a minority of seats and the third party, the Liberals, polling six million votes yet only rewarded with 14 places in the new chamber.

Putting it simply, it means that one Tory or Labour voter has the same political power as 10 Liberal voters. So much for the "equality" of which so much is heard in Britain today! So much for democracy in this land which likes to think of itself as the cradle of democracy!

There is, however, an aspect of the election more important and, certainly, more frightening than the mathematics of its result. That is the issue on which it was fought and won. This has been too much forgotten in the euphoria or dismay of the result. Put bluntly, it was this:

Parliament had set up a formula by which wage settlements should be governed. The purpose of this formula, whether right or wrong, was to check inflation. But the miners' trade union, numbering a quarter of a million members, refused to accept the formula. Having wrung concession after concession from the government, it was still dissatisfied. It called a strike in its key industry. And in the ominous shadow of the miners' strike, a general election was called, fought and *lost* by the government.

After this it will not be possible to say, without qualification, that Britain is a parliamentary democracy. In a headlong collision with a well-disciplined, compact trade union, the British electorate as expressed in Parliament has been compelled to back down.

Various comments can be made on this state of affairs. For instance: That the miners deserve to be paid more than some other kinds of labor. That the Prime Minister, Edward Heath, was unwise to get into a situation where he was engaged in an eyeball-to-eyeball confrontation with the miners' leaders. This would only make sense, according to this argument, if the contestants were evenly matched. But they were not. The miners could sit out a long strike, supported by state assistance payments to their wives and families. Meanwhile, Britain would grind to a standstill.

All that is true enough. Edward Heath completely misjudged the nature of the crisis. He trusted implicitly to the power and authority of Parliament and there he was wrong. For, by far the most alarming fact to emerge from this crisis is that the British House of Commons now has a rival which is, in some important respects, stronger than itself, the trade unions, sometimes, cynically, called "industrial democracy." It is a "democracy" in which the real decisions are taken all the way up to the national executive of the unions from the local lodges by a tiny minority (usually about 3 percent) of the members who, being enthusiasts, work and vote and, being enthusiasts, are more extreme in their views than the others.

These are the "militants" we hear so much about. They are a real political power in Britain today, ruling through their union

branches as the great Whig lords in the 18th century ruled through the "rotten boroughs."

The election which has just been held showed that the modern British trade unions, having defied and brought down a government, are a power not to be despised.

Now, with a government in office of their own making, it remains to be seen to what extent they will agree to wrap up the crude facts of their power so as to spare the new ministers too much humiliation.

They will certainly want to do so. But will they be able to? Inflation grinds on. The pressure for higher wages is likely to grow more severe. And behind union leaders who may be responsible are mischievous forces.

In the meantime one can only say that the British parliamentary system has suffered a severe jolt. Since the election, two events have underlined the superiority of unions over Parliament.

Michael Foot, Minister of Employment, has outlined a bill which would immeasurably strengthen the legal powers of the unions. And Denis Healey, Chancellor of the Exchequer, has produced a budget specifically designed to meet union demands. Further acts of subservience may be in the pipeline.

GHOSTS OF THE CAVALRY LINGER AT FORT MEADE

Mr. ABOUREZK. Mr. President, while I was a Member of the House of Representatives in 1971, I had the opportunity to take part in the effort to have Fort Meade, near Sturgis, S. Dak., placed in the Federal Registry of Historic Sites. Thanks to this successfu' effort of preservation, the people of western South Dakota and all of the tens of thousands of visitors from throughout the world now have an opportunity to learn about this part of the romantic past of western South Dakota.

Patty Pearson of the South Dakota Division of Tourism has written a fascinating article about historic Fort Meade. I recommend it to my colleagues and ask unanimous consent that it be printed in the RECORD.

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

GHOSTS OF THE CAVALRY LINGER AT FORT MEADE

(By Patty Pearson)

STURGIS.—Ft. Meade is misunderstood by most people. The public tends to see it only as a Veterans Hospital with modern brick buildings, paved roads and an antiseptic personality. Yet the old fort one mile east of here on Highway 34 was a cavalry post for 65 years. It is entrenched with history—fascinating tales of court materials, hangings, romance, carousing soldiers and the Little Big Horn aftermath.

Ft. Meade's past is still there. It surrounds the fort, fills her buildings and saturates her visitors—if they take the time to look, to visit the museum, walk across the parade ground, feel the sandstone stables and drive to the old cemetery.

Visitors can imagine the sound of bugles announcing reveille as they view some 20 buildings built between 1878–1890. The oldest buildings at the fort are south of the modern hospital facilities. Visitors entering through the old fort entrance are greeted with antiquity. A walk through the old fort includes homes like the one where the first post commander lived.

The tree-lined road that leads to the post cemetery is located west of the new entrance. It holds surprises for first-time visitors. One timeworn building that baffles historians sits in the valley below the old cemetery. Experts say the government never built the long, narrow structure. Yet there it is, on government property. "It looks like it might have been an old brig," says one visitor. But historian Dick Williams disputes this. "I think it was a stable built by officers for their private horses, but no one really knows. It isn't noted in any of the records," he says.

The cemetery sits atop a lonely hill. "It must have been hard to get up here with a team and wagon," Williams muses. "It's such a sad place. So many children's graves. How hard it must have been for parents to leave their little ones here, so far away from their real home, in the middle of what they considered the wilderness."

The grave markers read: child of civilian refugee; Lucy, child, Sioux Indian. No dates are recorded on the neatly arranged, official white stones. Other larger gravestones have dates and epitaphs. The oldest headstone is dated 1880.

Probably the largest marker in the cemetery is six feet tall. The sandstone obelisk was erected in 1890 by Troop D 8th Cavalry in honor of two soldiers who died from drinking wood alcohol. According to Williams, the story is that the troopers were on duty in Belle Fourche when they bought the "bad stuff" from a woman there. "Thirteen troopers went blind and were mighty sick, but these two must have been hard drinkers," says Williams.

Ft. Meade's cemetery is the only Northern Plains post cemetery at its original site. Moves by government officials to remove the 194 bodies were blocked by local residents in 1947. At the same time the idea for a Black Hills National Cemetery was conceived. The new National Cemetery now sits nearby along Interstate 90 and is often referred to as "The Arlington of the West."

A visit to Ft Meade starts best with a tour of the Old Ft. Meade Museum located in the regimental headquarters building. Funded solely by contributions, the museum literally overflows with memorabilia from Indian wars, cavalry days, settlers' lives and the nearby town's history.

Wandering through the museum is like stepping back into Ft. Meade's past. The old pictures, important documents, interesting keepsakes and countless other articles give visitors some idea what life was like at the post. Old maps point out important buildings, such as the 200-foot long commissary storehouse and office built in 1878, the year the post was established. The oldest surviving structure at the post, the commissary cost $3,477.16. It is still being used for storage.

Some of the old buildings at Ft. Meade are now used as housing by veterans hospital personnel. Others stand idle. But at least they are standing. This fact is due to the foresight of several individuals who worked with the S.D. Preservation Commission in 1971 to have the fort declared an historic site. "We were appalled when the government started razing buildings that were history in themselves," says Williams. 'So we rushed to Washington, D.C., and asked that the National Preservation Act be applied here."

The citizens won. Ft. Meade is now protected under the preservation act. Last year it was listed in the National Parks System's Federal Registry of Historic Sites.

One of the most colorful characters ever to reside at Ft. Meade was Major Marcus Reno, a member of the illustrious Seventh Cavalry. Reno's involvement in the Battle of the Little Big Horn left a damaging mark on him. Although he was acquitted of all charges concerning the infamous battle in which he supported Custer's troops, Reno's reputation was destroyed. He started drinking heavily and was charged with "conduct unbecoming an officer." Reno's famous court-martial was held at Ft. Meade.

Bob Lee, editor of the Sturgis Tribune and an active historical researcher, has written a play about Reno's court-martial. Lee and Williams both have hopes of producing the play at Ft. Meade, if they can raise the money to hire a director.

"We are like all volunteer groups," says Lee. "Money is a problem. We need money to hire a director to make money from the play." Lee and Williams both laugh as they tell about going to the bank each year to sign notes so that the Old Ft. Meade Museum and Historical Research Association has enough money to continue. "We have never gotten stuck," Lee says. "The Fourth Cavalry Association and other contributors always come through for us, but it sure would be nice to have a steady income."

Both men believe the play could offer that steady income. They are certain of one thing. It should be produced at Ft. Meade, the place where it happened. The play will be presented as part of the State Bicentennial program in 1976.

Lee and Williams are both experts on the fort and its history. They talk about Reno, Col. S. D. Sturgis, Custer and other famous fort residents as if they knew them. Lee can tell you exactly where Reno went after he left Ft. Meade, how long he lived, where he died and where his remaining relatives are now. Williams is extremely well versed on all aspects of local history. He taught history in Sturgis for years and now works as an interpretive specialist at Bear Butte State Park, located three miles north of Ft. Meade.

Ft. Meade's first commander, Col. S. D. Sturgis, was one of the founders of the town one mile west of Ft. Meade. He also gave it his name.

Sturgis residents recall one bad incident between Ft. Meade and the town. It occurred in 1885 when a black soldier shot a Sturgis doctor and the townspeople hanged him. Several soldiers retaliated Corporal Hallon's death by shooting up the town, including some innocent people. Cpl. Hallon is interred at the old post cemetery, cause of death reportedly listed as "natural causes."

Although cavalry horses no longer reside at Ft. Meade, several equestrians are working to bring back the once-famous Black Horse Troop. This show group will be ready for performances in 1976.

One famous horse made his home at Ft. Meade for 10 years. The only living thing found at the site of the Battle of the Little Big Horn, a buckskin named Comanche, was returned to Ft. Meade. He lived there until 1888 when he was moved to Ft. Riley, Ks.

Ft. Meade has been a veterans hospital since 1944. The original purpose for establishing the fort has vanished. But several individuals and groups have strived to preserve the captivating history there. Everyone should enjoy absorbing some of the romance of the old fort, learning about her flashing soldiers and sometimes quiet residents. It only takes a little time to step into the romantic past of western South Dakota.

COUNTERFORCE: FACTS AND FANTASIES

Mr. GOLDWATER. Mr. President, for the good of our country it is well that so much discussion is taking place over our strategic positions and options. One of the most penetrating articles on this subject has been written by Col. William C. Moore, USAF, retired, and it appears in the Air Force magazine of April. I ask unanimous consent that this superb article be printed at this point in my remarks.

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

COUNTERFORCE: FACTS AND FANTASIES

(By Col. William C. Moore, USAF (Ret.)

An editorial in the New York Times of January 15, 1974, cautioned that before any changes are made in U.S. nuclear strategy the subject "deserves more national debate than it has yet received."

This admonition was aimed at Secretary of Defense James R. Schlesinger, who five days earlier had announced that U.S. nuclear strategy would include the concept of counterforce. In the lexicon of strategists, counterforce describes military action in which the armed forces of warring nations attempt to destroy each other. This is the traditional objective of warfare, advocated by most military experts. It contrasts with assured destruction—the current official U.S. nuclear strategy—which emphasizes the mass killing of Soviet civilians by destroying Soviet cities. In either case, the U.S. objective is to deter both nuclear war and nuclear blackmail.

The debate called for by the New York Times is in full swing. So far the critics of counterforce either ask a rhetorical question: "Why change a strategy that has worked so well for over two decades?" Or they assert that Mr. Schlesinger's announcement portends the development of a U.S. first-strike capability certain to make Soviet leaders nervous and perhaps irrational. So irrational that they might launch a preemptive, surprise attack against the United States. Finally, say the critics, there is no sense attacking enemy missile silos, because the ICBMs in them will already be whizzing toward the United States.

ERRONEOUS PREMISES

Thus far, the debate has exposed several confusing and erroneous premises about counterforce as well as assured destruction and the role of each in U.S. national security strategy, both now and for the past two decades.

Most harmful to sensible debate is the mistaken belief that assured destruction means that most—if not all—U.S. strategic weapons are aimed at Russian cities, and that such Soviet military forces as ICBMs, nuclear-storage sites, and other military forces are largely excluded from attack. Certainly that is not the case. Many American warheads have for years been assigned to Soviet military targets as well as to cities.

Defense officials confirmed this to newsmen. And, although they did not reveal ratios, the only logical conclusion—given the vast number of US weapons and the small number of major Soviet cities—is that the majority of US bombs and missiles have been and are still aimed at Soviet military forces, installations, and war-supporting industrial facilities.

Another barrier to sensible debate is the tendency to think of strategic nuclear war as a sudden, intense spasm by each side, so devastating, so catastrophic that nothing—except picking up the pieces—happens thereafter. That is not the Soviet concept, as revealed in countless articles by Russian military writers. The spasm scenario eliminates from the debate any discussion beyond first or second strike and makes for convenient logic about overkill and wasting missiles against empty silos.

A scenario in which the US expends all her strategic weapons in a sudden, convulsive reaction to attack by the Soviets is imprudent, perilous, and perhaps fatal to our survival in a nuclear war. Logic and common sense rule out the assumption that neither side would withhold forces in reserve.

Reserve forces are traditional in military thinking, and for good reason. They often have stemmed the tide of defeat or exploited opportunities leading to victory. Reserves correct what went wrong, hit targets that were missed, attack enemy reserve forces, and, most important, hedge the future, ensuring that the balance of forces in the post-attack era is not unfavorable.

Reserves, some academic strategists contend, are superfluous in strategic nuclear war. But think a minute. Is this really so? What happens if the US expends all her weapons and the Soviet Union still has some? And also has the command-and-control facilities to use them? How does the postattack scenario then unfold? Not a very reassuring outlook, is it?

So we must look beyond first and second strike. When we do, the validity and legitimate role of the counterforce concept, immediately becomes abundantly clear. And given the numerical limits on missiles set by SALT I, it is equally clear that our counterforce weapons must be accurate and effective against hard targets. We no longer can plan to assign several warheads to one target as we did in the days when the US had overwhelming nuclear superiority.

Another faulty premise underlies the query of pundits who ask, "Why change a strategy that has worked for two decades?" They are saying, in effect, that "massive retaliation"—President Eisenhower's strategy of the 1950s—is the same as "assured destruction" of the 1960s.

To equate the two strategies in the context of the current debate is fundamentally wrong. Massive retaliation relied on the traditional concept of military attacking military—counterforce—not city-busting as called for by assured destruction. Obviously, President Eisenhower's first priority was to destroy what was then an immature Soviet nuclear force, but one that could have seriously injured the US. A collateral priority was the need to destroy Soviet military forces that could have overrun Europe. Any city-busting with attendant mass killing of Soviet citizens would have occurred incidental to attacks against military facilities—the side effects or "bonus" in the vernacular of targeteers.

This is not to say that President Eisenhower ruled out deliberate attacks on cities. That option always was available, but it was looked upon as a last-ditch effort to be used only if the preferred option failed, or if an *in extremis* situation developed.

Massive retaliation, therefore, should be remembered as a strategy that blended a great deal of counterforce with a good bit of assured destruction achieved incidental to attacks against military targets located in or near Soviet cities.

COUNTERFORCE IN THE M'NAMARA ERA

Secretary of Defense McNamara initially accepted President Eisenhower's nuclear strategy. Soon, however, the counterforce portion of the concept ran headlong into Mr. McNamara's cost-effectiveness mentality. Weapon systems, ammunition, other expendable supplies, concepts, tactics—all had to be precisely defined and "quantified" in the vernacular of Mr. McNamara and his Whiz Kids.

They had little trouble determining the number and size of nuclear weapons required to destroy Soviet cities. But determining what was needed to destroy Soviet military forces and facilities involved a maze of variables, uncertainties, and targeting techniques, few of which neatly fit cost-effectiveness formulas.

Targeteers, given the facts about a target—its size, location, difficulty to hit, hardness, and the effectiveness of enemy weapons defending it—try to determine how best to destroy the target. Lacking accuracy in his own weapons, the targeteer may decide to smother the area with his less-accurate weapons. He may decide that, because of enemy defenses, more than one type of weapon should be aimed at the target. He has to expect some mechanical trouble (aircraft or missile aborts), so he increases the number of weapons aimed at the target. Then he increases this number again to account for expected losses to enemy defenses. Finally, the entire equation is subject to deletions or additions depending upon whether the targeteer wants to achieve 100 percent assurance of destruction, eighty percent, or sixty percent.

Targeting, moreover, is not static. Requirements change constantly as enemy military forces become more and more difficult to locate and destroy. Targeteers must either increase the number of weapons aimed at the target—again smother the area of the target—or they must increase the accuracy of weapons so targets can be hit precisely.

Clearly, the precision demanded by cost-effectiveness was incompatible with techniques for determining how many weapons were needed to destroy enemy military forces. Moreover, as Mr. McNamara foresaw, President Eisenhower's counterforce concept required periodic expenditure of hard-to-get funds to ensure that US forces kept pace with Soviet improvements. As one consequence of these factors, Mr. McNamara opted to de-emphasize counterforce in favor of assured destruction.

Did this decision mean that those US weapons aimed at Soviet military forces and installations were retargeted to attack cities? Certainly not. Perhaps some minor adjustments were made in aiming points, but undoubtedly the majority of US weapons continued to be targeted against Soviet nuclear military forces and facilities—not cities. It is illogical to conclude otherwise, given the vast number of weapons in the US arsenal.

A logical assumption, therefore, is this: During Mr. McNamara's tenure as Secretary of Defense, US nuclear strategy contained—as it did in the Eisenhower years—both the elements of assured destruction and counterforce (referred to in the McNamara years as a damage-limiting capability), with one significant difference: Mr. McNamara placed emphasis on assured destruction.

Thus shunned officially, US counterforce capabilities began a slow, steady decline in their *effectiveness as the* number and hardness of Soviet military targets—especially missile silos—increased.

LAIRD HINTS AT OPTIONS

Melvin Laird chose to continue assured destruction as official policy during his tenure as Secretary of Defense, though he never was comfortable with it. He often complained about relying on one option—the mass killing of civilians. And he occasionally hinted at reemphasizing the traditional military philosophy of counterforce.

The hints never became reality. Instead, they provoked an uproar *among* some members of Congress—notably Sen. Edward W. Brooke (R-Mass.)—and academic strategists who raised their perennial argument that counterforce would incite the Soviets to execute a surprise first strike against the United States. This argument, barely plausible when the Soviets had few nuclear weapons and needed to make each one count, became progressively less valid during Mr. Laird's tenure. As the *Soviet* nuclear arsenal grew in size, Russian fears of a US first strike lessened, and, by the time of the first round of SALT, each side realized that neither had any hope of achieving a disarming *first strike.*

Nevertheless, Mr. Laird did not pursue the issue. Why not is conjecture. Perhaps because improvements in Soviet military forces and facilities had not seriously outpaced US capabilities to attack them. Most assuredly the probability of destruction had slipped below the level desired by targeteers, but the decline during Mr. Laird's tenure was not sufficient to seriously upset the military balance. Nevertheless, congressional fears that the development of counterforce capabilities might be misread by the *Soviets* as a move toward a first-strike posture caused the Administration to turn down many of USAF's

recommended improvements in accuracy and yield for the Minuteman force.

SCHLESINGER REEMPHASIZES COUNTERFORCE

Mr. Schlesinger is faced with the distinct possibility that the balance is about to shift rapidly, dangerously. Three related factors have combined to bring about this grim outlook:

Counterforce, lacking status as official policy, has been excluded from the lexicon of strategy when the Pentagon takes its case to the Congress for funds to improve old weapons or to buy new ones. As a consequence, few funds have been appropriated to improve accuracy and warhead yield-to-weight ratios, and U.S. counterforce capabilities have steadily lost the effectiveness they once enjoyed vis-a-vis the hardened Soviet targets they are aimed at.

The Soviet Union, having dramatically improved its counterforce capabilities prior to the SALT I agreement, was expected to slacken the pace after the agreement. Instead, Soviet leaders have continued with a program that Mr. Schlesinger says "in depth and breadth has been surprising to us." At the same time, they continue by defensive means—hardening mainly—to make their military forces more and more difficult to locate and destroy. Some Soviet targets are becoming so difficult to destroy that U.S. weapons assigned to attack them are becoming inadequate to the task. Previously, a near miss was adequate; now a precise hit is required.

The SALT I agreement freezing U.S. strategic missiles at 1,710 interrelates with the first two factors and compounds the dilemma facing Pentagon officials. Mr. Schlesinger, denied the option of adding to the U.S. arsenal, must either improve the accuracy of existing weapons or increase the number or power of the nuclear warheads they carry. Otherwise, more and more Soviet military targets will escape destruction in the event of a nuclear war.

What worries Pentagon strategists is this: The obvious loser is mutual deterrence. It could well become one-sided, with the USSR in the driver's seat.

Also obvious is Mr. Schlesinger's determination not to allow this to happen. To prevent it, he intends to reemphasize the concept of counterforce, raising it to the level of official policy, thus ensuring that it gets the attention it deserves.

As history reveals, counterforce has been a vital though sometimes neglected part of U.S. nuclear strategy since the beginning. Mr. Schlesinger's intention is, I believe, simply to strengthen what years of neglect has weakened This does not mean a wholesale reorientation of the target system, as some journalists are reporting, but rather a shift in emphasis and priorities within the existing system.

Military men are already applauding the decision to recognize the legitimate role of counterforce in US nuclear strategy. They have been uncomfortable about the efficacy of city-busting, which to them violates proved axioms of warfare. Instead of protecting the US and her citizens, as the military is supposed to do, assured destruction actually exposes our people and cities to maximum danger and holds them as hostages on a *quid pro quo* basis with Soviet cities and civilians.

Moreover, say military officials, any strategy that relies on city busting and the mass killing of civilians denies the lessons of the history of war. The surest way to success in war, history confirms, is to destroy the armed forces of the enemy; the defeat of one nation's military forces has always signaled the end of the war and victory for the other side.

Nevertheless, some strategists still oppose this military view. Reemphasizing counterforce, they say, will weaken the nuclear deterrent. It will dilute the balance of terror which city busting and the mass killing of civilians guarantees.

If the history of US nuclear strategy is any criterion, the sword of Damocles will not be dulled by counterforce. As in the Eisenhower years, the balance of terror will continue to be stark. Under the numerical constraints of SALT I, it will be a delicate balance, uncomfortable to live with but vastly preferable to a qualitative imbalance in which the Soviets have an extensive counterforce capability and we do not. That is the direction in which the scales have begun to tip, and the more delicate the balance the quicker and more irretrievably it can be upset. That is the disaster that Secretary Schlesinger seems determined to prevent.

In the future, as in the past, the greatest calamity, the most terrifying prospect, the outlook most likely to deter the hand of Soviet aggression is the fear of seeing her armed forces destroyed in a counterforce response. Of being disarmed and helpless. Of having nothing left—or at best only inferior forces—with which to fight or bargain.

A US deterrent strategy incorporating counterforce capabilities is essential to national security in the years ahead. A reemphasis on counterforce is long overdue. It should be welcomed—not opposed.

TRIBUTE TO HENRY AARON

Mr. WILLIAMS. Mr. President, I think it most appropriate today that we salute the man who last night reached the pinnacle of baseball achievement, Henry Aaron.

For those who grew up on baseball and the lore of the immortal "Babe," it is somewhat staggering to realize that his record has been eclipsed. But it has been done and I think that all Americans share the pride which so justifiably belongs to Hank Aaron.

It is a matter of fact that the achievements of Henry Aaron have been underrated until only recently. But his achievement takes on more perspective when we think of the men who had their run at the record and fell perceptibly short—Foxx, Greenberg, Williams, Kiner, Mantle, Mays, and so on and on. In fact, thousands and thousands have had the opportunity and only one man made it.

Ted Williams once said that hitting a baseball is the single most difficult feat in sports. Hank Aaron has mastered that feat to a peerless degree.

But our admiration for Henry Aaron goes beyond his achievements on the playing field. We admire the way he has mastered the even more difficult feat of handling life and fame. He is a true gentleman and a man who emanates the rarified aura of genuine class.

Mr. President, I would just like to note that last night's event took on a somewhat personalized meaning to me because Al Downing, who threw the pitch, is a friend and a native of New Jersey.

To Al, I can only say that anyone who gives up a home run to Hank Aaron is in very good and very crowded company.

RAILROAD POLICY IN THE NORTHEAST

Mr. BROCK. Mr. President, I think it is very important for the Congress and the Nation to be aware of the direction our policy of rail reorganization in the Northeast is taking us. We seem to be moving toward a "rationalized" regional monopoly involving major reduction in trackage as the solution to the Northeast railroad problem. I feel however that the premises underlying our policy are suspect.

Firstly, eased abandonment is by no means the panacea for railroad ills that it is so often portrayed. The assumption is that there exist substantial economies of density in railroad operation, that is, that average costs per unit of traffic are lower, the greater the density of traffic. Hence cut the trackage and profitability will rise. However, as Prof. Alexander Morton of Harvard Business School has pointed out to me, the evidence to support this thesis is quite weak, and indeed the Penn Central, scarcely a model of economic health, already enjoys one of the higher freight densities in the industry. In addition, the Penn Central calculates its losses on unprofitable lines as 10 to 20 percent of total operating deficits of recent years

The second premise of our present policy is that a rationalized monopoly company will put railroads in the Northeast in a new direction. Yet the merger of the Pennsylvania Railroad and the New York Central is widely regarded as a major factor in the collapse of the Penn Central 3 years later, and the present management setup with its complex political as well as economic overtones is probably going to be severely limited in initiative. I have grave doubts whether our policy will work, and whether we are not heading inadvertently toward nationalization. Instead of this route, I believe that before it is too late we should consider restructuring the system to encourage effective competition. This would involve end-to-end mergers to create a number of nationally operating competing systems, as the Railroad Productivity Study and other analyses have recommended.

Mr. John Fishwick, president of the Norfolk & Western Railroad, has recently drawn our attention to some of these questions, and pointed out that the present ideas are not the only form a competitive rail system could take. I ask unanimous consent that the article by William Jones, dealing with Mr. Fishwick and the Northeast Rail Plan published in the Washington Post, March 19, be printed in the RECORD.

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

NORTHEAST RAIL PLAN SEEN POSSIBLE STEP IN NATIONALIZATION

(By William H. Jones)

Norfolk & Western Railway president John P. Fishwick warned yesterday that if government officials drawing up a new Northeast rail system aren't careful, the nation might be taking a "step toward nationalization."

That could be the outcome he said in a petition to the Interstate Commerce Commission, if planners establish a new railroad that dominates service in the region.

Under a rail reorganization act signed early this year by President Nixon, a new U.S. Railway Association is being established to plan a new rail system that will supplant six major bankrupt lines, in a cooperative venture with existing railroads that remain profitable—mainly the Roanoke-based N&W and the Chessie System, holding company for the Baltimore & Ohio, Chesapeake & Ohio and Western Maryland.

While endorsing the goals of the rail re-

organization, Fishwick asserted: "It is no solution to cure the present problems of some railroads by shifting those problems to other railroads or to create a Frankenstein monster capable of survival at the price of destruction of all around it."

To prevent development of this Frankenstein monster—a term used before to describe Penn Central Railroad, the largest bankrupt firm which was formed in a merger of the Pennsylvania and New York Central—Fishwick said planners must give more than "lip service" to the concept of competition in freight services.

In this regard, he said, a Feb. 1 study by the Department of Transportation shouldn't be accepted as the only definition of a competitive rail system. That study suggested possible elimination of 25 per cent of all rail tracks in the Midwest and Northeast, because there was not enough freight business to make the lines profitable.

Other ways of looking at the problem, Fishwick stated, could lead to different solutions, including:

A cost-benefit analysis, which might result in a regional rail monopoly east of Buffalo and Pittsburgh. In a telephone interview, Fishwick said he didn't want to get too specific, but that planners would want to consider if such a monopoly would include New England and the Northeastern lines south of Philadelphia, such as the Washington area.

Breaking up the Penn Central into its major components—the old Pennsy and Central, which he said may be the only way to achieve "a reasonable competitive balance."

In any event, Fishwick emphasized competition cannot be provided by "a so-called railroad patched together with leftovers" from the planned Consolidated Rail Corp.

Nationalization might occur, in Fishwick's view, if the reorganization process hurts currently solvent companies.

In Philadelphia, meanwhile, trustees for the Penn Central said they will demonstrate in a March 25 hearing that the railroad cannot be reorganized under a traditional profit basis, and that the overall rail plan detailed in the new rail act is the path to follow.

The trustees also argued that since challenges to the constitutionality of the rail act are being heard already in several courts, there is no reason to consider that question next week.

U.S. District Court Judge John P. Fullam, who is overseeing the Pennsy bankruptcy case, also ordered yesterday that the Southeastern Pennsylvania Transportation Authority and Penn Central must come to an agreement by March 27 on more than $5 million in back payments owed the railroad, or the trustees must file a plan to discontinue all commuter lines operated for SEPTA—a five county agency that provides or underwrites mass transit in the Philadelphia area.

In Washington, railroads asked the ICC to permit an increase in freight rates to cover fuel costs. In March, a 2.5 per cent fuel "surcharge" took effect; the railroads yesterday said the new rate would be 2.8 per cent, starting April 1.

GRIZZLY BEARS—KILL OR PROTECT?

Mr. CRANSTON. Mr. President, on March 20, 1974, I inserted into the RECORD a copy of my letter to John R. McGuire, Chief of the U.S. Forest Service. This letter requested that the Forest Service suspend the annual grizzly bear hunt which is held on national forest lands surrounding Yellowstone National Park until a Department of the Interior study on the endangered status of the grizzly bear could be completed.

I am very disappointed in the response I have received from the Forest Service. I have written again to Chief McGuire to emphasize my deep concern that the grizzly bear will be well on its way to extinction before action is taken to protect it.

Mr. President, I ask unanimous consent that the Forest Service response to my letter of March 14, and my letter of March 28, 1974, to Chief McGuire be printed in the RECORD.

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

U.S. DEPARTMENT OF AGRICULTURE,
Washington, D.C., March 19, 1974.

Hon. ALAN CRANSTON,
U.S. Senate.

DEAR SENATOR CRANSTON: This is in response to your recent request that the Forest Service suspend all grizzly bear hunting activities on the National Forest lands surrounding Yellowstone National Park.

The Forest Service has been under intense pressure from several national conservation organizations, as well as a large number of individuals, to close the National Forest lands in Wyoming and Montana to hunting of grizzly bears.

According to our attorneys, we have such authority. However, it has been and continues to be our policy to rely on the States to set regulations governing the hunting of resident game species on National Forest administered lands. As you know, the Western States are sensitive to the "State's Rights" question as it relates to the management of resident wildlife species. We have been informed by Director James White of the Wyoming Game and Fish Department, that he would vigorously oppose any attempt by the Forest Service to regulate hunting of grizzly bears on National Forest lands in Wyoming. Also, such an attempt would be counter to our Memorandum of Understanding which is the basis of our cooperative wildlife work with the Wyoming Game and Fish Commission.

Grizzly bear hunting in Wyoming is on a very limited basis and hunters have been particularly unsuccessful in the spring hunt. In the past two years, only one bear has been killed in the spring hunt. On March 12, 1974, the Wyoming Game and Fish Commission passed a regulation prohibiting the baiting of grizzly bears in the Yellowstone ecosystem. This restriction should further curtail the opportunity of taking grizzly bears in Wyoming. It is difficult to believe that this level of legalized hunting is a threat to the bears in the Yellowstone ecosystem. If it is, we can only conclude that the grizzly bear certainly needs to be given the protection of the Endangered Species Act, at least in this ecosystem.

We recognize the need for the best and most complete data that is possible to obtain on both the grizzly bears and their habitats. Therefore, the Forest Service is participating in a joint grizzly bear study with the National Park Service, the Bureau of Sport Fisheries and Wildlife, and the involved States. As the study team assembles new data and develops recommendations for management, these data will be considered with the States in improving upon present management of grizzly bears and their habitats. In the meantime, the best data we have supports the States' contention that the few bears taken by legalized sportsmen hunting is not a threat to the continued existence of healthy, viable populations of bears on the National Forests surrounding Yellowstone Park.

Sincerely,

EVERETT R. DOMAN,
(For) JOHN R. MCGUIRE,
Chief.

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

JOHN R. MCGUIRE,
Chief, U.S. Forest Service, Washington, D.C.

DEAR MR. MCGUIRE: I have received your letter of March 19, 1974 about the grizzly bear hunt which will begin April 1, 1974 in the National Forests which surround Yellowstone National Park.

I take little comfort in your statement that during the past two years, only one bear has been killed in the spring hunt. You fail to note that during the *fall hunting season*, hunters are much more successful in killing grizzly bears for which hunting permits have been granted. Three more grizzly bears were killed during the fall season last year. In addition, four more bears were killed last fall by people other than sports hunters.

However, at issue is not the success or failure of the grizzly bear hunt during a particular season but the fact that this animal, which is threatened with extinction and for which we have no accurate population count, is the subject of persecution.

The Department of the Interior, under the authority of the Endangered Species Act of 1973, (Public Law 93-205), will initiate a study this week to determine both the population status of the grizzly bear and the extent to which this animal is endangered with extinction. I believe the Forest Service has the responsibility and the obligation both under Section 7 of *P.L. 93-205* and under Forest Service regulations 36 CFR 251.111, to take action to ensure that the grizzly bear's continued existence is not jeopardized in any way until the Interior Department study is completed and the data evaluated.

You state that to close the National Forest lands in Wyoming and Montana to hunting of grizzly bears would be counter to the Memorandum of Understanding between the two states and the Federal government relating to the management of resident wildlife species.

Extinction can be thwarted if we act in time. Therefore, the intent in temporarily halting the grizzly bear hunt is not to interfere with a state's right to manage its own resident wildlife but rather to ensure that an animal species—whose survival is of universal ecological concern—is not extinguished in the course of a jurisdictional dispute.

If the Wyoming Game and Fish Department will not defer the beginning of the spring hunting season, I believe the Forest Service must use its legal authority to do so, *temporarily*, until the Interior Department study is completed.

By not acting, the Forest Service is gambling with the survival of one of America's greatest symbols of native wildlife. I urge the Forest Service to take the temporary action necessary to protect the grizzly bear.

Sincerely,

ALAN CRANSTON.

CONTROL OF MONETARY GROWTH

Mr. BROCK. Mr. President, since introducing S. 3101, the Economic Stability Act of 1974, I have received enthusiastic endorsement for its provisions.

A letter from Prof. Karl Brunner included a statement by the Shadow Open Market Committee which presents the case for moderating the rate of increase in the money supply with clarity and force.

Mr. President, I ask unanimous consent that the letter and the statement be printed in the RECORD.

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

ROCHESTER, N.Y.,
March 20, 1974.

Senator WILLIAM F. BROCK III,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR BROCK: I read with great interest your inclusion in the Congressional Record of March 4, 1974 bearing on a bill concerning control of monetary growth. Your bill certainly deserves strong support and I wish to express my appreciation for your initiative.

You may find the recent statement of our Shadow Open Market Committee of some interest. We formed this group last year in order to express our increasing concern about the deterioration in monetary policy making over the past years. The development of monetary policy and the budget can only promise us a permanent inflation with the attendant rise in social conflicts. It is regrettable that Congress has shown thus far little interest to attack the crucial conditions of the problem.

Sincerely,

KARL BRUNNER, *Professor.*

POLICY RECOMMENDATION OF SHADOW OPEN MARKET COMMITTEE, MARCH 8, 1974

The second meeting of the Shadow Open Market Committee was held on March 8, 1974.

The Committee considered two main questions: (1) appropriate monetary policy in light of the recent inflation, the slowing of the economy, and the consequences for the balance of trade and payments of the changes in world prices and production of petroleum; (2) means of improving Federal Reserve measurement and control of money.

MONETARY POLICY

Attempts to end inflation by expedient policies that ignore basic, well established and widely accepted economic principles have failed. Controls on prices, wages, interest rates, exports, and capital movements have been tried and, as usual, have been counterproductive. The rate of inflation now is much higher than it was four years ago.

The failure of the various price-control programs to slow or stop inflation should not be taken as evidence of an inability to end inflation. Time and resources have been wasted by these programs. Shortages have been created and opportunities to bring inflation down have been lost. Effective policies to do so are no different now than in the past, inflation can be brought under control.

Some favor drastic action to end inflation. Others are willing to accept permanently high, and even accelerating, inflation. We favor a moderate but continuing policy to reduce the rate of inflation.

At our meeting last September, we concluded that the appropriate policy for the following six months was to slow the growth of money—currency and demand deposits. We chose a policy of gradual reduction, in preference to a sharp reduction, because we wished to minimize the loss of employment and waste of resources during the adjustment to lower rates of inflation and, eventually, to stable prices.

Considerable progress has been made in reducing the rate of monetary expansion. From the first quarter of 1972 through the final quarter, the annual rate of expansion in money was 8.6%, a major contribution to the acceleration of inflation in 1973. During the first half of 1973, the rate of monetary growth was moderated somewhat to a 7.4% annual rate, and in the second half, the rate was reduced further to approximately 5%. We recommend that a growth rate of 5% to 5.5% be maintained during the coming six months.

Projections for the balance of the year suggest that recovery will begin by the third quarter if money continues to expand at the recommended rate. Higher rates of monetary expansion will have much greater effect on future inflation than on current employment. In these circumstances, it would be wrong for the Federal Reserve to allow rising unemployment rates, increases in the size of the official government budget, and the larger deficits in prospect to push the money growth rate higher than 5% to 5.5%.

A higher rate of growth of money will do nothing to solve the problems resulting from the petroleum shortfall.

The consequences for the U.S. balance of trade and payments of the changes in world prices and production of petroleum may not be so serious as some have conjectured. The projected deficit in the trade balance in 1974, because of higher prices for imported oil, may well be significantly offset by higher foreign earnings of the major oil companies. In any event, the international sector will not make much difference to domestic developments here because it will not change the stock of money.

We believe that floating exchange rates will continue to make a major contribution to domestic and international economic stability. We strongly recommend, therefore, that the United States maintain floating exchange rates and that the Federal Reserve restrict or eliminate intervention in foreign exchange markets.

CONTROL OF MONEY

The Federal Reserve has recently announced the appointment of a committee to propose changes in the definition and measurement of money. We believe this move is a constructive and long overdue effort that should improve the current statistics on money and thereby improve control of the money supply.

Improving the definition and measurement of money is one important step toward improved control of money. We believe that other steps are needed. We recommend that the Federal Reserve:

(1) Consider operating directly on the monetary base, which the Federal Reserve can control with a high degree of precision, and reduce reliance on money-market conditions.

(2) Simplify the present overly complex arrangements for computing required reserves. This would reduce unintended variability in the money supply.

(3) Eliminate lagged reserve requirements, which have been a cause of increased variability in money.

SENATE SUBCOMMITTEE ACTS TO PRESERVE THE NEW RIVER

Mr. ERVIN. Mr. President, I was delighted to learn that the Senate Subcommittee on Public Lands, chaired by Senator HASKELL, of Colorado, on April 5, 1974, reported favorably to the full Interior Committee S. 2439, a bill to designate a segment of the New River, in North Carolina and Virginia, as a potential component of the National Wild and Scenic Rivers System.

Senator HELMS and I introduced this legislation to preserve the beautiful and historic New River for the enjoyment of future generations of Americans. It is believed by geologists to be the second oldest river in North America and is truly one of the most treasured natural resources of North Carolina. I believe it qualifies in every way for inclusion in the Wild and Scenic Rivers System. This was documented at a hearing conducted by Senator HASKELL's subcommittee on February 7, 1974, at which time many North Carolinians and Virginians expressed their love for this precious handiwork of Almighty God and their determination that it be protected in its natural state for the future.

Mr. President, those who love the New River are indebted to Senator HASKELL and to the other members of the Public Lands Subcommittee for their favorable action on S. 2439. I sincerely hope that the Interior Committee and the Senate will also act favorably on this legislation.

INFLATION AND MONEY SUPPLY

Mr. DOMENICI. Mr. President, inflation is an increasing source of concern to all Americans. The paychecks of our workers and the pensions of our retired face constant erosion. During the last 12 months, inflation as measured by the Consumer Price Index is up more than 10 percent. Once, not too long ago, we in this Nation smugly thought that such dramatic increases in costs were reserved for "banana republics" with unstable governments and shaky economies.

The American people feel these pressures. Their concern shows up in newspaper letter columns in each city. The fly in the ointment is that to combat the long-term inflation we have suffered, this Nation will have to go through some harrowing times.

We face a hard set of choices. No one wants rampant unemployment. But no one wants a continued erosion of the dollar's power. A recent letter to the Wall Street Journal expresses some of my thoughts on this predicament. I ask unanimous consent that this letter be printed in the RECORD.

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

INFLATION AND MONEY SUPPLY

Editor, The Wall Street Journal:

Robert S. Morrison's letter in the March 28 Journal is of unusual interest, in that it is based on a subtle but dangerous fallacy which crops up during every major inflation.

Mr. Morrison says, in effect, that since GNP has been growing as fast as or faster than money supply these last 15 years, one cannot blame our inflation on excess money supply. The increase in money is presumably merely a necessary action by the Federal Reserve "to keep from choking off the economy."

In every runaway inflation in history (and I know of no exception) the point is reached at which GNP starts to expand faster than money supply, even though the government is creating new money at an ever-faster rate. The reason is that people lose confidence in the depreciating currency. They become more and more anxious to pass it on, in exchange for merchandise, capital goods, coins, art or anything of fixed value. That explains the increasing velocity of money in circulation, which Mr. Morrison notes without understanding its significance.

This increasing flight from currency pushes prices up and hence pushes the GNP up. The government then feels forced to generate still larger supplies of money to meet what seems to be a need to prevent a money crunch and perhaps a business collapse. However once this spiral is well under way, the government can never catch up with the accelerating "need" for more money. As Marshall stated, "The total value of an inconvertible paper currency cannot be increased by increasing

its quantity; any increase in quantity which seems likely to be repeated will lower the value of each unit more than in proportion to the increase."

Once an inflation has become as virulent as the one we are experiencing, it can be ended only by a deliberate decision of the authorities to restrict drastically the creation of money, and not to keep trying to match a GNP whose acceleration is itself a measure of inflationary expectations. Such a policy of monetary restraint will unfortunately generate a stabilization crisis, with a severe recession, unemployment and numerous bankruptcies. This is unavoidable, because during the inflation many businesses and many individuals adopted policies geared to continuing inflation. They took on heavy debts, overexpanded capital plant, and overcapitalized assets in a way which guaranteed serious trouble if the inflation came to an end. There simply isn't any smooth and painless way to end a severe inflation.

Will our government have the courage and determination to take the necessary steps to check this inflation, and will it accept the explosion of protest and anger which would ensue? To ask this question is to answer it. Presumably our authorities will continue to generate money at an ever-faster rate to keep up with an accelerating price level (and hence an accelerating GNP). And, as the authorities always do in every inflation, they will put the blame on speculators, on greedy corporations, on unreasonable labor unions, on uncontrollable foreign developments—in short on everything and anything except their own mismanagement.

IRVING REICH.

New Hope, Pa.

THE CALIFORNIA COLLEGE OF PODIATRIC MEDICINE

Mr. CRANSTON. Mr. President, on January 13, 1974, a ground-breaking ceremony and reception marked the beginning of construction of the first phase of the Podiatric Medical Center of the West by the California College of Podiatric Medicine in San Francisco.

The center will be built in two phases and will eventually occupy an entire block in the redevelopment area called the western addition.

Participating in the ground-breaking ceremony were the Honorable Willie L. Brown, Jr., assemblyman, 18th District, San Francisco; Mr. Arnold Townsend, chairman of the board, Western Addition Project Area Committee, WAPAC; Charles H. Johnson, D.P.M., president, American Podiatry Association; Frank A. Bruno, D.P.M., president, California Podiatry Association; Pierce B. Nelson, D.P.M., president emeritus of the college; Higgins D. Bailey, Ed.D., president of the college; Leonard A. Levy, D.P.M., dean of the college; Florette White Pomeroy, chairman of the board; and Allen J. Selner, president of the student body.

New facilities will include classrooms, laboratories, lecture theaters, a medical library, and outpatient treatment areas. With the expanded space, student enrollment is expected to increase from 280 to approximately 320. The outpatient treatment capacity will be expanded to treat approximately 60,000 patients a year, compared to the 20,000 who are currently treated each year. Research activities will also be expanded.

The construction of phase 1 is part of a long-range development program for podiatric and other health sciences. Phase 2 calls for expansion of service areas and addition of a research and a group practice facility.

The funding for construction of phase 1 is partially derived from Federal sources. This support, administered through the Department of Health, Education, and Welfare, is in the form of a construction grant of $979,250, plus a Federal guarantee of a $3.5 million loan.

Private funding in support of the project includes a grant of $35,000 from the Arthur Vining Davis Foundations of Miami, Fla., and pledges of over one-half million dollars from podiatrists and other members of the health professions.

The California College of Podiatric Medicine first opened its doors to students in 1914. The college is a nonprofit, independent, fully accredited educational center which offers a program of graduate education leading to the degree of doctor of podiatric medicine.

The college has consistently been an active force in the neighboring community as well as in health concerns on a broader basis.

Under the auspices of the college a mobile clinic has been visiting shopping centers throughout the San Francisco Bay area, providing screening examinations and information on podiatry and good foot care. This same mobile clinic has traveled through the farming areas of California to provide foot care to migrant farmworkers and their families.

Another program which will make a substantial contribution to improved community health is a pilot program established by students at the California College of Podiatric Medicine to give the students practical experience in treating podiatric athletic problems. This unique program has been established for track athletes expressing an interest in better health and physical fitness. Each participant is given an examination to establish a baseline of health under the auspices of a podiatrist and a general practitioner interested in sports medicine.

All these health findings become a part of the runner's permanent record, and all podiatric complaints and subsequent treatment are recorded on the record to provide a common baseline of information for future research. The students at the health center manage most podiatric complaints, with more extensive podiatric care referred to a Saturday clinic at the school where students interested in sports medicine can treat athletes, calling on clinicians for advice as needed.

A third project reaches beyond the local community to the international community. This is the so-called Baja project in which children from Mexico from needy families who have clubfoot deformities are brought to the college, given corrective surgery, followup treatment, and rehabilitation free of charge. These children come from remote areas of Mexico where these medical resources are not available as they are in the United States where deformities such as these are generally detected at birth and treated successfully with a series of plaster casts during the baby's first year.

Mr. President, as a Californian I am very pleased that the California College of Podiatric Medicine is providing leadership to the community in these and many other programs. Its new construction program, made possible by a grant from HEW with the additional support provided by the community, will enable it to continue and expand its service to the community.

PASSENGER RAIL SERVICE

Mr. BROCK. Mr. President, recently I received a digest from the GAO which reported the findings of a study on the reestablishment of satisfactory passenger rail service in the United States. The study was conducted of Amtrak for the House Subcommittee on Transportation and Aeronautics of the Commmittee on Interstate and Foreign Commerce.

Mr. President, we are currently talking much about rail travel and its improvement, but the GAO report shows that we are not improving the system. Instead, in some respects, it seems to be deteriorating. I find it very disturbing that after spending millions of dollars, on-time performance is getting worse and, equally disturbing, the cause seems to be related to freight operations as well as the poor state of track. *If we are going* to continue to put all this money into the rail system, we of course want to increase ridership and thus long-term financial viability.

In a highly competitive transport market, one does not have to be a railroad expert to seriously doubt the wisdom of slowing or side-tracking express trains to accommodate slow moving freights. This is especially the case for trains such as the New York to Washington Metroliner which is highly publicized as a high-speed service and charges extra fares. From the experiences of my staff, there seems to be evidence also of significant deterioration in some of our suburban rail services serving Washington.

The increased demand, due to the energy problems, instead of providing a financial shot in the arm for railroads and stimulating service, seems only to bring a reduction in standards of comfort. This is just the sort of railroad management which in the past has contributed to the disastrous state of our railroads. Of course, it may indeed be exacerbated by problems of supplying enough passenger cars, or improving the track quickly enough; but all this shows how often one important component of the entire transportation is out of step with another, and thus just how far we are from a complete and comprehensive national transportation policy.

I see no reason whatsoever why my constituents in *Tennessee should* be taxed to support incompetence and inefficiency. I am sick of excuses, apologies, passing the buck, and similar symptoms of an industry regulated and subsidized in many areas into degeneracy. Perhaps it is time for Congress to tell someone to shape up or ship out.

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

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

[Comptroller General's Report to the Subcommittee on Transportation and Aeronautics, Committee on Interstate and Foreign Commerce, House of Representatives]

FEWER AND FEWER AMTRAK TRAINS ARRIVE ON TIME—CAUSES OF DELAYS

(National Railroad Passenger Corporation (Amtrak) B–175155)

WHY THE REVIEW WAS MADE

This is the last in a series of four GAO reviews on the National Railroad Passenger Corporation (AMTRAK) operations considered critical to reestablishing satisfactory passenger rail service in the United States. The Subcommittee Chairman asked GAO to make this review.

Basic facts

AMTRAK, a private, for-profit corporation, was created to revitalize intercity passenger service starting May 1, 1971.

Thirteen railroads have contracts with AMTRAK which require them to provide all services requested by AMTRAK for operating the trains.

AMTRAK considers a train on time if it arrives at its final destination within 6 minutes of its scheduled arrival. AMTRAK's objective is for trains to be on time 90 percent of their trips.

Findings and conclusions

The on-time performance of AMTRAK trains has fallen far short of its 90-percent objective. Overall, one of every four trains was late in 1972 and one of every three was late in the first half of 1973 as illustrated below.

This poor performance did not generate public confidence in the reliability of AMTRAK'S trains and tended to discourage riders, decrease revenues, and increase costs.

Causes of delays

Most train delays in 1972 were caused by track conditions and maintenance work, freight trains, AMTRAK locomotive and passenger car malfunctions, waiting arrival of other passenger trains, and servicing at stations.

Time lost because of track conditions and maintenance work increased from 8,700 minutes in January 1972 to 23,700 minutes in December 1972—an increase of 170 percent. During the first half of 1973, one-third of all reported train delays resulted from this cause.

Two railroads (Illinois Central Gulf and Penn Central) accounting for about half the mileage covered by AMTRAK's trains were responsible for three-fourths of all time lost in 1972 because of such conditions. AMTRAK filed arbitration demands against these railroads contending that they permitted sections of their rail lines to deteriorate. As of September 30, 1973, these complaints had not been resolved.

Freight train interference, malfunctions, and derailments have been other major causes of passenger train delays, even though the railroads have assured AMTRAK that every effort would be made to prevent them.

In 1972 time lost because of freight train interference had increased from 2,000 minutes in January to 10,000 minutes in December. In the first 6 months of 1973, the average train interference was 43 percent higher than that in December 1972. Again, Penn Central and Illinois Central Gulf were responsible for over half of these delays.

AMTRAK locomotive and passenger car malfunctions have been increasing. In the first half of 1973, 1,900 more en route malfunctions were reported than for the first half of 1972.

AMTRAK and the railroads disagreed as to who was responsible for delays in this category. Of the 13 railroads, 10 commented on the age and condition of AMTRAK's locomotives and cars. AMTRAK, on the other hand, emphasized that the railroads were responsible for properly maintaining the equipment.

In its June 21, 1973, report to the Subcommittee, GAO discussed AMTRAK's need to improve train conditions through better repair and maintenance. Corrective action outlined in that report should help improve on-time performance.

Discrepancies in reporting performance

An AMTRAK study showed that the number of late trains Penn Central reported to AMTRAK was significantly understated—especially for the metroliners. Other railroads also failed to report all late trains.

AMTRAK told GAO that corrective action toward more accurate reports was being taken.

On-time performance by type of service

Metroliners, AMTRAK premier service operated by Penn Central, were reported late an average of 22 minutes on 24 percent of their trips in 1972. This was worse than the performance of conventional short-distance trains. For the second quarter of 1973, Penn Central reported that metroliners were late 40 percent of the time.

Conventional trains on AMTRAK's 15 short-distance routes (less than 500 miles) had the best overall performance in 1972 (83 percent) and the first half of 1973 (73 percent). However, performance gradually deteriorated during the 18 months.

Trains operating on long-distance routes arrived late on 54 percent of the trips made during the 18 months ended June 1973. Their performance deteriorated to the point that, in the last 3 months, three of every four trains arrived late an average of 1½ hours.

In June and July 1972 GAO representatives made 169 trips on AMTRAK long-distance trains and in most cases these trains arrived late. Examples of the performance of specific trains are presented in this report.

Service contracts need improvement

AMTRAK's contracts do not require the railroads to meet its 90-percent on-time objective, and AMTRAK has not succeeded in obtaining improved performance.

AMTRAK said that its train schedules on all routes were based on those previously used by the railroads and were liberal enough to meet its objectives. Several railroads commented, however, that the performance standard was unrealistic, particularly on long-distance trains. Most of the railroads expressed their awareness of problems in running AMTRAK trains on time and of the need for improvement. They stated that it was their policy to give passenger trains preference over freight trains but stressed AMTRAK's responsibility for improving various factors, such as condition of equipment, and cited other circumstances, such as weather, not fully under their control.

Under a clause permitting the contracting parties to appeal to the Interstate Commerce Commission (ICC) for a redetermination of the basis for compensation, in September 1973 ICC issued principles and concepts for negotiating a new contract between AMTRAK and Penn Central. ICC's order, among other things, requires that the new contract provide for payment awards and penalties based on service quality and that appropriate tolerances for determining the payment penalty be established for different length trips.

The concept of considering quality of service as a major factor in determining the amount of compensation AMTRAK pays to the railroads was included as a provision in legislation introduced in June 1973 by the Chairman of the House Committee on Interstate and Foreign Commerce and was subsequently enacted into law in November 1973 as part of the AMTRAK Improvement Act of 1973.

GAO believes that all of AMTRAK's contracts need to be amended to include reasonable, definitive, and enforceable on-time performance standards and to clearly fix the responsibilities of contracting parties. The AMTRAK Improvement Act of 1973 should provide a basis for accomplishing this goal.

AGENCY COMMENTS AND UNRESOLVED ISSUES

AMTRAK stated that negotiations with the railroads to amend the contracts were underway and that amendments would establish performance standards and provide for incentives and penalties.

The Department of Transportation and ICC stated that they agreed with GAO's findings and conclusions.

FEDERAL COAL LEASING POLICY

Mr. METCALF. Mr. President, the Subcommittee on Minerals, Materials, and Fuels of the Committee on Interior and Insular Affairs has been conducting a series of hearings on the Federal coal leasing policy in the Northern Great Plains. As part of these hearings, the subcommittee asked the Department of Interior to answer 36 questions about current and future coal leasing policies. The subcommittee found many of the answers less than satisfactory, and after the March 13 hearing we requested that the Department resubmit its answers. I believe the Department's initial and follow-up responses will be useful to people interested in Federal coal leasing policy. Therefore, I ask unanimous consent that the statement of Assistant Secretary Jack O. Horton, together with the Department's responses, be printed in the RECORD.

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

INTRODUCTORY STATEMENT OF JACK O. HORTON, ASSISTANT SECRETARY—LAND AND WATER RESOURCES, DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE SUBCOMMITTEE ON MINERALS, MATERIALS, AND FUELS, MARCH 13, 1974.

The Department of the Interior is pleased to participate in the oversight hearings of the Senate Subcommittee on Minerals, Materials and Fuels on the proposed Federal coal leasing program in the Northern Great Plains. We have prepared a response to the list of questions submitted by the Subcommittee in your letters of February 15 and March 1, 1974. In addition to discussing this prepared testimony, we will be, of course, pleased to answer any further questions the Committee may have.

Before proceeding to address your specific questions, I would like to provide some general observations that pertain to coal development in the Northern Great Plains area. First, no single government entity—local, State, Federal or private—has sufficient authority to unilaterally control or determine the direction of events that may transpire in that area. Second, a variety of actions have been taken over the past few years, by private individuals, local, State or Federal agencies, which together have already established a degree of development in the Northern Great Plains area.

Our concern about the uncoordinated nature of these actions and about our own respective responsibilities in the Northern Plains coal area led Interior to hold in abeyance actions that would establish future commitments. Two years ago, the Department suspended the processing of coal prospecting permits and the issuance of new coal leases and established an interim policy for short-term leasing and water sales.

In this period the Department undertook several related actions designed to structure a program for orderly development and environmental protection of the Northern Great Plains. These steps include the Northern Great Plains Resource Progam (NGPRP), Energy Minerals Allocation Recommendation System (EMARS), and a programmatic en-

vironmental impact statement on the Federal coal leasing program.

Presently, the Department is executing the Secretary's short-term coal leasing policy which defers decisions which entail major new commitments of resources in the region, but allows for some coal leasing to provide continuation of existing mines and to assure conservation of the coal resources. We plan to maintain this posture until these programs above are completed, which we estimate will be September 1. We are also continuing to work with other interested Federal agencies, including the Federal Energy Office, to determine what coal leasing steps need to be taken in order to develop an optimum coal policy for the Nation.

The Administration believes that coal development and environmental protection need not be incompatible and that with intelligent standards and careful execution both goals can be achieved in meeting the energy demands of the Nation.

1. What is the current status of the Northern Great Plains Resource Program (NGPRP)? How much is done and what else needs to be done to provide an adequate basis for decisions? When will it be complete?

An interim report is being prepared which will be available July 1. This report will describe and evaluate the social, economic, and environmental impacts on the Northern Great Plains associated with alternate levels of intensity and mix of coal use, e.g., the relative advantages of various mining techniques for Northern Great Plains coal, the financial and environmental costs of water for coal conversion and electricity generation, and the capabilities of potentially impacted localities to accommodate increased demands for public services.

The principal information gathering and analytical portions of the Program are being carried out by seven work groups in the field. Each of these work groups will be submitting an initial report in April. These seven reports, together with other special analytical efforts will be synthesized into the interim report. Although a great deal of work is underway, and in some instances, preliminary data has been prepared, these reports are not complete. Therefore, we do not have available at this time much of the data and analyses that we expect to assemble in the interim report which will be pertinent to decisions the Department will address.

Throughout FY 1975, the interim report, further work on NGPRP, investigations related to EMARS, and the EIS on Federal coal leasing will be useful in helping the Department examine choices with respect to decisions on matters such as:

New Federal coal leasing policy;

Reclamation stipulation and regulations for surface mining;

The sale of water from Federal reservoirs;

Proposals for Federal water projects to provide water for coal related industrial development;

The requirement for and the scope of environmental appraisals and environmental impact statements in the NGP for energy related development (leasing and mining, highways, railroads, pipelines, plant sites, transmission lines, etc.) that may be proposed.

Additional studies to further illuminate key issues.

2. What is the current status of the Energy Minerals Allocation Recommendation System (EMARS)? Describe the system and indicate when it will be put into operation.

EMARS is a process for implementation of Federal coal policy. It has been proposed by the Bureau of Land Management and is currently under review by the Department. EMARS raises to the level of Secretarial consideration choices pertinent to the balance between maintenance of important surface resource values and the leasing of tracts of Federal coal lands for coal production. The Bureau of Land Management will submit schedules of potential coal lease sales to the Secretary. These schedules, expressed in terms of specific tracts to be leased over a period of time, will present alternative rates of leasing of Federal coal lands. The Secretary's decision, when reached, will be based on the EMARS recommendations, an analysis from the NGPRP, the Coal Programmatic Environmental Impact Statement, the Federal Energy Office coal demands and any other applicable sources.

The allocation process attempts to set BLM planning guidelines for expected alternative levels of Federal coal leasing. National coal consumption forecasts, National Energy Policy, and existing applications and industry nominations serve as the basis for establishing the planning goals. The minimum goals provide assurance that adequate supplies of Federally owned coal will be available to meet the market requirements.

To make his tract selection, the BLM district manager considers important surface value of lands underlain by Federal coal, the rehabilitation potential of lands, and expressions of industry interest in specific tracts as indicated by industry lease applications and nominations. The Bureau of Land Management's resource evaluation is based on its multiple use planning system which provides for full public participation.

The leasing phase of EMARS begins with detailed preplanning of the coordinated mining and rehabilitation factors required for successful rehabilitation and subsequent surface resource management of each proposed lease. Compliance standards and sample stipulations for each site will be made available well ahead of any scheduled lease sales. The leasing phase concludes with:

a. Presale evaluations (including preparation of environmental assessments)

b. Holding lease sales

c. Post-sale evaluation procedures

d. Lease issuance

3. What is the status of other Federal studies or programs which are also looking at the coal resources of the Northern Great Plains such as SEAM, RALI, and the North Central Power Study?

RESOURCE AND LAND INFORMATION (RALI)

This is a Department-wide program, led by the U.S. Geological Survey. During its initial stages, a number of projects were scheduled to demonstrate what could be developed from land and resource data. One of these demonstrations involved illustrating the interrelationships between topographic, geologic, and hydrologic data in the Gillette, Wyoming area. The results of this effort were recently released and are now available for use.

More recently, the RALI program was redefined for FY 75 and will focus on five major methodological studies and reports. These may have value for dealing with coal problems in the Northern Great Plains, but are not focused directly toward that end. They include studies on power plant siting, utility corridor selection, critical environmental area identification, State government land resource inventory methods, and environmental impact assessment.

SURFACE ENVIRONMENT AND MINING (SEAM)

The Department of Agriculture will describe the SEAM program in their prepared testimony, therefore we have not prepared a response for inclusion in our statement.

NORTH CENTRAL POWER STUDY

The North Central Power Study was an assessment of how Northern Great Plains coal could be used to produce electrical power. It included an estimate of the power plants, aqueducts, and other facilities which might be involved in development schemes.

No further work has been accomplished on this study since its release almost two years ago. However, the data that was generated in this study has proven useful in other investigations. The study in no way should be considered any kind of Departmental plan for this area.

MONTANA-WYOMING AQUEDUCT STUDY

The Montana-Wyoming Aqueduct Study was an appraisal of water resources in southeastern Montana and northwestern Wyoming that described various aqueduct configurations that could be used to convey water from sources of supply to projected points of use. Water supply data compiled for the Montana-Wyoming Aqueduct Study is being used, in part, to assess various development alternatives being analyzed in the Northern Great Plains Resource Program.

4. What is the status of the proposed five-year coal leasing schedule and the environmental statement on it? When will a draft environmental impact statement be released? Will the Department allow more than 45 days for public review?

A coal leasing schedule is being prepared through the EMARS process described under question 2. The Secretary will be in a position to consider the first issuance of this schedule this fall based upon a variety of data. We have not made a final decision as to what period such a public schedule should cover. As now conceived, the first schedule would be site-specific for the first year.

The need for an environmental statement will be assessed on the basis of the tracts which may be involved, the degree of public discussion, the controversy evident while the tract proposals are being considered through the multiple use planning process, and the degree to which issues involved are covered in the Coal Programmatic Environmental Impact Statement which should be released in draft form in April 1974.

If an environmental statement is deemed necessary for any combination of tracts, the review period would be established taking into consideration the complexity of the statement and the degree of public interest. At this time we are not aware of a need for departing from the 45-day period allowed for public review.

5. To what extent are all the work items referred to in questions 1–4 coordinated with each other?

The Under Secretary is coordinating the Department's efforts, and to this end, has actively directed the involvement of the Assistant Secretaries for Energy and Minerals, Program Development and Budget, and Land and Water Resources. At the staff level, analysts are comparing their efforts and exchanging data and analyses wherever useful. For example, in the case of the environmental impact statement just begun on the Douglas/Gillette, Wyoming corridor, the Bureau of Land Management will draw on some of the preliminary materials from the Northern Great Plains Resource Program.

SEAM has been well coordinated with NGPRP activities. United States Department of Agriculture personnel first involved with the design of SEAM were also part of the early designing and development of NGPRP. SEAM personnel have served on NGPRP work groups and are currently helping to write major parts of the April report on surface resources.

The Secretary's initial coal leasing schedule will be a product of EMARS and its preparation is being fully coordinated at all Departmental levels and with the Federal Energy Office.

6. What is the status of the environmental statement currently being prepared by the Bureau of Land Management, Geological Survey, Forest Service and Interstate Commerce Commission on development of seven coal mines and a railroad line in the Powder River Basin? Are the environmental impact statement and the decisions it is designed to analyze coordinated with the program-

matic environmental impact statement, the Northern Great Plains Resources Program, and all other coal related actions already discussed?

The East Powder River Coal Basin Environmental Impact Statement is being prepared by a team located in Cheyenne, Wyoming, under the lead of BLM's Wyoming State Director. The team is composed of individuals representing various disciplines from the Bureau of Land Management, Geological Survey, and the Forest Service with assistance from the Interstate Commerce Commission. They are working against a target date for a draft environmental statement by June 1, 1974.

Since the action does not involve coal leasing—all the mine plans are for existing leases—EMARS is not involved. The Coal Programmatic Environmental Statement will be referenced to avoid duplication of general material contained in that document. The key interrelationship is with NGPRP. The Cheyenne team has been in direct contact with all NGPRP work groups and is using data directly from these groups. The NGPRP schedule called for the work group data collection to be complete by early 1974 and work group report drafts to be issued by April 1974. As indicated here, the schedules mesh on a tight but fully adequate basis.

7. What is the status of the lawsuit brought against the Department by the Natural Resources Defense Council and others to enjoin further coal development?

There are two major legal actions pending which seek to enjoin the Department from taking action with respect to coal development in the Northern Great Plains.

The action entitled *Sierra Club et al. v. Rogers C. B. Morton et al.*, Civil Action No. 1182–73 was filed in the District Court for the District of Columbia on June 13 1973, and seeks to compel the Department to prepare an environmental statement on coal development in the Northern Great Plains prior to taking any action relating to coal development in that region. On February 14, 1974, the court granted the motions of the Department and other defendants for summary judgment. The court held that there was no Federal regional plan or program for the development of coal in the area and that the National Environmental Policy Act of 1969 did not require the preparation of an environmental statement on coal development in the region. Currently, there is pending before the court the motion of the Sierra Club and other plaintiffs for reconsideration of the judgment. In addition, it is possible that the judgment will be appealed by the Court of Appeals.

The action entitled *Environmental Defense Fund, Inc., et al v. Rogers C. B. Morton, et al.*, Case No. 1220, was filed in the District Court for the District of Montana; Billings Division on October 16, 1973. The Natural Resources Defense Council, Inc., is one of the plaintiffs in that suit. That action relates primarily to the sale and utilization of water in the Northern Great Plains region but also seeks to enjoin the Department from continuing current policies and practices which cause or allow further development or implementation of alleged proposals in the North Central Power Study, the Aqueduct Study and other studies described in the complaint until a detailed environmental statement on the planned development of the Northern Great Plains is prepared. The Department of Justice has filed a motion to dismiss or strike the complaint on behalf of the Department of the Interior and the other defendants which is pending before the court.

8. Is it correct that the basic underlying assumption of the NGPRP is that the strippable reserves of low sulfur coal in the Northern Great Plains will be developed to meet the energy needs of the country? Who is looking at alternatives (other than different levels of coal development) such as energy conservation and efficiency and deep mining of low sulfur coal reserves? To what extent will these alternatives be evaluated and completely investigated?

The NGPRP has no predetermined notion as to how essential Northern Great Plains coal may be in helping to solve the Nation's energy problems. Northern Great Plains coal is only one of several potential sources of energy that the Nation could turn to in time of need. Energy shortages together with our increasing need for clean energy has focused attention on western coals, particularly the extensive lignite and subbituminous deposits in the Northern Great Plains. Since the Federal Government owns approximately 80 percent of the coal reserves in the Northern Great Plains, it seems reasonable that we should investigate the effects that would stem from possible coal development.

As part of an effort to investigate alternative sources of fuel energy, the Department is currently conducting studies in the area of geothermal and oil shale development. Our program efforts will include an assessment of the technical and economic feasibility of deep mining, and we expect to have some information concerning deep mining available for inclusion in the NGPRP interim report. The Federal Energy Office informs me that it is looking at alternatives including energy conservation and efficiency, and deep mining of low sulfur coal reserves. These alternatives are currently being evaluated and completely investigated by the Federal Energy Office.

9. Would northern plains coal be considered essential for the solution of this nation's energy problems if that coal could only be deep mined? Is it perhaps only the fact that this coal can be "cheaply" strip mined that makes it so "essential" for the national energy situation? How would the country solve its energy problems if we didn't have the possibility of strip mined coal from the northern plains?

We have not made a determination as to the extent that coal will be essential to solving the nation's energy problems. Northern Great Plains coal represents an energy resource that could be made available at competitive prices to serve regional and national energy needs. Without the utilization of this coal resource, some energy needs would either be left unsatisfied or the nation would have to turn to alternative fossil-fuel or nonfossil-fuel energy sources.

10. Will large-scale on-site development of northern plains coal have the effect of postponing intensive research and development in the most efficient use of energy and the production of renewable, less disruptive forms of energy?

No. Because of the inherent environmental disadvantages of fossil-fuel energy, we would expect intensive research and development to continue. It should be noted that even with large-scale development, Northern Great Plains coal would satisfy only a part of aggregate energy demand. Consequently, we believe that development of this coal would not affect research and development efforts.

11. Will a major coal development in the West lead to reduction of coal mining in the Midwest and Appalachia? Will there be shifts of industrial plant locations closer to the major sources of energy?

Because of the increasing demand for coal and the unique qualities of eastern coal for coking uses, we do not expect coal production in the Midwest and Appalachia to be reduced by the development of Northern Great Plains coal. However, to the extent Northern Great Plains coal or other alternative energy resources are utilized, new demands for eastern coal will be reduced.

We have not fully examined the secondary impacts of coal development and have not determined the extent of potential shifts of industrial plant locations to Northern Great Plains energy sources. This aspect of potential coal development will be examined.

12. What limitations does the availability of water resources place on coal development in the Northern Great Plains? Is there sufficient water for mined land reclamation, gasification, etc.? Will water have to be diverted from existing uses?

Information regarding the availability of water resources to serve coal conversion activities is not sufficiently complete for use to make a positive statement at this time. Preliminary indications suggest that a large quantity of developable water presently exists in the area. While this aggregate supply is impressive, the environmental and economic problems of making this water available in time and place is of critical concern.

Water requirements for surface mining operations and rehabilitation practices are not particularly large, and it appears that these uses would not seriously deplete aquifers or compete with existing uses in the area.

The availability of water supplies, is, of course, a very important component of our investigations, and we would expect to be in a position to answer this question completely when our program studies are completed.

13. What are the anticipated effects on air and water quality in the Northern Great Plains region of coal development?

Although our information is not sufficiently complete to answer this question at this time, assessing the effects on air and water quality is of very special concern to us and we will try to evaluate these effects for inclusion in the interim NGPRP report. It should be stressed, however, that although we should have some information available concerning air and water quality for inclusion in the interim report, data must be collected and carefully analyzed over a period of time before a meaningful determination regarding these environmental effects can be made.

14. At what point of development will the Northern Plains be committed to full-scale development? At what point are options foreclosed? For example, if an extensive water delivery system is built to shippable areas, will stripmining be halted if reclamation proves unsatisfactory?

There will be no single point of full-scale commitment. Development, if and when it occurs, will be incremental in nature and will be guided by a variety of factors. Our program strategy is to consider very carefully any added level of commitment until we have thoroughly evaluated its effects. The NGPRP effort will provide an assessment of what might occur by evaluating the social, economic, and environmental impacts of several levels of potential coal production. Through EMARS, we can fully consider the commitment related to an individual lease proposal.

In response to the example, there will undoubtedly be degrees of rehabilitation success, based upon a variety of soil, vegetative and climatic factors. The ecosystems are being assessed, and, as knowledge of these systems and rehabilitation technology improves, mine rehabilitation plans can be modified accordingly. We intend to stipulate in all leases rehabilitation requirements that will restore the lands to a productive use. However, we must admit we cannot fully restore total ecosystems with today's technology.

A total aqueduct system would not be committed at any one time. It, too, would be incrementally staged over a period of time, and experience gained in the earlier development phases, along with research and advanced planning, would be considered careful before committing to subsequent development.

15. If agencies want to make decisions in 1974, what kind of decision can be made based on the information that will be available by that time?

Decisionmaking will be tailored to the need for decisions and the data available. The situation will be changing during 1974 as additional data becomes available. For example, we now have a great deal of the data required for impact mitigation type decisions, such as those related to mine plan approval and transmission line or rail line right-of-way location. Our information in these areas is not complete, but we feel that we have or can readily gather sufficient information to make most decisions of this type which are now facing us.

As to further coal leasing decisions, the data requirement increases. We hope to have enough data by summer or fall, through NGPRP, EMARS and related programs, to make such additional lease commitments as are necessary to prevent serious interruption of any established coal marketing programs of the various energy companies.

The major decisions as to the future long-range direction and nature of coal development in the Northern Great Plains area are not exclusively within the Federal province. They involve decisions by industry, private landowners, local, State, and Federal governments.

No single entity prevails. The interim NGPRP report will help provide both coordination and data for this type of decisionmaking. But it will not provide all the data and coordination needed, and it or some similar cooperative effort will have to continue in order to ensure the best possible long-range decisionmaking.

16. How many acres are under Federal lease in Montana, Wyoming, North Dakota, South Dakota, and Nebraska? Who has leased Federal lands? What about Indian, State, and private leases? How many acres are under lease on these lands? Is there any estimate of the amount of coal reserves presently under Federal lease? Under other lands? How do the reserves relate to anticipated demands and past production?

There are approximately 253,000 acres of Federal coal under lease. There are 200,000 acres in Wyoming, 17,000 acres in North Dakota, 36,000 acres in Montana, and no acres in South Dakota and Nebraska. Federal lands are leased primarily by energy companies, but some leases are held by private individuals.

At this time, there are approximately 91,000 acres of Indian coal land under lease in Montana. There is no Indian coal land under lease in any of the other Northern Great Plains States. These lands are leased entirely by energy companies. Information on State and private acreage under lease is being compiled but is not available at this time.

Recoverable strippable coal reserves presently under Federal lease in Montana, Wyoming and North Dakota total approximately 10.0 billion tons. The Northern Great Plains study will define the Northern Great Plains coal reserves. EMARS will relate anticipated demands to Northern Great Plains coal reserves. Past production of Northern Great Plains coal is not a good measure of the future demand for this coal because of new environmental values and current national energy demands.

17. What reclamation standards and procedures does the Department intend to put into any new coal leases or impose on existing leases? Is reclamation feasible on most of the lands in the Northern Plains?

Reclamation stipulations for new leases will be tailored to each individual lease. The public, through the Bureau of Land Management planning system, will have an opportunity to contribute to the development of reclamation standards for these leases. Existing leases must submit a mining plan to the Geological Survey before any mining operations can begin. The reclamation standards stipulated in new leases must be reflected in those mining plans or the plan will not be approved by Geological Survey.

The Department's regulations concerning the operation of coal mines (30 CFR Part 211) are currently being revised and the revised regulations have been published in the Federal Register as proposed rulemaking. The proposed regulations are designed to give coal lessees a better understanding of their responsibility to protect the land and other natural resources during operations and to provide for adequate planning to reclaim the land concurrently with mining operations whenever feasible. The regulations also strengthen the authority of the mining supervisor who is charged with their enforcement.

The Department presently has adequate regulations applicable to the leasing of coal deposits underlying Federal lands (43 CFR Part 23). These regulations establish a system of technical examinations prior to the issuance of leases to determine whether and under what terms and conditions leases should be issued. They also require that mining plans be submitted prior to the commencement of operations. These same regulations at 25 CFR 177 apply to Indian lands.

An objective of the NGPRP and the Department of Agriculture's Project SEAM is to provide a more quantitative answer as to when reclamation is feasible. The Department of the Interior has taken the position that lands will not be leased unless rehabilitation is feasible.

18. Does the Department intend to require development on the existing coal leases? On new leases? Describe the proposed requirements.

The Department is examining options available under existing authority for encouraging production from both existing leases and from leases to be issued in the future, while not discouraging legitimate and necessary long-term holding of coal reserves. When the Department has defined feasible options that will encourage coal production, that information will be furnished to the Committee.

19. Is new legislation necessary to assure prompt and careful development on existing and future leases?

New legislation is not necessary to assure prompt and careful development on existing or future leases. It should be explained, however, that we are subject to challenge with respect to prompt development on existing leases. Section 7 of the Mineral Leasing Act of 1920 (30 U.S.C. § 207) provides:

"Leases shall be for indeterminate periods upon condition of diligent development and continued operation of the mine or mines. . . . The Secretary of the Interior may, if in his judgment the public interest will be subserved thereby, in lieu of the provision herein contained requiring continuous operations of the mine or mines, provide in the lease for the payment of an annual advance royalty upon a minimum number of tons of coal, which in no case shall aggregate less than the amount of rentals herein provided for."

Leases which have been issued under the Act contain the following provision:

"Beginning with the sixth year of the lease, except where operations are interrupted by strikes, the elements or casualties not attributable to the lessee, or unless on application and showing made, operations shall be suspended when market conditions are such that the lessee cannot operate except at a loss or suspended for other reasons specified in section 39 of the Act to mine the coal each year and pay a royalty thereon to a value of $1 per acre or fraction thereof. Operations under this lease shall be continuous except in circumstances described or unless the lessee shall pay a royalty, less rent, on such minimum amount of lease deposits, for one year in advance, in which case operations may be suspended for that year."

Past practice of the Department has been to accept the advance royalty specified in the above quoted provision in lieu of continuous operations in the leasehold without further administrative action. If the Department should now change its position and refuse to accept advance royalty in lieu of continuous operations, it is possible that lessees will challenge the Department's authority on the basis of a claim that the Department exercised its discretion with respect to allowing payment of advance royalties in lieu of continuous development when it executed the lease. It is the Department's position that the above quoted provision would not support such an argument. That provision merely establishes the annual advance royalty which the Secretary may accept in lieu of continuous operations if in his judgment the public interest will be subserved thereby. In addition, that provision does not dispense with the requirement for diligent development.

With respect to prompt development of future leases, the Department is considering whether to include in those future leases requirements for rental and advance royalties which will make it desirable to develop the leases promptly rather than holding them for speculation or long-term reserves. No new legislative authority is necessary to authorize such provision.

With respect to careful development of both existing and future leases, the Department requires that mining plans be submitted prior to the commencement of operations on all leases. If the mining plans do not indicate that there will be careful development, approval will not be granted.

21. What are the future research needs of the NGPRP? What specific areas need more study? How much time would be required for these future needs?

At this time, the need for future research has not been fully determined; however, a number of areas of consideration have emerged as requiring continuing study in FY 1975. They include air quality, water quality and local community impacts. We should understand the important aspects of these considerations within a year's time.

22. How does the Administration view the northern plains coal in relationship to Project Independence?

The Administration views coal from the Northern Great Plains as a potentially important source of domestic energy supply for Project Independence. Northern Great Plains coal is relatively inexpensive to mine, can be produced in large quantities in a relatively short time, and is a low sulfur fuel source. Nonetheless, we are cognizant of the fact that at the present time Northern Great Plains coal provides less than 1% of the Nation's energy needs and that a major shift in its role is unlikely by 1980. In the longer run, although its potential is great, i.e., providing as much as 7–10% of the Nation's energy needs, the future market demand for Northern Great Plains coal is uncertain because of the relatively low BTU content of this coal, its distance from major consuming centers, and the greater attractiveness from an environmental standpoint of non-fossil fuel alternatives should major breakthroughs on such energy sources occur later in this century.

The analysis developed through the NGPRP will provide us with a better understanding of the role of this coal and how major national and international energy developments might influence the contribution this coal may make to our domestic energy supplies. I should add that the Federal Energy Office is studying the role Northern Great Plains coal can play in Project Independence and it is examining ways of accelerating western coal development.

23. What was the initial time frame for the NGPRP? Has it been shortened? Is this time frame adequate to generate *new field* information?

As originally proposed, the NGPRP was to be a multi-year study culminating in a final report. Our present plan is to release an interim report on July 1, 1974, and at that point a decision will be made as to the scope and type of continuing program needed beyond that date.

We have identified new field studies for FY 75 in order to produce data that will help us address some of the issues encountered in our investigations.

24. What has been the Administration policy for funding of the NGPRP? Has the funding been adequate to reach the objectives of the original program outline?

To date, the Administration has not requested separately identified appropriations for the program. The funding has been adequate and has not been a constraint on our effort to prepare the interim report.

25. To what extent have the States participated in the NGPRP? The citizens of the region? Has the Program afforded maximum input from the States and the citizens of the region?

Initially, a series of public meetings were held in the five Northern Great Plains States of Wyoming, Montana, North Dakota, South Dakota and Nebraska to inform the public about the NGPRP and to actively solicit their knowledgeable input to the program. We have continued to hold these public gatherings and plan to keep the public fully informed of program activities.

The program receives its policy guidance from the Program Review Board (PRB) which has a representative from the Department of the Interior, Department of Agriculture, the Environmental Protection Agency and Governor Hathaway representing the five States of Wyoming, Montana, North Dakota, South Dakota, and Nebraska. The Program Management Team (PMT) which directs the program has members from all five States and the three Federal agencies. The States' participation has been active and is essential if we are to adequately address the objectives of the program.

All of the PMT meetings are open to the public and their participation is actively sought. We notify over 700 individuals and organizations, as well as the press, each time a meeting is held. We believe the NGPRP is effectively receiving maximum input to its programs from all interested parties.

26. Have the Indian tribes of the Northern Plains been involved in the NGPRP? What has been the extent of their involvement? When was their active participation solicited? How is the Program tailored to meet their needs?

The Indians of the Northern Great Plains were advised of the goals of the NGPRP from its beginning and were asked to review the study outline and to participate in the various activities of the program. The request for this participation resulted in some Indians attending work group meetings and, as individuals, they have contributed a portion of our baseline data. As the program progressed, however, it became evident that the 24 tribes in the Northern Great Plains were extremely concerned about possible coal development and the demand for their resources, particularly water, and that these concerns were not being adequately addressed by the Northern Great Plains Program. This occurred because of the diversity of interests among tribes, the unique character of these interests, and the lack of funds on the part of the tribal councils to implement their active participation in the NGPRP.

These problems were recognized by the Program Review Board (PRB) chairman, and on November 7, 1973, he sent to each tribal chairman in the Northern Great Plains a letter offering to work directly with each tribe to ensure that their concerns were expressed in our interim report. Along with this offer went a commitment to fund their participation.

Since that time, the NGPRP Program Manager has spent a significant portion of his time working with the tribal representatives. This effort has resulted in the formation of an ad hoc committee tentatively called the Northern Great Plains Indians Natural Resource Federation which is drafting a report to be submitted to the NGPRP. The main thrust of this report will be Indian water rights. The committee intends to define the Indians' right to claim water in the Northern Great Plains, document the legal basis for this claim, and define programs which should be initiated to quantify this claim. The report will also address other natural resource use questions and the concern Indians have about the impact coal development could have on their tribal integrity and life stlye.

The latest meeting of this committee was held in Mobridge, South Dakota, on February 28 and March 1. At this meeting the committee presented its first draft report to representatives of 16 of the 24 Northern Great Plains tribes. The tone of this meeting indicated that a single report will be agreed upon by all 24 tribes; however, we will accept reports from individual tribes should they decide they cannot be a party to the report prepared by this Federation.

27. Should the NGPRP be continued? Under what structure? How much would it cost to continue the Program?

The future of the NGPRP will depend on the needs identified in the interim report; therefore, we believe it is premature to make any final decisions about the future organization, funding level, and responsibilities.

Specific options for its structure, including a continuation of effort as presently constituted, will be considered by the Program Review Board later this month.

1. To what extent will the uncoordinated leasing of Federal coal land in the past hinder future land use and resources planning under EMARS?

EMARS and NGPRP will identify areas where coal development could result in serious environmental, social and economic problems. To the extent existing coal leases in these areas are developed, adverse environmental, social, and economic impacts may occur.

The Department of the Interior has recognized these potential impacts and we are investigating methods to prevent them. Some can be solved at the time mining and reclamation plans are submitted to the Geological Survey. Others cannot and at this time we do not have solutions for them.

Past leases will not hinder the EMARS program, however these leases may interfere with the Bureau of Land Management's overall planning for the use of recreation, grazing, forest production and watershed resources.

2. The vast majority of Federal coal leases are not producing coal. Will steps be taken by the Department either to bring these leases into production or to cancel them?

The Department is in the process of examining this question. We are examining the leases to determine the quantity of recoverable resources on them and the costs being incurred by the companies holding these leases. We are also considering the possible methods for obtaining increased production on coal leases issued pursuant to the Mineral Leasing Act as amended (30 U.S.C. §§ 181–263), and the Mineral Leasing Act for Acquired Lands (30 U.S.C. §§ 351–359).

3. In view of the billions of tons of coal which have already been leased but which still lie in the ground, does the Department feel it is necessary to lease additional land in the near future to help the nation meet its energy needs?

The Department is in the process of examining the need to lease additional western coal lands. There are approximately 15 billion tons of coal under lease in Colorado, Montana, New Mexico, North Dakota, Utah, and Wyoming. 10 billion tons are recoverable by surface mining and 5 billion by underground mining methods. These figures include quantities of coal that are not economically recoverable because of sizes of leases, their location, and transportation costs. There are also environmental problems associated with some of these leases.

Much of this coal has been committed for use in power generation. It is estimated that within 10 years industry expects production from these leases to reach 150 million tons per year. This estimate does not reflect coal under lease that is being held for onsite gasification. In addition the long lead time required for developing a mine, capital formation, and market contract negotiations necessitates the leasing of coal years before it is actually developed.

Demand for coal is expected to rise substantially within the next ten years and leasing coal from the Northern Great Plains is one alternative that can be considered for supplying this demand. However, the Department will not make a decision on the need to lease additional lands until the NGPRP interim report and the Coal Programmatic Statement are completed and we have thoroughly analyzed the utility of existing leases.

4. What is the working relationship between the Bureau of Land Management, which leases coal, and the Bureau of Reclamation, which constructs the water systems without which coal development cannot occur? Does the Bureau of Reclamation have input to the EMARS program?

I would like to point out that coal is being developed in the Northern Great Plains and increased coal development can occur without Federal water development programs as evidenced by industrial purchase of agricultural water, applications for drilling deep wells, and development of small storage reservoirs.

The NGPRP framework coordinates the functions of the various Federal/State agencies into a productive work effort. As an example of this, the Bureau of Land Management with its expertise in the area of surface and underground resources and the Bureau of Reclamation with its expertise in the construction and maintenance of water delivery systems are working together in NGPRP to achieve the program objectives.

The Bureau of Reclamation and the Bureau of Land Management also are working together on matters related to soil and water data for the purpose of evaluating mining and rehabilitation potentialities in EMARS tract selection procedures. This coordination also closely involves the Geological Survey.

5. To what extent does the economic viability of coal development in the Northern Plains depend on publicly financed water diversion systems and extremely low cost Federal leases?

We are examining this particular question in our work activities. We recognize that it is an important question, but we cannot answer it at this time. In our studies of the economic impact of Federal vs. non-Federal water development, we are also examining the environmental costs associated with the two types of development.

Industry is moving on at least a limited scale to provide their own storage facilities and water delivery systems in some key coal bearing areas. We intend to pursue the principle of industry paying for the cost of development of water supply facilities needed for development of coal resources.

6. How much water is available in the Northern Plains for coal development? How much of this has already been optioned for

coal development? How much more has been applied for?

At this time, the amount of water available for coal development in the Northern Great Plains has not been determined. As addressed in an earlier question, an assessment of water availability is a very important component of our investigations, and we anticipate providing a more positive statement when our studies are completed. Preliminary indications suggest that with average annual surplus river flows exceeding 15 million acre-feet annually at Bismarck, North Dakota, between 8 and 9 million acre-feet of water would be firmed up for use within the region, even in water short years. When considering this 15 million acre-feet of average annual surplus flows together with about 40-million acre-feet of unused conservation capacity that could be made available for use from the mainstream reservoirs on the Missouri River, it becomes readily apparent that a considerable amount of water exists in the area.

This amount of water is quite large relative to the 1.5 million acre-feet of water assumed to be required in the most extensive scenario forecast. However, Indian and State water rights, environmental constraints, conveyance problems, and competing uses will reduce the water that actually can be made available at a specific site is uncertain.

Although we have no way of identifying the intended use of the water, our records indicate that approximately 712,000 acre-feet of water has been optioned and another 1,991,000 acre-feet of water has been applied for. In general, these options and applications are attributable to major energy companies.

7. To what extent is the ranching and farming industry in the Northern Plains threatened by coal development?

The impact of coal development on ranching and farming is directly related to the level of production and possible mix of coal development, both in terms of mining and coal processing. Current levels of development have displaced individual ranches but have not had a signficant effect on the agricultural industry per se.

The impacts of various projected levels of coal development are being assessed through the NGPRP. The interim report should provide an initial indication of possible impacts.

8. What is the status of the coal lease applications on file for land on the Northern Cheyenne and Crow Indian reservations?

The Northern Cheyenne Tribe has petitioned the Secretary to cancel coal lease applications and permits on their reservation. Departmental discussions are being held on the tribe's position and a decision will be made shortly. Action on the lease applications and permits are being held in abeyance pending the outcome of the Secretary's decision on the Tribe's petition.

Westmoreland Resources, Inc. has been issued two coal leases on the Crow Indian Reservation. The validity of these leases are not in question but the Tribe and the coal company are, through mutual agreement, renegotiating some of the lease terms.

9. What are the major defects of the current coal leasing system? What recommendations for a better system can you make?

Leasing any and all coal lands on first-come, first-served basis without concern for environmental factors placed too much of a burden on approval of mining plans. A lease is a contractual relationship which poses legal problems if no environmentally acceptable mining method can be devised.

Presently, we are issuing occasional leases if they meet certain short-term criteria. Those criteria mainly focus on meeting environmental standards and supplying coal to an existing operation. The Department has been vigorously pursuing the development of a new coal leasing program (EMARS) and incorporating that program into the Bureau of Land Management's planning system. Except for the few leases meeting the short-term criteria, no leases have been issued for several years. During this interim, the current coal leasing system has been and is being developed. Until the new leasing system is operational, its defects will not be known.

FOLLOWUP ANSWERS TO QUESTIONS SUBMITTED TO THE DEPARTMENT OF INTERIOR

2(a). *Question:* "Describe the EMARS system—"

Answer: The EMARS system consists of an allocation process to determine the rate at which inventoried Federal coal should enter the market, and a tract selection process to relate these demands to optimum sites where the best coal can be equated with the most favorable rehabilitation potential.

This system establishes procedures for selecting the most advantageous rehabilitation objective from among the alternatives available at each site where future Federal coal leasing may take place. It will define a timetable for rehabilitation concurrent with mining operations, and through detailed preplanning will identify the specific rehabilitation specifications which must be accomplished, in order that the chosen objective may be successfully achieved.

It will issue prior to leasing, definite compliance standards for each site category so that potential bidders for future Federal coal leases will be able to compute operational costs requisite for successful rehabilitation, and so that design and approval of mining plans may be facilitated after leases are issued. Such preplanning will clearly indicate the basis on which conditions at proposed coal leasing sites are evaluated, and will provide for active participation by the public and potential bidders in the design and review of preplans, and in the nomination of leasing areas.

EMARS consist of three major program elements:

(1) allocation,
(2) tract selection, and
(3) leasing.

The allocation process relates inventoried Federal coal resources to projections of coal-derived energy needs which are disaggregated into regional demands for coal-derived BTU's. These data, along with any policy directives as to the overall role of Federal coal in the total energy mix, will allocate regional demands for Federal coal resources to specific inventoried coal resource areas by an allocation model.

In the tract selection phase, the coal allocation targets will be distributed to coal-leasing States and BLM Districts via normal budget-cycle procedures. The coal allocation targets identify the amount of coal which should be leased the next fiscal year with projections for the subsequent 4 years. At the District level, Bureau of Land Management minerals personnel, coordinating with the Geological Survey, will "lay out" optimum coal lease sales containing the targeted amount of reserves in areas where effective rehabilitation can be assured, and prepare Mineral Activity Plans according to established procedures of the Bureau of Land Management planning system. After public participation, a final planning system multiple-use recommendation will be made by the Bureau of Land Management's District Manager.

These specific allocation recommendations will be coordinated with other Districts' submissions at the State level, and will include definite rehabilitation objectives chosen from the alternatives available, and financed at optimum levels from coal production. Base resource data will be adequate in all cases. Allocation recommendations from the States will then be combined at Bureau of Land Management Headquarters level (Washington, D.C.) into a site-specific, 1-year leasing schedule and a tentative 4-year leasing schedule, and then submitted to the Secretary for final consideration, adjustment and approval.

Allocation recommendations approved by the Secretary of the Interior will be announced as proposed leasing schedules for which Bureau of Land Management will prepare necessary environmental impact evaluations, taking advantage of previously prepared programmatic statements and the thorough environmental analysis and public review provisions specifically afforded by the Bureau of Land Management land-use planning system.

The leasing phase of EMARS begins with detailed pre-planning of the coordinated mining and rehabilitation factors required for successful rehabilitation and subsequent surface resource management, according to the objectives chosen. Compliance standards and sample stipulations for each site will be made available well ahead of any scheduled lease sales. The leasing phase concludes with:

a. Pre-sale evaluations (including preparation of environmental assessments).
b. Holding lease sales.
c. Post-sale evaluation procedures.
d. Lease issuance.

The Geological Survey is also beginning efforts to accomplish much of the same task for lands already under lease, so that mining plans can be easily approved where the best quality coal coincides with superior rehabilitation potential, and early warning can be provided as to areas where mining plans may be difficult to approve or require special consideration.

To assume orderly consideration of all possible factors and interests, all future EMARS program decisions will be formulated through BLM's formal land-use planning system to reconcile resource conflicts, obtain public viewpoints, coordinate related studies and planning efforts, and to produce adequate an timely allocation recommendations for initial coal leasing schedules in areas which will not intensify existing problems.

The EMARS timetable includes specific tasks, now underway, to develop the data most critical to early assessment of coal allocation requirements, such as current production commitments by companies, which the Geological Survey is obtaining by industry-wide questionnaire. Initial EMARS site selection activities will be directed to areas with the least uncertainties or where the type of uncertainties are those having little effect on necessary decisions. The long-range program is developing, as an integral part of selecting leasing sites, detailed analysis of ownership patterns, as well as studies to examine the complex and subtle interrelationships of price, markets, incentives, fair market value, availability of resources, and competition.

EMARS will also analyze the effect of unplanned patterns of coal ownership (including leases) on future industrial development of these rural regions. Large areas have already been leased *without regard* to the kinds of considerations now generally agreed as being essential. The option to use incentives *or deterrents* toward future production from these areas must weigh the same factors applied to choice of tracts for future leasing, as will approval of mining and rehabilitation plans. At the same time, it is clear that coal reserves already under lease must play a major part, as soon as safely possible, in providing replacement fuels for petroleum supplies which remain unavailable because of physical or political factors, or unacceptable price levels.

The effect of crazy-quilt patterns of private surface ownership on availability of underlying Federal coal deposits is also being

studied. Resource data must be upgraded to eliminate generalizations.

Regardless of rates and locations of new leasing, baseline studies on rehabilitation potential will continue on lands currently under lease, so that review of mining plans and monitoring of rehabilitation compliance will meet the highest standards. This will include lands coming into lease status from new discoveries of coal on outstanding prospecting permits, as well as when considering deferral of production, assignments, modification of lease terms, renewal actions and the like, on all leases, regardless of when issued. Naturally, all of our efforts are coordinated with other joint efforts by Federal, State and local Government agencies to provide an analytical and informational framework for policy and planning decisions at all levels of Government, such as the Northern Great Plains Resources Study. The end result is intended to be a decisionmaking aid for local, State and Federal interests who together must plan and manage the area's land and resources.

2(b). *Question:* What is the current status of EMARS?

Answer: The EMARS timetable includes specific tasks, now underway. The Geological Survey has obtained an industry-wide questionnaire of current coal lease holders requiring information such as current production commitments. A preliminary analysis of coal leases was completed on January 15, 1974. An analysis of existing coal leases is underway. Studies have begun on a coal multiple regression evaluation model. On February 17, 1974, a contract with IBM was let to study the possibilities in automating ownership and coal resource information. A coal leasing schedule will be prepared after completion of the Northern Great Plains Study, preparation of a coal leasing strategy, and completion of the coal program E.I.S. if the results of reviews and analyses in regard to the E.I.S. indicate that the coal program can be accelerated within acceptable environmental standards. The five year schedule will be site specific for the first year only. It is hoped a wide variety of resource information can be integrated into EMARS allocation model with goal of developing necessary mineral resource needs at the minimum environmental cost.

2(c). *Question:* "Indicate when the (EMARS System) will be put into operation."

Answer: EMARS is a process for rapid and flexible implementation of coal policy; it does not set policy but, as the name implies, *recommends* to policy levels the specific tracts of Federal coal lands best suited for coal production, if and when policy should indicate the need for further leasing. Therefore, it is in operation now insofar as field efforts to identify the first allocation recommendations are concerned. Early this summer, the BLM will review the recommendations of its several State offices participating in initial tract selection efforts, and will submit a schedule of potential coal lease sales to the Secretary, who will have full latitude as to when and to what extent he may direct BLM to proceed with leasing the tracts thus identified.

4(a). *Question:* What is the status of the proposed five-year coal leasing schedule?

Answer: The five-year coal leasing schedule is concurrent with the schedule developed for EMARS; i.e., a leasing schedule will be prepared after completion of the Northern Great Plains Study, preparation of a coal leasing strategy, and completion of the programmatic EIS. The leasing schedule will be site-specific for the first year and with a general schedule for the next four years. However, as EMARS becomes fully operational, the five-year coal leasing schedule will be site-specific for five years, adjusted and updated yearly.

4(b). *Question:* What is the status of the environmental impact statement on the proposed five-year coal leasing schedule?

Answer: The draft EIS for Proposed Federal Coal Leasing in the USA is now under final review by the Office of Environmental Project Review and the Office of the Solicitor prior to publication.

4(c). *Question:* When will a draft EIS be released?

Answer: The draft EIS is expected to be released early in April 1974.

4(d). *Question:* Will the Department allow more than 45 days for public review?

Answer: Only 45 days will be allowed for public review. While this seems to be a short time for comment, several Federal agencies and environmental groups, including the Natural Resource Defense Council have had input to this statement.

5. *Question:* To what extent are all the work items referred to in questions 1–4 coordinated with each other?

Answer: The delegation of authority for local decisions as to new leasing sites remains with the BLM District Managers, and their supervisors, the BLM State Supervisors. They exercise the basic authority of the Secretary in these program areas. The BLM budget and planning procedure includes EMARS which is carried out in BLM District Offices by District staff and supplemental assistance, as required. Policy study results and special program reports, such as NGPRP, are valuable and necessary input to the planning, coordinating and decisionmaking role delegated to field offices which must do the job, and implement policy directives. Their role requires close coordination and timely input of all other Departmental and other entities. The District Offices hold public meetings on all proposed decisions and document the alternatives considered at each step of program planning and decisionmaking. Their contacts with State and local agencies and universities are direct and vital to day-to-day programs.

6(a). *Question:* What is the status of the environmental impact statement currently being prepared by the Bureau of Land Management, Geological Survey, Forest Service, and the Interstate Commerce Commission on development of seven coal mines and a railroad line in the Powder River Basin?

Answer: The East Powder River Coal Basin EIS is being prepared by a team located in Cheyenne, Wyoming under the lead of BLM's Wyoming State Director. The team is composed of 15 individuals representing various disciplines from BLM–GS–ES with coordination from ICC. They are preparing a preliminary working draft due April 15. After an in-house review by the SOL, EPR and the other agencies the draft will be prepared by June 1, 1974.

6(b). *Question:* Are the EIS and the decisions in it designed to analyze coordination with the programmatic EIS, the NGPRP, and all the other coal-related actions already discussed?

Answer: The Programmatic Coal EIS and the NGPRP reports are being used as a data source for the statement. All the actions relating to coal development are being considered in preparing the statement.

9. *Question:* Would northern plains coal be considered essential for the solution of this Nation's energy problems if that coal could only be deep mined? Is it perhaps only the fact that this coal can be "cheaply" stripmined that makes it so "essential" for the national energy situation? How would the country solve its energy problems if we didn't have the possibility of stripmined coal from the northern plains?

Answer: As stated previously, we have not made a determination as to the essentiality of NGP coal and to what extent it could be developed in helping to solve the Nation's energy demands. It is true, however, that coal represents a viable energy resource that can be made relatively quickly available to serve our spiraling energy needs. Without the utilization of the coal resource, energy needs would either be left unsatisfied or the Nation would have to turn to alternative fossil-fuel or nonfossil-fuel energy sources. We can now foresee that the balancing of national energy supply and demand may require prompt utilization of coal from the northern plains. We have the technological and financial capability. The investment of tens or hundreds of billions of dollars in resource development will bring many changes, including permanent jobs, factories, homes and businesses to areas of the northern plains which have long been nearly uninhabited.

At this time, we need the courage to put aside needless fears, and to seek rational solutions which are now within our reach. If the changes involved would prove of vast benefit to the entire Nation, then the national welfare should be the overriding and primary goal.

10. *Question:* Will large-scale on-site development of northern plains coal have the effect of postponing intensive research and development in the most efficient use of energy and the production of renewable, less descriptive forms of energy?

Answer: No. Research and development in all forms of energy is continuing at an unprecedented rate. Energy itself by the laws of thermodynamics is not renewable, although some forms consume less apparent terrestrial resources than others. Different energy alternatives are being considered in the Department's coal Programmatic Environmental Impact Statement. Presently, and for the short-term, the gap between energy supply and demand is expected to place a heavy demand on all forms of energy, especially natural and synthetic gas. It is hoped that the large Federal and industry expenditures into more advanced energy alternatives, particularly fusion, will eventually provide a "backstop technology" although even the most intensive research and development programs do not project this new energy to be available prior to 1995.

11. *Question:* Will a major coal development in the West lead to reduction of coal mining in the Midwest and Appalachia? Will there be shifts of industrial plant locations closer to the major sources of energy?

Answer: (a) No, the difference in coal type and distance to market will prohibit this from happening. One of the major coal uses is metallurgical coal in the form of coke. The west has very little coking coal and at present is just meeting the needs of the western States. The major metallurgical uses will be supplied by the large reserves of coking coal in the East. Mining of steam coal in the east "may" be shifted somewhat since Western coal is more environmentally acceptable. This shift to western coal will be limited mainly to the Midwest area, because high transportation cost to the eastern seaboard will make using western coal uneconomical. (b) We envision no major industrial plant shifts because western coal will supplement eastern coal, not replace it. Many new plants may be built in the West.

12. *Question:* What limitations does the availability of water resources place on coal development in the Northern Great Plains? Is there sufficient water for mined land reclamation, gasification, etc.? Will water have to be diverted from existing uses?

Answer: (a, b) Water requirements for surface mining operations and rehabilitation practices are not large and should not seriously deplete aquifers or compete with existing uses. (c) Water requirement for electrical utilities and coal conversion technology will increase the impact of water requirements. There is enough total water for these uses but requirements within a certain area or basins have as yet to be determined and is

presently being studied by a Water Availability Task Force. EMARS will deal with this question as an integral part of the planning system prior to recommending coal allocations.

14(a). *Question:* What point of development will the Northern Plains be committed to full scale development?

Answer: We believe commitment of new major patterns of resource-based industrial development in the West will depend more upon levels of capital investment than upon completion of specific construction items, such as railroads, highways or water transportation systems. Estimates of capital required to utilize western coal in all of the ways it can help achieve domestic energy self-sufficiency, range upwards of 200 billion dollars. In comparison, a recent compilation of appraised values of all improvements in the Denver metropolitan area did not reach 12 billion dollars. At certain levels of investment in energy development, any given locality may find that its economic growth and diversity has become sufficiently self-sustaining to begin to escape from its initial total economic dependence on that development. In addition, the very long expected life of many Western coal deposits, even at high production rates, promises economic stability for localities which remain substantially dependent on energy mineral extraction and processing.

The Department is greatly concerned that its programs to meet essential energy needs do not tend to freeze future industrial development of the West into inappropriate patterns and locations. Our efforts to assure full public participation and local coordination in procedures for selecting leasing areas and approving development proposals, will provide the essential framework within which the proper timing and location of necessary support facilities, such as transportation, water and electrical systems, may be put into the desired social context.

15. *Question:* If agencies want to make decisions in 1974, what kind of decisions can be made based on the information that will be available by that time?

Answer: Decisions on sites most suitable for immediate development will be made on adequate information as to coal quality and quantity, water availability, soil character and groundwater patterns, transportation, etc. Coordination with local agencies, and public participation will bring out further factors for consideration. Essentially the same questions must be answered to approve mining plans as to recommend new coal lands for leasing.

Most important, however, is our determination to "do it right" as we proceed through the steps leading to these decisions. The National Environmental Policy Act will be complied with at each step, with the data and alternatives fully documented prior to each decision point in the process. This will assure that any lack of essential data will be determined at the earliest possible moment, and steps taken to obtain it immediately from the best source. The Northern Great Plains Resource report will provide socio-economic data, gathered and analyzed by all of the Federal, State and local participants in this study. The environmental impact statement on the Department's proposed coal program will have also provided major inputs of information, comment and analysis. Within the clear context of national need, these efforts should provide adequate confidence to proceed with careful and thorough energy program policy implementation.

Question 17(a): "What reclamation standards and procedures does the Department intend to put into any new coal leases or impose on existing leases?"

Answer: These will be determined as a result of EMARS procedures in selecting the optimum tracts for leasing. By fully considering the range of alternatives available for rehabilitation of the better coal tracts, the most advantageous end-use for resource management will be identified, and detailed pre-planning of mining methods and rehabilitation requirements will be coordinated so as to assure achievement of the chosen objective. Each specific requirement which is found necessary to achieve the desired result will be identified prior to leasing, as will the testing and monitoring which will be the basis of judging adequacy of rehabilitation. We believe that only by a "systems" approach can the variations of each site be accommodated, and public views be properly taken into account.

New coal leases will contain effective reclamation standards, the basic elements of which have been pre-planned through the EMARS program. Reclamation stipulations will be modified and tailored to each individual lease. The BLM planning system allows for public meetings, so that all parties will have an input into the proposed reclamation objectives for new leasing areas.

The EMARS program and the BLM planning system should have accumulated enough information by late 1974 to lease coal on an individual site specific basis. Such data as coal occurrence, water availability, transportation network, and probable market sectors, can be analyzed and plugged into the EMARS program. The coal allocation model will not be fully operational until FY 1976.

Existing lessees must submit a mining plan to the USGS before any mining operations can begin. Adequate reclamation standards must be included in the mining plan or it will not be approved by the USGS.

Question 17(b): "Is reclamation feasible on most of the lands in the northern plains?"

Answer: The National Academy of Sciences study entitled *Rehabilitation Potential of Western Coal Lands* indicates that lands "receiving 10 inches or more of annual rainfall can usually be rehabilitated provided that evapo-transpiration is not excessive, if the landscapes are properly shaped, and if techniques that have been demonstrated successful in rehabilitating disturbed rangeland are applied." As lands in the northern plains do in fact receive over 10 inches of annual rainfall, it should be expected that mined areas can be feasibly reclaimed if properly planned.

Question 20: What levels of staffing and appropriations are needed to prepare the necessary environmental impact statements and other information needed to decide whether to issue any lease and to supervise operations under any lease in the manner necessary to assure compliance with the requirements of the law, the regulation and the lease? What are the current staffing and appropriation levels and those proposed for FY 1975?

Answer: BLM coal program.[1]

Current and proposed FY 1975 staffing needs and appropriations approach the desired levels as planned by the Bureau of Land Management for the preparation of environmental impact statements, data development for leasing decisions, and supervision of leases to ensure compliance.

Current expenditures, FY 1974, amount to a base of $270,000 and 10 positions and a Supplemental Appropriation of $500,000 and 20 positions. The base for FY 1975 is, therefore, $770,000 and 30 positions. Coal program increases in FY 1975 amount to $1,050,000 and 35 positions for a total FY 1975 figure of $1,820,000 and 65 positions.

USGS COAL PROGRAM

Total coal program figures for the U.S. Geological Survey in FY 1974 consisted of $1,846,000 and 46 positions in the research category and $1,182,000 and 36 positions in all other coal activities for a total FY 1974 figure of $3,028,000 and 82 positions.

Coal program activities nearly doubled in FY 1975 with the research category totaling $3,596,000 and 92 positions and all other coal activities amounting to $2,177,000 and 66 positions for a FY 1975 coal program budget of $5,773,000 and 158 positions.

USFS COAL PROGRAM

FY 1975 funds and positions total $1,000,000 and 24 positions.

Question 22(a): How does the Administration view the northern plains coal in relationship to Project Independence?

Answer: The vast coal and lignite deposits in the northern plains have tremendous potential for providing domestic energy supplies in the form of both electric power generation and synthetic petroleum products. A realistic policy leading toward domestic self-sufficiency needs to view the northern plains as an important region capable of making a strong contribution to Project Independence.

Question 22(b): What role could northern plains coal play in this Project?

Answer: Northern plains coal is a relatively-inexpensive, low-sulfur fuel source. The coal and lignite deposits can be developed into usable energy forms within 5–8 years using existing technology. In-situ methods might be applicable even sooner. Electric power and synthetic petroleum products generated from the northern plains could ultimately supply 10% of the Nation's energy requirements.

The following chart shows the generalized flow patterns of present and potential conversion of coal, oil shale and gas resources now available in the West to relieve energy shortages and to improve domestic self-sufficiency.

Hundreds of major power plants are now burning oil. The conversion to gas would be simple if the gas were available. But the oil burned in power plants is usually the heaviest fraction remaining from petroleum refining, and is expensive to distill and reform into gasoline and fuels, so that freeing even a large part of the demand for heavy fuel oils would not relieve the gasoline shortage. The ability to substitute natural gas for the middle-grade oils burned in homes, stores, factories, etc., would, however, be of major importance, and most of these users would be able to obtain service from nearby gas distribution systems, if the extra gas could be found.

Therefore, if the substantial effort now being mounted to develop outer continental shelf and arctic gas (and oil) were coupled with commitment to a large synthetic coal gasification effort, the following timetable could result:

1. Within three years, an easing of present natural gas shortages.

2. Within five years, expansion of retail and commercial gas sales, with release of substantial medium-grade fuel oil demand.

3. Within six-to-eight years, major expansion of synthetic gas to supply of bulk power plants and industrial uses.

4. Within eight-to-ten years, a substantial decrease of natural gas delivery rates, providing for long-term conservation of natural gas supplies.

The chart does not show the refining of crude oil into petroleum products, but rather the substitution and synthetic production possibilities from coal and oil shale, which can ultimately allow petroleum refineries to

[1] While program or commodity budgeting is not widely practiced (activity budgeting methods are utilized by BLM), a good estimate of funds expended or planned for the management of coal resources is derived by summing the contributions to the coal program from the functional areas of Inventory and Planning, Environmental Analysis, and Upland Minerals Leasing.

increase production of gasoline and fuels to the extent necessary for resumption of full civilian and military use. The combination can also provide overall national energy capability to neutralize foreign oil as a political weapon. The full effects of these complex interrelationships and their practical dependence on low-sulfur western coal is still being analyzed.

Natural gas is our most precious energy commodity in terms of its convenience and of our need to maintain future availability for many important applications for which it is indispensable or especially convenient. We do not want to waste it in low-grade applications such as production of bulk electrical power. On the other hand, one of the quickest and easiest ways to ease the fuel shortage (in addition to increasing oil supplies) would be to substitute lower-grade coal derived gas for oil wherever possible.

Extra gas can come from these sources: (a) new discoveries, onshore and offshore, (b) nuclear stimulation of known "tight" gas fields, (c) developing and transporting huge reserves in Arctic Canada and Alaska, (d) in-situ (in place) production of low and medium quality gas from coal, (e) gasification plants for the production of low and medium quality gas from coal, (f) conversion of organic material and wastes.

Surface mined coal can provide increased generation of electricity in conventional power plants (12), or can supply new synthetic gas and oil plants with raw material (11).

It can also be subjected to gasification to produce a medium quality gas (13), which can either be used directly for power plant fuel (13), or upgraded to high quality gas (16), suitable for regular distribution with natural gas (17). Underground coal could be put to the same uses, but at much higher cost.

The flow chart shows that low and medium quality gas from in-situ mining and gasification of coal can be burned directly in power plants (10, 13) (and other industrial burners), as well as providing raw material for up-grading (9, 16) (methanation) to high-quality gas (17), and conversion to a variety of synthetic fuels (19) and chemicals (18) for the manufacture of plastics and the like. In practice, the gasification and subsequent up-grading and refining steps would not usually be separate facilities.

In other words, the "gas house," which left the American scene 30 years ago with the spread of natural gas distribution systems, could indeed return to many areas of the midwest and east to produce low-sulfur, medium BTU gas from local high-sulfur coal, thus easing the oil and natural gas demand from local industrial burners and electrical power plants with minimum transportation costs.

But the real capability for breaking the back of the energy problem lies with the ability of low-sulfur western strippable coals to produce huge amounts of easily transportable high-BTU pipeline gas, and electricity.

The low-sulfur content of western coals means that it will be easier to keep sulfur out of high-quality gas destined for pipeline use, and make its removal easier from medium-grade gas used in new western power plants and industries. The much larger tonnage per acre available from western strippable coal allows easier funding of adequate rehabilitation. The possibility of in-situ gasification may allow major immediate production of low and medium quality gas with only slight surface disturbance. In addition, reasonable development of oil shale potentialities can lift our dependence on imported petroleum.

One current proposal to produce oil directly from oil shale in place, calls for injecting natural gas (4) into underground areas which have been partially mined, thoroughly fractured, and ignited. The result is oil which is recovered through wells (8). If low-grade gas from in-situ burning of coal can be used instead of natural gas (7), the net gain would be substantial in terms of efficiency, cost and reduced environmental degradation.

Question 22(c): Does the Administration view Western coal as the primary new supply?

Answer: Barring any new energy breakthroughs, large reserves of low-sulfur coal will be needed to attain Project Independence. Western coals are expected to provide a major share of the new coal supply.

SHORTAGE OF ASPHALT CEMENT

Mr. BROCK. Mr. President, we see shortages of supplies in every area of our economy today as a result of economic controls. I would like to bring to the attention of my colleagues another area. Recently, I received a letter from the Tennessee Asphalt Pavement Association, and a resolution from the Tennessee House of Representatives. Both documents pointed out the need for action on a shortage of asphalt cement.

Mr. President, I think the letter and the resolution tell their case very well, and I ask unanimous consent that both be printed in the RECORD, and that my colleague seriously consider working toward helping solve this and similar problems.

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

TENNESSEE ASPHALT PAVEMENT ASSOCIATION,
Nashville, Tenn., March 25, 1974.

Hon. WILLIAM BROCK III,
304 Old Senate Office Building,
Washington, D.C.

DEAR SENATOR BROCK: Tennessee has approximately 81,000 miles of existing road surfaces. 71% are paved with asphalt. It's a proven fact there is no other compatible medium for maintaining these surfaces other than asphalt. The commitment in terms of mileage and dollars stands to be jeopardized if adequate supplies of asphalt cement are not forthcoming.

Asphalt cement, as you know, is a product of the petroleum refining process. It is one of the few products from a barrel of crude oil which has a sense of permanence. Once utilized in construction, it will remain for the benefit of future users where properly maintained. However, while asphalt cement itself is not an energy fuel, it has alternative energy uses. Modern refinery methods make it possible to divert that portion of a barrel of crude normally reserved for asphalt to other uses. Furthermore, while there are regulations issued by the Federal Energy Office which cover other refinery products, none exist to cover asphalt. Consequently asphalt may be "burned" as a fuel. This, obviously, diminishes the quantity necessary to construct and maintain roads and streets in Tennessee and across the nation.

While some diversion of asphalt to energy uses may be necessary during this energy shortage, it is imperative that protection be accorded to its status as a product. This is a must in order to prevent supplies of asphalt from diminishing to a point that will not allow proper maintenance of existing roads. Also for supplies in construction of vitally needed new ones. Therefore, we feel it imperative that the Federal Energy Office extend its current refining yield program to include asphalt cement.

Sixty-nine firms of the Tennessee Asphalt Pavement Association represent 6,662 employees, with an annual payroll of $27,957,404.00. As a representative of the citizens of our great state, we felt you would want to know of these specific important points. Not only our Association, its employees and suppliers, but the members of the Tennessee General Assembly are keenly aware of the need and the importance of this matter to the economy of Tennessee. They felt so strongly a resolution has been passed urging the Congress, the President, and F.E.O. Administrator Simon to include asphalt cement in the current refinery yield program. A copy is enclosed for your information.

We ask your personal serious attention to this request.

Yours very truly,

ROBERT I. BOLES,
Executive Director.

HOUSE JOINT RESOLUTION NO. 417

A Resolution to request the United States Congress, the President and the Chief of the Federal Energy Office to consider placing asphalt cement under a mandatory allocation program to insure its continued production and availability for highway maintenance.

Whereas, the highway system of the United States of America is essential to both the economy, through its inter-related network of primary and secondary and farm-to-market roads, and to the national defense of the United States of America, providing access into every state and every section of this nation in time of emergency; and

Whereas, the energy crisis has precipitated a shortage of many petroleum-based materials, especially diesel fuel, gasoline and asphalt cement and a severe burden has been placed upon the highway building industry and all federal and state agencies charged with the responsibility of maintaining our primary, secondary and farm-to-market road system, due to the shortage of asphalt cement; and

Whereas, the federal allocation program has not included asphalt cement liquid under a mandatory allocation by the Federal Energy Office and there has, therefore, been nothing proposed under any federal regulation which would require the continued manufacture of asphalt cement as a product, thereby severely damaging the maintenance of our national defense system of highways and jeopardizing the economy of the United States of America and each state thereof, by allowing a situation to exist which could in due time create a crisis of very severe magnitude because of the fact that our economy is inseparably tied to the road system of this nation; and

Whereas the roadbuilding industry is responsible for the employment of many hundreds of thousands in this country and it is thus essential that some form of protection be afforded the continued future of such industry; now, therefore,

Be it resolved by the House of Representatives of the Eighty-eighth General Assembly of the State of Tennessee, the Senate concurring, That the General Assembly strongly urges the United States Congress, the Federal Energy Office and the President of the United States to take into full consideration the possibility of enacting federal regulations that would place asphalt cement under a mandatory allocation program and insure its continued production at a level that is within reasonable limits so as to insure the continued maintenance of our highway system.

Be it further resolved, That copies of this Resolution be forwarded to the President of the United States of America, to the Chief of the Federal Energy Office and to each United States Senator and Congressman from Tennessee.

EXPLORATION OF THE SOLAR SYSTEM

Mr. MOSS. Mr. President, recently, the American Institute of Aeronautics and Astronautics—AIAA—published a review titled "Exploration of the Solar System." I would at this time like to elaborate on this publication and recommend it to the Members of Congress for reading.

First, the AIAA is a technical society whose 26,000 members represent a major segment of the aerospace profession's engineers, scientists, and students. The institute's purpose, with this and other reviews, is to make available the knowledge to "whoever needs or wants it." "Exploration of the Solar System" was written by various professionals selected from the technical committees of the AIAA. Their time and effort spent on this useful publication was largely without compensation.

The first chapter of the review summarizes the major conclusions of the study. Mr. President, I ask unanimous consent that the first chapter of "Exploration of the Solar System" be printed in the RECORD for the benefit of my colleagues.

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

CHAPTER 1—CONCLUSIONS

The purpose of this Review is to outline the potential achievements of solar system exploration and suggest a course of action which will maximize the rewards to mankind. A secondary purpose is to provide, under one cover, a sourcebook of information on the solar system and the technology being brought to bear for its exploration.

We believe that the information presented herein supports the following conclusions:

1. It is appropriate for the United States, as a technological nation, to establish a balanced national research program that assures continuity of scientific research in all areas of human understanding and that provides for an ever-widening horizon of technological opportunity.

2. Solar system exploration is a major scientific frontier that deserves a place of priority in a balanced program of scientific research.

3. The extent to which this nation pursues scientific exploration of the solar system today will significantly affect its ability to pursue these endeavors in the future and to maintain pace with the other technologically advanced nations.

4. Solar system exploration has already provided some significant contributions to the solution of man's problems on Earth, but its principal impact will occur in the future, as a result of the knowledge and understanding which will be gained by exploring the basic phenomena of our Earth's environment.

5. Solar system exploration because of its unique dependence on advanced technology and extremely long-range project planning, requires support on a long-term rather than on a year-to-year basis. Short-period fluctuations in budget allocations; e.g., over periods of half a decade or less, will not only result in serious losses of future potential options, but can also generate substantial waste of the nation's financial and technological resources.

A corollary to this principle of sustained funding is that the investment allocated to long-range research programs, whose impact can be felt only after time periods measured in decades, should not be subject to the same constraints (e.g., social discount rate) as are generally applied to shorter-range development or construction efforts requiring capital investment. Exploration of the solar system qualifies as such a long-range program.

PUBLIC OWNERSHIP OF DOCUMENTS OF PUBLIC OFFICIALS

Mr. BAYH. Mr. President, on February 4, 1974, I introduced S. 2951, the Public Documents Act, which is designed to settle by statute the debate as to who should have proprietary rights to the documents and papers generated by an elected Federal official in the course of performing his official functions. I would like to direct the attention of the Senate to two recent items which bear directly on this problem.

The first is the exhaustive report issued by the staff of the Joint Committee on Internal Revenue Taxation which was approved by that committee last week entitled "Examination of President Nixon's Tax Returns for 1969 Through 1972." In the course of its report the committee discussed the question of "Who Owns Presidential Papers." It concluded:

In view of these diverse considerations, it may be that the whole question of the ownership of papers of public officials is a matter which the appropriate congressional committees may want to consider.

In light of this recommendation, Mr. President, I would commend this bill to my colleagues for cosponsorship and hope that the Committee on Government Operations to which it has been referred would be able to find the time to hold hearings on the bill during the 93d Congress.

The second matter, Mr. President, which I believe should be of interest to the Senate is admittedly of more specific application. Last Saturday's editions of the Washington Post carried a front page story by Mr. Lou Cannon noting the fact that President Nixon retained his interest in the remainder of his prepresidential papers which alone has been appraised at $1.5 million. In addition, the presumed value of his presidential papers must be assumed to be many times this amount. The philosophy behind my bill, Mr. President, is that no elected public official should be allowed to benefit financially from the historically valuable documents which, but for his official duties, would not exist. This is one specific abuse which has been highlighted in the broad Watergate spotlight, and it is a problem we should do something about. I ask unanimous consent that the relevant paragraphs of the report of the Joint Committee on Internal Revenue Taxation and the Washington Post article by Mr. Cannon be printed in the RECORD.

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

[Excerpt from Senate Report 93–768, "Examination of President Nixon's Tax Returns for 1969 through 1972" prepared for the Joint Committee on Internal Revenue Taxation by its staff]

E. WHO OWNS PRESIDENTIAL PAPERS

A question that has been raised in connection with President Nixon's gift of his pre-Presidential papers is whether he actually owns the papers generated during his public career. If the papers were considered to be public property rather than personal property, the President would not, of course, be permitted to take a charitable contribution deduction for the donation of any of these papers. The staff has, therefore, examined the question whether the papers of a President are appropriately considered public papers.

Since the time of George Washington it has been customary for Presidents of the United States to treat their papers as their own personal property. In addition, Congress by action in this area has suggested that it agrees with this view. In 1950, Congress enacted the Federal Records Act (64 Stat. 583) which provides for the deposit of personal papers of the Presidents of the United States. The Act specifically provided that the Administrator of GSA may accept for deposit "the personal papers and other personal historical documentary materials of the present President of the United States." This Act is now known as the Presidential Libraries Act (44 U.S.C. 2101 et seq.). As far as the staff can determine, this custom of treating paper generated during a public career as personal property has been followed in the case of public officials generally. As a result, the staff believes that the historical precedents taken together with the provisions set forth in the Presidential Libraries Act, suggest that the papers of President Nixon are considered his personal property rather than public property.

Of course, conditions have changed significantly since George Washington was President. A President's papers now contain not only much that is of historical value but also may contain much that is essential in conducting the national business in subsequent administrations. Questions have also been raised as to whether it is desirable for Presidents of the United States to derive profit from the sale of materials that were produced while they were public servants.

The 1969 Tax *Reform* Act limited one way in which public officials could profit from their public service (that is, by claiming charitable contribution deductions for donations of their papers). However, officials can still profit by selling their papers or by bequeathing them to somone who can then make tax-deductible gifts. (Gains on the sale of papers are taxed at ordinary income rates, however, and bequests of them are subject to estate tax.)

On the other hand, the fear has been expressed that the 1969 change in the tax laws may cause future Presidents to scatter their papers widely and make future historical work more difficult. There also are problems with limiting public officials' ownership of their papers. They may be tempted to destroy certain sensitive papers, instead of holding them until they become sufficiently less sensitive to be released. Also, it is difficult to draw the line between personal papers, which presumably should remain the property of the official, and official papers.

In view of these diverse considerations, it may be that the whole question of the ownership of papers of public officials is a matter which the appropriate congressional committees may want to consider.

NIXON STILL HAS $1.5 MILLION IN PAPERS

(By Lou Cannon)

Despite the White House claim that President Nixon is "almost virtually wiped out" by an Internal Revenue Service ruling that is costing him $467,000 in back taxes and interest, the President retains pre-presidential papers valued by his appraiser at $1.5 million.

Ralph G. Newman, the Chicago appraiser who was hired by Mr. Nixon's attorneys to evaluate these papers, put a $2,012,000 figure on the worth of the entire collection in 1969. This included the $500,000 worth of material for which the President took the tax

deductions that this week were disallowed by the IRS.

Mr. Nixon has far greater assets, though they have never been calculated, in the papers of his presidency. These papers presumably will be his own when he leaves office, to sell or donate as he chooses.

"Since the time of George Washington it has been customary for Presidents of the United States to treat their papers as their own personal property," the staff report to the congressional Joint Committee on Internal Revenue Taxation said this week. "The historical precedents, taken together with the provisions set forth in the Presidential Libraries Act, suggest that the papers of President Nixon are considered his personal property rather than public property."

Presumably, this also would apply to the taped presidential conversations, which the White House originally said were made for historical purposes.

Mr. Nixon himself has given some indications that he regards the Newman appraisal of his papers as somewhat conservative. Last Nov. 17 he told the Associated Press managing editors that if the IRS rules against him "I will be glad to have the papers back and will pay the tax because I think they are worth more than that."

The President did not get back the papers he donated because of the IRS ruling. However, evidence uncovered by the joint committee staff in its investigation of Mr. Nixon's tax deductions suggests that the most valuable of his correspondence remains in the undonated stacks of material that are being stored in the National Archives.

Months after Mr. Nixon supposedly donated his papers to the National Archives, the President at Newman's suggestion set aside letters from such important historical figures as Winston Churchill and John F. Kennedy.

On Nov. 7, 1969, Newman wrote Mr. Nixon saying that the entire collection of papers, memorabilia and books was worth more than the $2 million appraisal he had given.

"It is my recommendation that certain of the more important letters, which are valuable, considered either as historical documents or autograph manuscripts, should be removed" from the general files and stored in a special vault, Newman wrote.

The letters are now held in special storage for the President in a high-security room in the archives.

Mary Livingston, the assistant archivist for presidential libraries, said in a statement to the committee that Newman had "expressed great interest" in the general correspondence file when he visited the archives on Nov. 3, 1969, and "asked particularly to see letters from various important people."

"He said the general correspondence would be a good file to be deeded, but said some letters should be retained by the President and not deeded," Mrs. Livingston recalled. "In particular he wanted to retain . . . communications from President Kennedy, President Johnson, President Hoover, former Vice President Humphrey, J. Edgar Hoover, Chief Justice Warren, and the Honorable Sam Rayburn.

"I suggested that correspondence with Martin Luther King also be retained by the President because there were some very interesting letters and memoranda in the file on King," Mrs. Livingston continued. "Mr. Newman agreed that it would be a good file to retain."

The joint committee report suggests that because of "the hurried way" in which the materials for the 1969 gift were assembled, some of the materials actually donated may not have been as valuable as Newman thought them to be.

The report cites the donation of three boxes of material dealing with then-Soviet Premier Khrushchev's visits to the United States and apparently valued at $15,000. Unknown to Newman, the boxes contained only files of old newspaper clippings.

Despite the White House statement Thursday that the IRS ruling would probably make a borrower out of Mr. Nixon, the White House announced yesterday that any money donated to help pay his income taxes will be returned.

The comment came in response to various campaigns launched to send money to the President, including one by Florida state GOP Chairman L. E. (Tommy) Thomas. He said he wanted a million Floridians to mail $1 to the White House and "let the President know you think he is one in a million."

BUSING OF SCHOOLCHILDREN

Mr. BROCK. Mr. President, in the near future, the Senate will have before it the Aid to Education measure, which has passed the House. Within that legislation is an amendment limiting the forced busing of schoolchildren, a matter which all too long has been ignored by the Senate. With this in mind, I would like to enter into the RECORD the testimony of M. Stanton Evans, the chairman of the American Conservative Union. His statement was presented before the Subcommittee on Constitutional Rights, Committee on the Judiciary, earlier this year.

Mr. President, I ask unanimous consent that Mr. Evans' remarks be printed in the RECORD.

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

BUSING: THE FINAL FAILURE

(By M. Stanton Evans)

FEBRUARY 1974.

It is impossible to understand the practice of busing without first understanding the general history of education in this country and the failure of conventional educationist formulae.

That busing is unpopular with the vast majority of the American people is apparent enough from the usual surveys of public opinion. Less widely known is the fact that busing is a desperate effort to salvage something from the debris of educationist failure—and that it is itself a failure of rather awesome proportions. When we add the fact that busing has laid a groundwork of authoritarian assumptions about the schools and the American family, the case for opposing this disruptive practice becomes conclusive.

For the past few decades, the dominant view on public schooling has equated proper education with increasing outlays of money. We have been told that "quality" is chiefly a matter of money for teachers, facilities, counselors, special aids, smaller pupil-teacher ratios, and the like, and it is for this reason that the traditional system of locally funded schools is alleged to be improper. Under this system, it is said, we have rich schools and poor ones, with suburban whites enjoying luxurious diggings in the good-rich schools and ghetto blacks being downtrodden in the poor ones.

In obedience to such notions we have witnessed a steady campaign to enlarge school expenditures, cut down on pupil-teacher ratios, project compensatory programs for inner city children, and more recently to convert the funding of schools from local property taxes to higher and more equalizing jurisdictions. All of this activity has proceeded on the assumption that educational outputs could be improved by more and better funding for disadvantaged schools.

In the past few years, however, a considerable body of evidence has accumulated suggesting these conventional notions of educational progress are badly in error. The net conclusion emerging from this evidence is that larger infusions of money haven't upgraded the quality of education, and in particular haven't conferred appreciable benefit on Negro children of the inner city. In many jurisdictions, indeed, the trend is just the other way.

The story begins with the so-called Coleman Report of 1966, a survey commissioned by the Department of Health, Education, and Welfare under the Civil Rights Act of 1964 and headed by Prof. James Coleman of Johns Hopkins University. Stated purpose of this analysis was to measure "equality of educational opportunity" in the United States and one supposes, given the auspices, that the sponsors expected the normal run of liberal assumptions about the schools to receive empirical verification. If so, the sponsors must have been astonished at what they had wrought.

Instead of finding huge inequalities of educational product derived from inequalities of inputs, the Coleman analysts discovered, pretty generally, the reverse: To the surprise of all and sundry, their researches suggested differences in expenditure pupil-teacher ratios, and physical facilities had almost no correlation to the quality of educational achievement. In particular, there seemed no observable nexus between physical measures of "quality" schooling and the classroom performance of Negro pupils who entered school with educational deficits and got further behind in succeeding years.

The authors did their best to find some confirmation for liberal educationist views but the results were marginal indeed. When all was said and done, the major findings were that the nation's schools "are remarkably similar in the effect they have on the achievement of their pupils when the socioeconomic background of the students is taken into account . . . When these factors are statistically controlled . . . it appears that differences between schools account for only a small fraction of differences in pupil achievement. . . . It appears that variations in the facilities and curriculums of the schools account for relatively little variation in pupil achievement insofar as this is measured by standard tests."

For those who had been promoting increased and equalized expenditure as the path to quality education, such statements came as an embarrassing bombshell, and for a considerable period the Coleman findings on this subject were allowed to lie there, quietly unattended. By the early 1970s, however, a number of somewhat puzzled liberal scholars had decided to pursue the matter further—and as a result produced some additional studies which turned out to be minor bombshells in their own right. These documents made the point so clearly and explicitly that it could no longer be ignored.

First of these was a compilation of papers derived from a Harvard seminar on the Coleman Report, edited by Frederick Mosteller and Daniel Moynihan (On Equality of Educational Opportunity; Vintage books), in which a group of 16 scholars re-examine the record on inputs (per pupil expenditure, school facilities, textbooks, etc.) and their relation to "outputs" (achievement skills of the students). The net result was to confirm the Coleman findings on essentials and to lay waste in every direction to liberal notions about the schools.

On the question of spending differentials, for example, the study reveals the conventional wisdom has the situation backwards. It is usually assumed that schools attended chiefly by Negroes are less adequately funded than those attended by whites, and that this disparity is most acute in the states of the Old Confederacy. Our scholars find the

true particulars are just the reverse—that in many respects the level of spending on Negro schools is higher than that for schools that are chiefly white, and that where discrepancies exist in favor of whites they are less discernible in the South, not more.

Mosteller and Moynihan observe that "there did not turn out to be differences of such magnitude between the schools of Negroes and whites, within regions," and that the "tabulated data do not support the presumption of gross discrimination in the provision of school facilities in the South." Contributor Christopher Jencks puts it that "despite popular impressions to the contrary, the physical facilities, the formal curriculums, and most of the measurable characteristics of teachers in black and white schools were quite similar."

Our scholars confirm as well the general view of the Coleman report that variation in school facilities has little to do with variation in achievement. Mosteller and Moynihan confirm the Coleman view that there was "so little relation as to make it almost possible to say there was none. . . . The variation in these facilities seemed to have astonishingly little effect on educational achievement. One example is the importance to educational achievement of the pupil-teacher ratio"—which the Coleman Report dismissed entirely because "it showed a consistent lack of relation to achievement among all groups under all conditions."

While the emphasis of the different scholars varies on numerous points, the overwhelming conclusion is that paying out money for the schools has no appreciable effect, beyond a certain threshold, on educational quality. A similar view is expounded by Jencks in a second study out of Harvard, conducted with the aid of a numerous team of research associates. This volume, entitled Inequality (Basic Books), is written from a strongly liberal-left perspective with a bias toward egalitarian formulae. Nonetheless, Jencks and Co. are relentlessly honest in assessing the results of such formulae and find the record immensely discouraging.

Their survey encompasses a vast amount of materials gauging just about everything connected to the schools, and reaches the finding that little of what is done by different schools makes much of a difference in educational product. In particular, they note, there is no demonstrable connection between having attended one sort of public school as opposed to another and results computed in terms of cognitive skill, further educational advance, or adult economic status. Among their conclusions on this score:

"No specific school resource has a consistent effect on students' test scores or on students' eventual educational attainment. . . . We can see no evidence that either school administrators or educational experts know how to raise test scores, even when they have vast resources at their disposal. . . . Achievement differences between schools are . . . relatively small compared to achievement differences within the same school. . . . Additional school expenditures are unlikely to increase achievement, and redistributing resources will not reduce test score inequality.

"Our research suggests . . . that the character of a school's output depends largely on a single input, namely the characteristics of the entering children. Everything else—the school budget, its policies, the characteristics of the teachers—is either secondary or completely irrelevant."

This is not the final word on the subject, since research on "outputs" is continuing, and the programs that Jencks and others would premise on such findings are often more distressing than the system they criticize—but that is a topic for another sermon. The relevant point for here and now is that spending millions for "quality" schools, on these researchers, is a complete delusion.

It is from the perspective offered by these researchers that we may best understand the phenomenon of "racial balance" busing—which has stirred such bitter political controversy all over America.

If there were ever an issue on which the American people have spoken as one, busing would appear to be it. Polls have shown the public by votes 70 to 80 per cent is opposed to busing and wants to maintain the neighborhood school. President Nixon has said he is opposed to busing, as have countless members of Congress. All across the land state officials and school boards have vowed their hostility to the practice, and those who waffle may find themselves removed from office. Just about everyone, it seems, is opposed to busing. So the question is this: Why do we have busing?

The standard answer of federal functionaries and liberal interest groups who have promoted busing is that the practice is required to overcome the effects of historic discrimination and to bring about authentic "integration," allegedly mandated by the U.S. Constitution and the nation's civil rights laws. It is in supposed service to these legal requirements that the courts keep ordering "racial balance" mixes, cross-county transfers, and avoidance of racial tipping-points.

Yet in point of fact such racial balance busing is directly contrary to the law of the land as previously stated by the U.S. Congress. The Civil Rights Act of 1964, which allegedly gives federal judges jurisdiction in such cases, says that " 'de-segregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance." And it further states that ". . . nothing herein shall empower an official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance."

Busing forces prefer to ignore this language if possible, but when called upon to recognize it say it was meant to forestall busing only in cases of de facto segregation, not in cases where segregation has been accomplished by law. In the latter instance, it is argued, the courts may order busing or any other remedy to correct the discriminatory evil. This explanation explains little, however, since the author of the language in question, former Rep. William Cramer of Florida, explicitly noted that its goal was to prevent *"any* balancing of school attendance by moving students across school district lines to level off percentages where one race outweighs the other." To prevent, in sum, exactly what has been ordered by federal courts all over America.*

If "the law of the land" does not compel busing, what does? The answer may be discovered, once more, by going back to the Coleman Report—and to a companion study issued by the U.S. Civil Rights Commission entitled Racial Isolation in the Public Schools (1967). Between them, these two documents provide the official rationale for busing—which has almost nothing to do with the legal arguments usually ventilated in its behalf.

The Coleman study, as we have seen, found little relationship between the amount of money spent for schools and the educational product which issued from those schools. In the case of Negro pupils, in particular, it found no consistent correlation between the measure of educational inputs and the performance of children, who, in contrast to the standard expectation, "fall farther behind the white majority" as they proceed through the school system. Whatever the source of Negro educational deficits, the study found, "the fact is the schools have not overcome it."

Conventional integration apparently had minimal impact on the problem, but it suggested, the authors thought, a possible solution. They believed on the one hand that educational deficits were probably owing to a "combination of nonschool factors—poverty, community attitudes, low educational level of parents." They noted on the other that it "appears" pupil achievement is "strongly related to the educational background of the other students in the school." From these two factors it seemed to follow that "if a minority pupil from a home without much educational strength is put with schoolmates with strong educational backgrounds, his achievement is likely to increase."

Thus begins the rationale for busing—with more to follow. Prof. Coleman explained the matter further in a subsequent article, opining that what we needed was a more intense reconstruction of the child's social environment" which goes beyond the matter of nondiscriminatory school assignment. In particular: "For those children whose family and neighborhood are educationally disadvantaged, it is important to replace this family environment as much as possible with an educational environment—by starting school at an early age, and by having a school which begins very early in the day and ends very late."

In the report of the Civil Rights Commission, a further point is added, making it clear that legal segregation is not in fact the issue—that separation of the races by reason of circumstance is just as objectionable as separation created by law. The Commission asserted that both should be *eliminated* because "Negro children suffer serious harm when their education takes place in public schools which are racially segregated, whatever the source of such segregation may be." The commission therefore recommended that no school have higher than 50 per cent black enrollment—to prevent it from becoming predominantly black in character.

In sum, the educationalists became convinced and apparently convinced some of our federal judges that Negro children must be taken out of their homes and neighborhoods and placed in an "artificial environment" created by government, where they will be immersed as fully as possible in an altogether different culture. The object is to break into the Negro family and culture pattern and remold black children according to guidelines preferred by middle-class (and predominantly white) social planners who think they have a commission to tinker around with the psychic makeup of the human species.

Busing is essential to this enterprise. It is needed to immerse the black child in an environment of white classmates. It invokes long periods of transportation which maximize the amount of time a child is away from his home and parents, and it takes him to a distant school where his parents in many cases can have little knowledge of what is occurring, can exert zero influence on the school's official performance, and would feel constrained from doing so even if they could physically reach the school.

At the same time the busing is required to shuffle the students around so that no school will ever become predominantly Negro—which would reimmerse the student in the self-same culture he is supposed to be escaping. Against that background it is apparent that nearly all the discussion which surrounds this issue is off the point. All that

*Nor is the '64 Civil Rights Act the only such manifestation of congressional intent. Over the past eight years Congress has expressed its wish that the busing cease and desist, that federal funds should not be used to promote busing, and that a moratorium be imposed on court-ordered busing plans. The judicial busers have treated these enactments with indifference, and gone right ahead to force the practice of busing on an unwilling nation.

argument about de jure and de facto segregation is essentially phony, since the object is to prevent the schools from becoming black in character for whatever reason.

Unfortunately, busing has been no more successful than the other enthusiasms which preceded it. We now have a dozen or so surveys which weigh the effects of busing in diverse communities across the nation, and the net of the evidence is that busing has not only failed to achieve its stated goals of improving educational skills and racial feeling, but in many instances has actually served to make the situation worse.

A major study on this issue was published in The Public Interest (Summer 1972) by David Armor of Harvard, an associate professor of sociology and a former researcher for the Civil Rights Commission. Armor brought together a series of studies involving some 5,000 school children in grades one through twelve, testing educational results of those who were bused against a control group who were not. Covered in this analysis were schools in Boston, Ann Arbor, Mich., Hartford and New Haven, Conn., Riverside, Calif., and White Plains, N.Y.

Armor found no consistent evidence of educational improvement as a result of busing, but considerable proof of adverse effects upon the students who were bused. In some instances there were slight gains for bused students, but in other instances the control group showed the greater degree of improvement. Moreover, the pupils who were bused developed lower educational aspirations and a higher degree of racial antagonism than did those who weren't—directly contrary to the theory.

"None of the studies," Armor concludes, "were able to demonstrate conclusively that integration has had an effect on academic achievement as measured by standardized tests . . . (In Boston) there was a significant decline for the bused students, from 74 percent wanting a college degree in 1968 to 60 per cent by May 1970 . . . the bused students were 15 percentage points more in favor of attending non-white schools than the controls . . . 80 per cent of the bused group said they were 'very favorable' to the program in 1968, compared to 50 per cent by 1970." Also in the Boston study, pupils in grades three and four showed slight gains in reading achievement over the control group, but in grades five and six students who were not bused did better than those who were. "The results for reading achievement are substantially repeated in a test of arithmetic skills," Armor says. "The bused students showed no significant gains in arithmetic skills, compared to the control group, and there were no particular patterns in evidence."

Half-way across the nation, in Ann Arbor, Mich., the results were much the same. Bused students did not make significant gains when compared to the control group, nor did the bused students cut into the black-white gap on achievement tests: "On the contrary, a follow-up done three years later showed that the integrated black students were even further behind the white students than before the integration project began."

These findings have been updated in an extensive survey of the busing question by Jeffrey Leech of the Indiana University Law School (Indiana Law Review, Summer 1973). To the communities mentioned in the Armor study, Leech adds more recent data concerning busing experiments in Berkeley and Sacramento, Calif., Buffalo and Rochester, N.Y., and Evanston, Ill. On every major point at issue, the findings produced by Leech confirm the lugubrious reading of Armor's original report.

Leech observes that "of the 10 cities which have systematically studied the effects of busing on the achievement levels of school children, one shows moderate gains (Sacramento), two show mixed results (Hartford-New Haven, Rochester), three are inconclusive (Buffalo, Evanston, White Plains) and four show either losses or no significant gains (Ann Arbor, Berkeley, Boston, Riverside). In every city studied, busing failed to reduce the gap between black and white achievement.

"In fact, most cities reported that the achievement gap had grown even larger after busing. Scholars who have reviewed the evidence . . . have concluded that busing has little if any effect on the academic achievement of either black or white children. Thus the most recent sociological evidence fails to confirm a basic premise underlying the rationale of court-ordered busing; i.e., that it will positively affect the academic performance of minority children."

This author also examines data concerning self-esteem, achievement goals and racial harmony, and comes to similar negative conclusions. He finds the result of busing to be psychologically harmful rather than beneficial, and in particular to be a source of racial friction rather than amity. He notes several cases where antagonisms were directly traceable to busing and adds that "in no city did busing appear to increase interracial contact or better interracial understanding.

Leech urges a searching reappraisal of the whole busing enterprise, concluding that "in the light of the tremendous social, political and economic costs being paid for busing, the absence of any consistent educational gains, the deleterious psychological impact of busing upon black children, and the increasing polarization of the races, such a re-examination is long overdue."

Researches of this type will continue, of course, and it may be that sooner or later they will come up with a liberal education program that actually works. For the moment, however, we are left with the impression of total shipwreck: The original formulae having failed, the remedies for those formulae turn out to be failing also. After the expenditure of billions upon billions of dollars for "quality" education and instigation of massive upheaval in American communities though busing, the Federal educationists have little to show in terms of educational advancement.

In summary: Busing is not in fact mandated by the American Constitution, or by the civil rights statutes enacted by Congress. The thrust of legislation touching on this subject, in fact, has been the other way around.

Busing is opposed by an enormous majority of the American people. It is favored by a group of social engineers and planners, and certain congenial members of the judiciary, who believe that only by this drastic method can the failure of liberal educationist formulae be retrieved.

While busing has not attained the educational results projected for it, it has created an ominous precedent in which the state presumes to assert an interest in the psyche of the child which is paramount to the authority of the family.

On every conceivable count, therefore, the practice of busing is a mistaken one and should be halted by the Congress.

ENERGY AND JOBS

Mr. MATHIAS. Mr. President, on December 27, 1973, Senator BEALL and I held hearings in Baltimore to examine the impact that the energy crisis was having in the State of Maryland. One of our witnesses on that day was James N. Phillips, Executive Director of the Employment Security Administration, who spoke for David T. Mason, secretary of the Maryland Department of Employment and Social Services; we found his testimony of enduring interest and increasing timeliness. I would like to bring his comments to the attention of our colleagues, and therefore ask unanimous consent to have his remarks printed in the RECORD.

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

COMMENTS OF JAMES N. PHILLIPS

DECEMBER 26, 1973.

The Department of Employment and Social Services under the direction of Secretary Mason began in early December to keep special reports on each person whose unemployment was directly or indirectly caused by the energy crisis in order to keep abreast of the impact that the energy crisis is having on employment in Maryland.

The Employment Security Administration has made an initial survey of various employers throughout the State to determine the effect of the energy crisis on business operations. The survey was conducted in the latter part of November. Employers at the time of the survey had not made any plans to terminate employees due to the crisis. Most employers did not have adequate information on how the crisis would affect their fuel allotment or raw material supplies. Basically employers are taking a "wait and see" approach. However, the assumption can be made that employers who were planning to expand their operations may now suspend those plans because of the uncertainty of adequate fuel. No expansion of business operations would result in a decrease of the growth of job opportunities in the state.

The initial survey involving a cross-section of industries in the state revealed a rather positive attitude to the energy crisis as related to most industries. The optimism of the industrial outlook coupled with our reports on the very small percentage of unemployment claims filed because of the energy crisis seems to indicate that the impact on employment in Maryland may not be as severe as initial press reports have stated.

Significant trends on industries and employment affected by the energy crisis can not be projected until more data has been collected.

The overall increase in unemployment during the winter months is a normal occurrence caused by the seasonal shutdowns and lay-offs of many industries and is not related to the energy crisis. Many of the individuals affected by these lay-offs will resume their employment in later months.

To date our special reports on initial claims for unemployment insurance related to the energy crisis are as follows:

Date:	*Initial Claims*
December 3	9
December 10	163
December 17	249
December 24	367
Total	788

Although it is still too early to establish any definite trends, there are still a few significant points worth mentioning. Many of the initial claims to date have been the result of small reductions, 1 or 2 people by numerous employers. As one may imagine many of these have involved transportation related industries, such as, auto dealers, auto repairs, service stations, aviation and trucking.

Initial reports on companies laying off more than twenty-five persons have not shown a definite pattern to date. There have been only a few companies reporting twenty-five or more people being laid off and some companies laying off individuals for approximately two weeks. Since the establishment of the energy reporting system, no company has notified this agency of any anticipated

mass lay offs (100 or more persons) due to the energy crisis.

Governor Mandel has taken a leadership role in dealing with the effects of the current energy crisis in the State of Maryland. The Governor has charged the Department of Economic and Community Development to undertake immediately an in-depth study of the economic impact of the fuel shortage within our State.

The Department of Employment and Social Services is presently refining its reporting system to provide more detailed information by jurisdiction, industry and claimant for the purpose of establishing a data base upon which projections can be made. Our agency has been working closely with the Department of Economic and Community Development in devising methodologies to analyze the economic impact in the State.

VIETNAM VETERANS

Mr. MONDALE. Mr. President, I wish to place in the RECORD today an article which appeared in the New York Times of March 29, 1974. The article is about Vietnam veterans and is thoughtfully and sensitively written by Mr. John P. Rowan and Mr. William J. Simon, both veterans of the Vietnam war.

As pointed out in the article, the Vietnam veterans continue to suffer, not only from the wounds of war, but also from this Government's neglect. We met the returning troops with inadequate hospital care, with inadequate educational benefits, with inadequate employment, and with inadequate housing.

I urge my colleagues not only to read this article, but to proceed to act promptly to aid the disabled veteran in this country by supporting S. 2710, to act quickly and positively on the educational package now pending in the Senate Veterans' Affairs Committee, and to act to see that the health care needs of all the veterans in this Nation are adequately met.

I ask unanimous consent that the article by Mr. Simon and Mr. Rowan be printed in the RECORD.

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

[From the New York Times, Mar. 29, 1974]

THE VIETNAM VETERANS BLUES

(By John P. Rowan and William J. Simon)

On March 29, 1973—a year ago today—the last American prisoner of war returned from North Vietnam. Recently, President Nixon proclaimed today Vietnam Veterans Day, marking the first anniversary of that homecoming.

In the intervening year some of those men have died, some have dined at the White House, and still others have become spokesmen for what might be called a "remember-that-wonderful-war" campaign.

The war was not wonderful for the prisoners, the Vietnamese on both sides, for the soldiers who made it home in one piece or for those with pieces missing.

Peace for the ordinary serviceman who has not dined at the White House has involved waiting on an unemployment line, a runaround from public agencies while trying to get a job, getting into and paying for school, and avoiding the war news in the newspapers.

Vietnam veterans as a group have the highest unemployment rate of any minority. They suffer from the discriminatory practices of a Government that refuses to offer benefits equaling those given to their fathers who served in World War II and from employers who do not offer meaningful jobs.

Even if a veteran has managed to get a job and hold it for a while, the chances are that he is going to be among the first to be laid off because he lacks seniority on the job. After World War II, the various civil service agencies hired veterans. Today, even with bonus points for veterans there is a hiring freeze for new Federal employes, leaving only the postal service as the last recourse for young veterans, at a low pay rate.

The private sector has not provided meaningful employment for veterans, partly because of the myth that everyone who was in Vietnam ate heroin for breakfast. The young veteran is unwilling to accept menial positions.

Educational benefits today do not begin to approach those received by World War II veterans. There is a bias against those who choose to go to a college. Those who enter trade schools or on-the-job-training programs receive educational and unemployment benefits, but veterans enrolled in college only receive educational benefits. Yet even after finishing a trade school, a veteran finds there are often no jobs.

The $220 a month a single veteran now receives cannot possibly pay for the tuition costs of more than $2,500 a year of many private colleges. The Government paid full tuition benefits after World War II; today full benefits could not only assist veterans but save many private institutions that face serious financial problems.

It is an understatement to say that care at veterans hospitals is not what it could be. Billions are spent on defense but only pennies, by comparison, for providing fully staffed hospitals, physical-rehabilitation programs and vital outpatient facilities for all veterans. The inadequate final physical a G.I. received at the Oakland Army Base hours before being discharged failed to identify mental and physical problems a veteran might have encountered months later.

Not too many people want to talk about the war, what happened to the Vietnamese and what happened to America. And nobody wants to talk about the veteran because he did not win a noble victory over a craven enemy. His only victory was surviving.

Now the veteran has a struggle to gain acceptance from a country that does not want to admit it acquiesced in allowing the war to happen in the first place. Should the veteran have to make himself socially acceptable to the country, or should society try to make up for its rejection of him?

The country cannot undo the damage to servicemen who were in Vietnam, to the families deprived of their son, to those forced to feign psychological disorders to avoid military service, and to still others who remain in self-exile.

The President cannot bring about the proper climate of national acceptance for the Vietnam war by signing a proclamation. A national sense of responsibility can only be achieved at the community level by seeking out young veterans and attempting to reintegrate them into society.

JIM THOMPSON—CHICAGO'S GIANT KILLER

Mr. PERCY. Mr. President, Chicago, Ill., and the Nation are fortunate to have James Thompson as U.S. attorney for the Northern District of Illinois. "Big Jim," as he has come to be known in Chicago, has brought about new respect for the law by very clearly demonstrating that every citizen is bound by the law. By rooting out official corruption, regardless of when it exists, he has given real meaning to the maxim that all men are equal under the law, and that though rank and position may have their privileges, they can offer no immunity for corruption, deceit, or any other activity which degrades the trust that the citizens of this Nation place in their elected officials. I am proud to have recommended his appointment as U.S. attorney to the administration and to have had such strong concurrence from my colleague, Senator STEVENSON, from Gov. Richard Ogilvie, and Illinois Attorney General William Scott.

A very comprehensive article on Jim Thompson was printed in the March 3 Chicago Tribune Magazine. Because of the impact that this outstanding man has had and will continue to have on the administration of justice in Illinois, 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 Chicago Tribune Magazine, Mar. 3, 1974]

BIG JIM

(By Susan Nelson)

"Wait. I want to show you something," Jim Thompson said impulsively as I was about to leave his office one day. Picking up a copy of "Chicago: A Personal History of America's Most American City," he spoke animatedly as he thumbed toward a page. "Finis Farr—who is he?—has a good book here . . . Kroch's got me a couple copies autographed for friends who collect first editions . . . where *is* that page? . . . Good book but he paints this as a bawdy, brawling town," he added with mild disapproval, just as he reached his destination. "Ah, here it is. He says," and Thompson's voice took on a delighted, *boyish tone*, "that the first surveyor of Chicago, the man who laid out the streets back in the 1830s, was *James Thompson*. Isn't that something?" Blue eyes wide, he laughed expansively. "I'll have to work that into my speech tonight!"

Few people outside the legal profession noticed when he was sworn in as United States attorney on Nov. 29, 1971. The governor was there, President Nixon and Sen. Percy had sent letters, and a group of federal judges (including the Hon. Otto Kerner) looked on. But most of us, the 9 million people living in his jurisdiction—the Northern District of Illinois, *from Wisconsin to* Kankakee and west to the Iowa border—were either thinking back to Thanksgiving or ahead to Christmas.

Now, after his denunciation of Spiro Agnew, after front-page stories and his television news conferences about convictions of ex-Gov. Kerner, ex-County Clerk Barrett, ex-suburban politicians too numerous to name, ex-Chicago policemen—after all that, Thompson is skimming along the top of the news and loving it, while the private man occasionally admits that he's a little afraid of becoming a prisoner of the public.

Ambitious, confident, irreverent, gregarious, Thompson is the first Republican considered to have a chance to derail the Democratic Chicago machine that has rumbled since the last Republican, Mayor William Hale (Big Bill) Thompson.

James R. (Big Jim) Thompson—no relation—combines disarming enthusiasm with an uncanny sense of what the public is concerned about. And he knows what his first assistant and friend of 10 years, Joel Flaum, calls "one basic secret: You can't go far wrong by just speaking the truth."

As Watergate makes us more suspicious

than ever of all politicians—and desperate for honest ones—Thompson straightens up to his 6-feet-6 and tells us again and again: "Political parties don't commit crimes; people do. Our office goes after *people* who have committed crimes." And, "The philosophy of our office is very simple: Public office belongs to the people. It doesn't belong to the man who holds it; it's not his to use to reward himself or his friends. . . . The least the people are entitled to is faith and truth in their public office-holders."

Just 37, Thompson has climbed the professional ladder three rungs at a time since he graduated from Northwestern law school in 1959. He was given a boost each step, he admits, by powerful men who believed in him. His unshakable self-confidence, Flaum suggests, has perhaps two sources: Altho Thompson was given tremendous responsibilities along the way, he was never overwhelmed. And never in his life has he had to worry about being noticed. "Jim was always recognized for his 'star' potential," Flaum says, without a trace of envy.

As U.S. attorney, Thompson has compiled an impressive record, not only for political-corruption cases but for halting those who would pollute the environment or tamper with civil rights. The local federal prosecutor's office, perhaps once best distinguished by its strong ties to whichever party held the Presidency, now a law office generally considered the best of the 94 branches like it in the country. (In size it is behind only New York and Los Angeles.) Since Thompson and his predecessor, William J. Bauer, took over in mid-1970, the number of lawyers has increased from 23 to 74, a tenth of them women, three of them black, one of them the first Spanish-speaking assistant in the district. Political sponsorship is so ignored that sons of several prominent Democrats are now working for the man whose appointment was approved by ex-Atty. Gen. John Mitchell. Job applicants—there are 50 applications for each opening—must instead show a convincing dedication to public service.

To be fair, the office has come to light at a propitious time. Following the decline of the Presidency in public esteem last year and the reawakening of Congress, it remained only for the Department of Justice to reassert itself. It has done so, certainly spurred on by Judge John Sirica and the grim go-round of Attorneys General.

Thompson is as aware of his time in history as he is careful to recognize his past mentors and the loyal assistants who presently put his plans into action.

Loyalty, in fact, is apparent when those who know Thompson talk about him. "Jim develops the loyalty of the people who work with him," Judge Bauer says. "Without that, he wouldn't be worth a tinker's dam. Everybody who works in that office wears the badge of the U.S. attorney on his sleeve. Assistants can destroy a guy, can make him look like a nincompoop. They have to have a guy they can look up to."

Thompson doesn't seem to ask for loyalty so much as inspire it by his example of being outspokenly loyal to his assistants—and by his forthrightness. The forthrightness, in turn, seems also to inspire a sense of protectiveness toward him, perhaps because of concern that his candor might make him vulnerable to those less loyal.

Underlying his relaxed professional manner is a dedication to hard work and a belief in the system, either of government or of success thru dedication. He has proceeded nonstop, working weekends and nights, to achieve the success he seems almost nonchalant about.

Clearly he thrives on challenges: rooting out corruption where few others even seemed to see it, tracking down antique glass "because it's rare," racing against gas tank and clock to get somewhere on time, pitting his exceptional memory of what he said against news quotes.

As one of his friends and assistants, Anton Valukas, puts it, "The appearance of a relaxed, casual individual is somewhat deceptive."

The same can be said of the U.S. attorney's quarters on the 14th and 15th floors of the Dirksen Federal Building. Riotously bright walls and floors, the sounds of laughter and music from Brahms to James Brown (average age of his assistants is 30), and The Big Guy stopping by to chat hardly suggest that thousands of cases a year are being tried, appealed, or declined. Or the dedication of a staff which also works past 6 p.m. and often on weekends.

Thompson's office itself is his working home-away-from-home, a huge, unexpected room of comfortable chairs and couches, antique glass and scales, paintings and ceramic judges and cats, green plants, lovingly watered by an indulgent secretary, a chess set with Napoleon as king, signed photographs of Lester Maddox (a friend's gag souvenir from Atlanta) and a serious one of Judge Julius J. Hoffman, a letter of praise from the President, snapshots of Thompson romping with children of his assistants.

And he sits at the center of it, his feet on a desk stacked high with prosecution forms to sign, and mail, and perhaps a jack-o-lantern or valentine someone's kids decorated for him. Assistants come and go thru the four open doors, matching wits about seemingly insignificant things and then, suddenly, turning to matters of office strategy. His telephone rings every few minutes, and colleagues or reporters—or even his tailor—wait while he concludes an amiable but brisk conversation.

Not old enough to be a father figure, he seems more of an older brother. With mock gruffness, he calls assistants by their last names, but he asks about wives and children before he asks about work. He delights in his staff's youth, explaining that young lawyers seem enthusiastic and energetic—and less cynical.

Despite growing cries of politicking, he continues to speak to several groups a week about what his office has done, will do, and why. At the conclusion of earnest extemporaneous speeches in which he sometimes apologizes for what may sound like a "corny" remark or an "old fashioned" goal—like integrity—the audience applauds long and loud, asks questions, and receives candid, often humor-tinged answers. And then he's gone, striding away quickly to more applause.

He explains how strongly he feels that a public official must mingle with the public in order to know their concerns. He emphasizes the obvious pride he has in his staff and the work they do, work "which can give people hope things are going to change for the better." He stresses that education as well as prosecution is an obligation of his job. He admits that he enjoys these public appearances and that the speeches compensate in some way for not being able to be in the courtroom or in the classroom. "And I'm one of those people," he says, "who fits within the broad Lyndon Johnson definition of liking to get out and 'press the flesh.' Very frankly, from the standpoint of ego—which all politicians have in enormous quantities—the job is hard enough and the rewards are few enough (his salary is fixed at $36,000) that you like to pick up plaudits wherever you can."

Charges of political grandstanding he dismisses, after admitting to sensitive feelings he's "trying to get over." He says emphatically: "I'm not going to ask anybody to believe that I don't sit at my desk and plot every case in terms of its impact on my political career. I've given up trying to convince anybody that you don't do everything with that in mind. I think the assistants are convinced that I don't, and that's good enough for me."

He is quick to point out that he returns after speeches to relay the audience reaction to his staff. Daniel Weil, who resigned as director of the House of Correction to lead Thompson's Public Protection Unit, mentions one other thing: "Jim takes young assistants with him to the speeches, and we all know that good publicity about the U.S. Attorney's office makes us, as assistants, a little prouder of the job we're doing."

To quell political speculation in the office itself, last October Thompson met with the entire staff and pledged not to leave the office "for another year," mentioning that speculation of his being called to Washington or declaring as a political candidate was nothing more than prophesying by the press.

Perhaps, as anyone who knows him invariably says, "He is just what he seems to be, which is hard for some people to accept."

But on another level, he deserves a closer look. "People really should question such a rapid rise to success." Flaum maintains, explaining that he wouldn't have cast his professional lot with Jim if he hadn't been satisfied with his own answer to just such a question. "We should have a wary eye, for this is a bad time for public servants. I think that marked success in a short period of time leads you to believe Jim may be one of the cleverest devils around. He *is* clever—but I think that's just an ingredient rather than the essential guy. There is a part of him that I think is truly the best in public service. Because he decided to emphasize cases with strong impact on the community, people now realize how powerful the federal prosecutor is. Jim was afraid if he were successful, people would charge that the office is political—maybe because he knew it was going to skyrocket him if it worked out. But he also felt that in this town there wasn't the requisite professionalism in public service, and he said years ago that if he ever got in a position where he could make a dent, he wanted to."

So who is the real Jim Thompson? Where did he come from, and where does he think he's going?

He's a West Side Chicagoan, first of four children born to Agnes and Dr. J. Robert Thompson, of Swedish and English/Scotch by-way-of-Ireland ancestry and from DeKalb and Waterman, respectively. Jim recalls that his father became a doctor late in life and that as one of the first in his rural family to become a professional, he often worked from 6 a.m. to midnight.

Friendly, modest people, the senior Thompsons grew up Republican but are proud of the fact that neither has voted a straight political ticket. They lived first in Garfield Park apartments, then for two years in St. Louis when Dr. Thompson was called into the 1954 "doctors' draft." He worked in the Municipal Tuberculosis Sanitarium for 25 years and now, semi-retired, is a pathologist for two West Side hospitals. Sitting in the living room of their comfortable Oak Park home, his parents remember Jim:

He didn't really grow taller than other boys until after high school, his mother says. He was a self-directed child for whom grammar school held no challenges: Twice he was advanced a semester at Morse elementary school. He read voraciously.

He was an extrovert: "In his piano recitals," his father chuckles, "he always made sure the tape recorder was on." When he was 10 or 11, a radio crew from WGN visited his Presbyterian Sunday school class, asked the children what they wanted to be when they grew up. "And Jim told them, 'A politician'," they recall. A year or so later, he had decided that law, the profession of two neighbors, was the route he would take.

Thompson is remembered by a classmate

from North Park Academy, realtor William Seawall, as "one of the few guys who was in school to *learn*. He wasn't interested in athletics—never pretended to be."

Thompson's senior (1953) yearbook contains some 20 farewells that mention his interest in politics—and a handful that promise to vote for him for President.

He was a Stevenson supporter: His mother produces a high school newspaper clipping in which he says he would vote for Stevenson in 1952 because he was "a man of proven ability . . . character and courage." Once, when the family lived in St. Louis, Dr. Thompson took a picture of his son with the governor; in a letter to Jim, Stevenson told him how important it was for young people to be interested in politics.

In the fall of 1956, after three years of college, Thompson began commuting between Oak Park and Northwestern law school. The impression he made on Marie Christiansen, secretary to criminal law professor Fred E. Inbau, was that of "a shy, tall fellow—he walked in with his head down."

But Inbau, hard-line law-and-order expert who would pursuade Thompson to try prosecution work and still later would urge him back to law school as a professor, remembers no such timidity.

"Jim was one of those students who from the beginning showed the makings of an outstanding lawyer," he says, producing evidence in the form of Thompson's student articles on subjects from education of a jury to law students as lawyers for indigent prisoners. Thompson helped Inbau found Americans for Effective Law Enforcement—"a counterweight to the A.C.L.U.," says a New York Times clip Inbau gave me—and served as its vice president until 1959, when he went into the state's attorney's office. "I'm showing you these because ideas Jim's talking about aren't political; they're like things he's been advocating for years," Inbau says. From here, his career took several significant turns:

The summer of 1959, he went to work for State's Atty. Benjamin Adamowski. He was admitted to the Illinois bar a month early so he could argue his first case before the state Supreme Court. Given the nonspecific title of "wild" assistant, Thompson was free to make speeches to community groups and to lead crackdowns with policemen on pornographic book stores and movie houses.

To Thompson, the speeches were a determining factor in shaping his career, he says now. They "entailed compulsory contact with the public, which was very exciting." It was then, it seems, that the student introvert bloomed into the public extrovert.

While he has an assistant to Adamowski, who still recalls his "brilliant, innovative hard work," Thompson was chosen by the Democratic-appointed Judge Richard B. Austin to serve on the committee that would, during the next four years, revise the state's criminal code. Austin remembers Thompson's contributions as invaluable. When Adamowski lost his 1960 race for reelection, it was Austin who persuaded his successor, Democrat Dan Ward, to keep Thompson on.

In 1964 he returned to Northwestern as professor and as co-director with Inbau of Ford Foundation-funded programs in criminal justice, including—with Flaum—a police legal adviser program. He also argued the government's side before the U.S. Supreme Court in both the Danny Escobedo and Lenny Bruce cases and co-authored with Inbau two casebooks on criminal law that are law school "best sellers." His students remember him as a dynamic teacher; a faculty member recalls that he was offered deanships by several other law schools.

In 1969, Attorney Gen. William G. Scott persuaded him to set up a new criminal division in his office. Flaum also joined Scott, as his first assistant.

The following year, Thompson faced another choice. He had decided to run for sheriff of Cook County. But Du Page County Judge William J. Bauer, who had first noticed Thompson at the state Supreme Court and had served on committees with him, had just been designated by Sen. Percy as the man to succeed Thomas Foran as U.S. attorney. Bauer agreed—if he could still be considered for the next vacant seat on the federal court. To ensure continuity in the prosecutor's office. Attorney Gen. Mitchell stipulated that Bauer's first assistant be a man with the ability to carry out his goals.

Bauer approached Gov. Richard B. Ogilvie, who in turn advised Thompson that there was a better way for him to serve the public than as sheriff. Thompson joined Bauer, and when Bauer became judge two Novembers ago, Thompson took over the reins.

Altho Bauer was the man in charge when changes began, it was Thompson who put the operation in flight—partly because Thompson has an instinct for what makes for a good press. Instead of calling an investigative unit he unleashed in 1971 merely that, he dubbed it "Special Investigations Division," S.I.D. for short. Titles like that show his public-relations flair—they have a ring that makes people remember them.

Thompson is proud of his excellent relationship with the press. "In two years we have never once been criticized for any action this office has taken by any newspaper in town." He jokes that the day may come—but he also points out that maybe it won't. He says his policy of making himself available for comment any time grew out of the rules he learned as a rookie in Adamowski's office. But he also learned by doing, as a high school columnist and as a would-be professional photographer.

He prides himself, as well, for never having lied to a reporter. He is inclined to think—and his staff needles him for this—that he is often *too* candid.

Clearly Thompson the prosecutor is aware of his image. He carefully corrected grammar and punctuation in a court transcript one day—"before it goes to the press room and wire services. I don't want to be misquoted!" He somberly explains how discreet he and his staff must be in choosing only solid cases to prosecute, cases that will stand up in court.

He seems concerned that his tough-prosecutor image be tempered with that of an honest man eager to let the public know what his office does and why. There is room in that image for sensitivity.

One day he admitted that certain cases bother him—"not during trial, not during the indictment, but afterwards." He reached for a letter on his desk and said quietly:

"One of the policemen in the Braasch (police-tavern shakedown) case, they say here, has eight children, a dying wife, neighbors are feeding them. It's just,"—and here he suddenly looked very tired—"I can't cope with that." After a moment, tho, his voice picked up. "That's not to say I'm not in favor of appropriate sentencing, especially in cases where there's to be a penitentiary sentence. And the judge in this case was very fair. But," and his voice fell again, "my personal reaction is different sometimes. I don't have to engage in all of these cases; my assistants do. And I think what we're most careful to do is try and impart a sense of compassion to our young assistants and, even more importantly, a sense of prosecutorial discretion, which is the most important thing a prosecutor possesses."

He would be the last to deny the importance of his capsule comment about Spiro Agnew to his public image, the "he's a crook" statement, which, he explains, he felt goaded into making by a television newsman. He mentions that even when his mail was overwhelmingly negative, people on the street praised him for his honesty. When he mentioned that fact to the news media and they ran the story, his letters did an about-face—"as I suspected they would," he says.

Still, some of the Agnew aftermath wasn't so pleasant for him. And understanding that is a way to begin to understand Thompson.

The afternoon of Oct. 29, he was at his desk when he first heard about Ramsey Clark's call for his disbarment. A radio newsman phoned and asked for a reply. Thompson amiably switched his console telephone to live-hookup position, and we listened while an enraged Clark shouted that Thompson should be disbarred. Then, on the air, Thompson laughed uproariously:

"Disbarrrrrred! Agnew had just pled guilty to income tax invasion! How about that. Last week I was only 'ethically corrupt'; now he wants me disbarred!" The radio man joined his laughter, thanked him, and hung up.

He turned back to the interview and said quietly, "I'm astonished, because not only is Mr. Clark incorrect in his assessment of my conduct (Thompson explains that he read only the documents filed in open court, available to anyone), but it is totally out of character for one who has held the lofty position of Attorney General to make a statement like that."

Still later, after batting the matter around with his staff, he began to talk about how having federal marshals assigned to him for protection a year ago had at first made him feel "like a prisoner."

"I don't want to sound maudlin, but people don't always realize the sacrifices that are involved in public office; I'm not so sure I realized them. Sacrifices of privacy, of always being available for speeches and public appearances, always being on display, having to forgo some of the more natural human reactions.

"You pick up the phone and hear something like Ramsey Clark was saying—if I was in private life, I could fulminate. But I've got to be careful, to moderate my response. I'm not the only one involved; I can't embarrass the Department of Justice. I can't appear to sound like a jerk. And yet that's a terrible thing to say about a person."

One of Thompson's closest friends says, "Jim is really a very private person who gives the impression of being a very public person."

Indeed. But while Thompson the prosecutor is always easy to spot in a crowd, Thompson the person is not so simply characterized. His family, including his sister, Karen, now a first-year law student (one brother is a year ahead of her in law school; the other brother has a Ph.D. in geology and is a college professor in Pennsylvania), of course mentions his human qualities. Top Democrats react in equally predictable ways. They tend to see him solely as a political adversary. When Mayor Daley, speaking of police corruption at a press conference Sept. 6, said that "the public must take the blame for corruption in the police department," Thompson replied that he was "offended" by the mayor's remark. "*The corruption* in the police department is the result of political corruption in Chicago, and the mayor's responsible for that," Thompson said.

On Sept. 20, at a meeting of the Cook County Democratic Central Committee, the mayor, again speaking of the prosecution of Chicago policemen on charges of extortion and perjury, said: "I've never seen such political action on the part of any United States district attorney. If you don't believe it, ask Hanrahan and Foran" (Thompson's two Democratic predecessors in the federal prosecutor's office).

Does Daley believe Thompson will be a mayoral candidate? At a press conference Dec. 7, after Thompson had charged that the mayor knew of attempts to "dig up something" on Thompson and that he might

actually have authorized such a move, the mayor denied the allegation.

Reporters asked, "Well, why would he have made these charges?"

And the mayor calmly replied: "Well, they're (his charges) politics. He's running for office and we know that."

A reporter then asked, "Your office?"

And Daley replied, "Undoubtedly."

On the way to wherever he's going. Thompson seems to have nothing in his past that might trip him up. He is a man of considerable self-control, even to having stopped smoking after going thru two or three packs of nonfilters a day when he was in Adamowski's office. ("I'd had asthma as a kid, and it was bad for me.")

He drinks Scotch and is said to hold it well. But the swinging-single image that would have him carousing?

"That's myth," he laughs. "I haven't been to a singles' bar since I was at the law school and went to The Store, where some of my students worked—I went maybe twice. It's the kind of thing one person writes and others pick up when they try to put a little personal-interest stuff into a story about me."

Altho he jokes about his private image and seems even a little surprised that anyone should care about personal details, he also seems increasingly uneasy about his recent celebrity status.

He enjoys walking down a street and being recognized by people, yes. He shares letters that come to him from his "fans"—a little woman who also loves peanut butter for breakfast, as one of his stories said he does; children who responded when they learned that "children and plants love me"; little brothers' requests for his autograph to give to their big sisters.

"I'm not going to complain when I can pick up an article that for my purposes is very good, very flattering," he says. If his assistants razz him, he jokes that they have become hardened to tender feelings.

But he also says: "I've always been, I thought, a private, modest person. And the sudden realization that this is undergoing a jolting blow, or series of blows, is not always so exciting.

"Sometimes you feel a prisoner of the public, and you say to yourself 'What right does the public have to know everything about me?' How can you ask somebody to strip himself completely bare? Everybody has to have some private reservoir in which nobody in the whole world knows what he thinks or feels or does, even in a marriage that's existed for 60 years, let's say.

"And you begin to realize that with every story that's written, a little more of you is chipped away. You're not certain that you can so easily call a halt where you would like to call a halt."

Yet Thompson seemed almost eager to explore his private image, the "myth" that has him only dining in fancy restaurants, wearing flashy clothes, driving a "coffee-brown" Mercedes with license plates "JRT," living in a Victorian townhouse crammed with antiques (and a white baby grand piano in the bedroom), and escaping to a mysterious Wisconsin retreat.

There is certainly some truth in all that.

He does seem to enjoy the idea of fancy restaurants. On a perpetual diet to keep his weight down from 230 to 212 pounds, he probably likes any restaurant. But he seems completely at ease having tuna fish salad at the Flaums' home or saganaki and gyros at Greek Islands, where Leo the owner treats him like any other diner.

His tailor, Abner Ganet of Elmhurst, who watches TV to monitor the results of his work, says Thompson's wardrobe is "half conservative and half flamboyant." Thompson admits to having more shirts, ties, and cufflinks than he needs. But he begins to seem more himself trudging thru Wisconsin woods in a snowmobile suit or around his house in time-seasoned pants, shirt, and sockless Hush Puppies.

He does drive a "coffee-brown" Mercedes, a 1971 280 sedan with close to 70,000 miles on the odometer. The car, tho, is usually disguised by city grime. And the license plates? Well, you see, Secretary of State Mike Howlett is a friend. . . . Judge Bauer recalls Thompson's previous car—"a beatup Cutlass convertible with books piled in the back seat."

There is a white baby grand in his bedroom—the only room big enough in a house with authentic Victorian-size rooms. His former apartment, Thompson says, was on the top floor or a high rise; his furniture then was contemporary, and he found a piano shop that would lacquer a Baldwin any color he wanted. He once had visions of himself playing as he looked out at the stars, even tho he's restricted now, 20 years after his childhood lessons, to "first pages" of anything from "Indian War Chant" to "Claire de Lune."

He does collect antiques, which fill his house and spill over into his office. He chides himself for being a compulsive buyer who should learn instead to sell them; he traces his interest back two or three years to antiques that assistant John Simon and his wife collect. He says that he learned what he knows from books and dealers and that the hobby is an escape from his work.

Thompson has chosen his pleasures deliberately, and he likes to talk about them. But he groans when reports don't tell the story as he has told it.

Several times he mentioned lack of privacy as a reason he might decide, after all, to stay thru his appointment in the U.S. attorney's office (November, 1975) and then, perhaps, see if he would be appointed to the federal bench.

Joel Flaum is convinced that Thompson really doesn't know what direction his career will take. "He has so many options, and it would be silly for him to close off any of them. Remember that what he decides is going to shape the rest of his life."

Sen. Percy, in town during a holiday recess, said he had talked that day to Thompson and had considered the options with him without "perceiving any decision" on Thompson's part. Among the options: continue in his present job, run for mayor in 1975 or for senator or governor in '76, go on the bench, or enter private practice.

Flaum explains that by Justice Department tradition, U.S. attorneys abstain from politics, altho as Presidential appointees they are technically exempt from the Hatch Act, which prohibits other federal appointees from entering politics:

"If for no other reason, I think Jim wouldn't keep secret his plans once he decides because he owes to much to this office. He's not about to cast a shadow on peoples' integrity."

Someone observes that being an undeclared candidate without the burdens of a campaign is a rare advantage. "It's also like something Harry Truman once said: that once a man has been named by the press as a possibility for President or any other office, really, he never gets over it." It has to do, this person explains, with being taken seriously for having made one's mark.

Certainly Thompson is enjoying the political speculation. He permits himself as a Chicagoan (but not, he insists, as U.S. attorney) to talk about what's wrong with the city. He quips about the lack of a suitable residence for the mayor saying that Hugh Hefner seems to be official host for the city, "and I think that's not quite right." He has been heard to ask a friend on the telephone: "Are you going to teach me Polish?" and then laugh puckishly. He delights in telling about his two neighbors, Mrs. Collins and Mrs. Whaley, who call him "Your Honor."

Such playfulness also raises hackles. Of course sometimes, says the wife of one of his assistants, "Jim is just six inches too tall for his own good—and he has been too successful too quickly." There is also the plain fact that he *can* sit back while speculation surrounds him.

One political activist says: "Let him come out and say he's going to run for mayor. I admire him for what he's done to clean up corruption. But we haven't got time in our society to have someone play cat-and-mouse with us. And if he knows about running the city, let him *tell* us."

Thompson makes no bones about political ambitions some time, somewhere in the future. He also admits that several campaign-wise politicos have volunteered to work in his campaign—"whichever one it will be," he says with a smile. Mild reactions like that indicate he's likely to take in stride accusations of political grandstanding. And observers point out that, unlike some other well-known Republicans, Thompson has the ability to surround himself with top-quality people instead of yes-men.

Some say marriage is another aspect of political life he will have to reckon with. While in a serious moment he may admit that he has probably been too preoccupied with work to find a wife and that he is a "late bloomer," in public he revels in the kidding and perhaps, occasionally, even baits the hook. He has told women's groups that they could help him in the search. His offhand remark to Lee Phillip in January that this is the year he's looking for a wife to take care of him is still drawing letters from hopefuls, and he has taken it all in good humor. A friend, tho, mentions: "When Jim decides to do something, he does it. So maybe this is for real."

He does jest about needing a wife, especially if he's running behind schedule or has misplaced his keys.

But he was offended, and told the writer so, when a magazine article several months ago said he would have to marry if he wants to become mayor, even tho it might be true that Chicago's citizens will demand a father image.

"I'm offended, and I think any woman in the city should be insulted, to consider politics a reason for marriage."

One of the seven women he has hired says: "He just doesn't seem as related with us as he does with the men in the office. He could have his choice of any woman in the city, and he just doesn't seem to *realize* it."

Close friends wonder if his eventual choice will be Oak Parker Jayne Carr, an assistant attorney general, a former student of his at Northwestern, and his law clerk in Scott's office.

Tall—"5-11 in my stocking feet"—brunette, 27, serene but wary of reporters, she is noncommittal. "We're good friends and have been for years; we see each other occasionally. But we're both too busy with our work to call each other up and say, 'Hey, let's go shopping!' " She relaxes noticeably when the talk turns to her work, which increasingly is in the trial field.

Whether Thompson can find enough time to get to know someone well enough to marry her is a good question. His associates think perpetual work is for him a way of relaxing. He cites the speeches, even tho they mean a grueling schedule. He mentions the antiques. And then, when asked, he admits he hasn't had time to get to Cubs games and that, at one of the few Bear games he went to last fall, he was paged for a conference. He hasn't any time for billiards, the one sport he once had mastered. His reading now is restricted to a plethora of magazines, newspapers, and escapist novels.

He does say, a bit wistfully, that he periodically drives thru the old neighborhood and mentions that a former family apartment has been razed.

It seems that he draws his inner strength from Wisconsin, but his weekends there are rare.

He was more enthusiastic than usual one morning at 7, pointing out changing landscape as we headed north on I-90, mentioning the history of the areas we passed. In town nearest his 21½ acres, a realtor and his wife invited him to sit and chat a while. He did.

People he talks with on the street there seem to consider him only a big man who feels at home in a tiny town. Possibly this is because he often spent weekends and summers on his father's boyhood farm.

Although he could superficially be described as not particularly introspective, Thompson is indeed a self-analyzer. Walking along a snowy path in his woods to the river nearby, pointing out a salt block for deer, laughing about the time the river overflowed and suddenly he and his dad were catching bass in a pond they'd stocked only with trout and bluegills, he explained, "I'd like to believe that I have a more than usual ability to see into myself and understand."

On his land, his privacy interrupted only by friends and their families and by his own family—his parents have built a house a few hundred yards away from his rectangular wood-and-cedar-sided one—he often walks alone.

He touches the brim of his cloth cap. "I've never felt comfortable in a hat before; never wear one in the city. But this one kind of says to me, 'I'm here.' I put it on when I get here and don't take it off until I leave. Sometimes I get all the way home and realize it's still on, so I toss it in the trunk of the car." And then, characteristically, he laughs. "It drives my mother crazy at meals."

He talks about the luck he has had in being nudged along from job to job. "But I think probably those easy days are gone. From here on, I'll have to make my career decisions alone. There are so many ways to go, and without anyone to push me, that'll be a new experience." His voice, very serious, quickens and lifts. "But it will also be a good experience."

And one gathers the decision may be made with only tall pines and birches as his audience.

WHAT THOMPSON'S TOP ASSISTANTS SAY ABOUT HIM

Joel M. Flaum, 37, First Assistant U.S. Attorney since 1971.

Diplomatic, concerned; in private practice before he taught at Northwestern law school; former first assistant to Atty. Gen. Scott. Has aspired to federal judgeship since N. U. law school (graduated in 1963). Operating head of office; was acting U.S. attorney while Thompson prosecuted Kerner last year. Low-key, low-profile foil to Thompson.

On Thompson: ""He is a very private person, but I think his antennae to the public are outstanding. And there is more: I think he brings to his reading of the public a genuine commitment, both moral and legal."

Samuel K. Skinner, 35, Chief, Special Investigations Division (22 lawyers); U.S. Attorney's office since 1969.

Fast-talking, hard-driving; put himself thru DePaul law school (graduated in 1969) as an IBM salesman. Initiates long-range, well-publicized investigations—consumer and vote frauds, civil rights, official corruption—instead of awaiting traditional federal agencies' reports (IRS, FBI, etc.) Tried Kerner with Thompson.

On Thompson: "His strongest attribute, besides brains and integrity, is his ability to delegate responsibilities and make everyone feel he belongs. The media made him a folk hero, and he gives them a feeling of being part of his success."

D. Arthur Connelly, 60, Chief, Criminal Division (28 lawyers); with office since 1957.

Gruff, practical; graduated from DePaul law school in 1952 after working for Post Office, serving in Coast Guard. Honored by Department of Justice in '68 as Outstanding Prosecutor; tried Krebiozen case; has twice been chief of civil and criminal units. Now sees job as training young lawyers to become savvy prosecutors of some 1,400 yearly federal crimes—bank robberies, serious narcotics offenses, mail robberies, etc.

On Thompson: "He has more charisma, as they say, than anybody I've worked for except Bill Bauer. He's bright, articulate, practical—even tho he was a law professor."

Gary L. Starkman, 27, Chief, Appellate Division (7 lawyers); with office since 1970.

Intense, soft-spoken; a Thompson student at Northwestern who came to the U.S. attorney's operation first on a Ford Foundation grant, then as law clerk, then full-time after graduation. Tried Chicago 7 Contempt case; co-authored (with attorneys James Zagel and James Haddad) current edition of Thompson-Inbau criminal law casebook. Co-authors articles, book reviews with Thompson; two more books are planned. Responsible for all Court of Appeals briefs and arguments.

On Thompson: "His outstanding trait is integrity, being completely candid in all facets of life. I've had two idols in my life: Bob Dylan and Jim Thompson. Both are the best at what they do."

John B. Simon, 31, Chief, Civil Division (16 lawyers); with office since 1967.

Self-assured, analytical; honor graduate from DePaul law school in '67; was hired by Hanrahan; is the son of Seymour Simon. Heads unit that collects more than $12 million a year in claims, fines, and judgments due the U.S., litigates citizen suits challenging the way the government is run, represents government agency "clients." Had planned to enter private practice by now; stayed because of Thompson.

On Thompson: "He's loyal without making you feel bound. He understands people's problems; lets you do your job your own way even if it isn't his. He has tremendous trust in people."

Anton J. Valukas, 30, Deputy Chief, Official Corruption section of S.I.D.; with office since 1970.

Intense, introspective; came from the Ford Foundation, where he directed the National Defender program. Graduated from N. U. law school in '68; Thompson, his professor, convinced him to do civil rights work for the government. Got first conviction under civil rights law in a police-brutality matter; HUD–FHA investigation continues in long-range suburban official corruption cases.

On Thompson: "He is willing to invest resources in new, untried areas; he hires people who bring political diversity to the office. His teaching experience brings informality; he can sit, listen to both sides, and make a keen decision to resolve matters."

WHAT LEADING DEMOCRATS SAY ABOUT HIM

Although wags say "Nobody's going to say anything bad about Thompson—they're afraid he might indict them"—people *do* talk.

Here's what three Democratic aldermen—a loyalist, a long-time rebel, and the leader of the Coffee Rebellion—say:

Ald. Vito Marzullo (25th): "He looks on the surface like he is a candid man: I've never talked to him; I've never met him. I don't think he has any more in mind, really, than what's going on with prosecutors all over the country. I do think it's wrong the way he jumps to conclusions before all the facts are out—I think he ought to study information more before he talks about a case. But if you listen to him, he really doesn't talk about *people*. What he says is based on the information he's received. There doesn't seem to be anything arrogant about him, although sometimes on TV he may come across that way."

Ald. Leon Despres (5th): "I've said on the floor of the City Council many times that I think all of us should be deeply grateful to James Thompson and the Department of Justice for rooting out corruption. I think he has a tremendous ambition for public service. Whether he intends to run for mayor only he can tell, but what *he is doing is* consistent with running for mayor. It's also consistent with running for governor, senator, or being a candidate for the United States Supreme Court. He has organized his office well and has attracted able personnel. He's directed them well and is conducting an excellent operation."

Ald. Edward Vrdolyak (10th): "He's apparently very bright; he's proved himself to be that. He's built a reputation and a name for himself not only in the city but the whole state. Being young and bright and able and ambitious—and I don't mean that as a negative word—he'll be a considered candidate for mayor if he so chooses. I think he and probably five or six other fellows could all be mayor of Chicago: They've paid their dues, they're willing to give up practically all their time and to live in the spotlight. Myself and others are not willing to give up so much of their time and their family lives. A Rostenkowski, a Hartigan, a Bill Singer, a Thompson—those men are. Is he persecuting Chicago Democrats? You can't say that. In Cook County, there are mainly Democrats in public office. If there are corrupt politicians, they will most likely be Democrats. He's prosecuting some Republicans as well."

HANK AARON

Mr. SPARKMAN. Mr. President, last night Hank Aaron of Mobile, Ala., in a baseball game played at Atlanta, knocked a pitched ball over the fence for the 715th home run of his career, thus becoming the all-time champion home run hitter replacing Babe Ruth who had held that honor through all these years. Naturally, we are proud of Hank Aaron, the Alabama boy who has achieved this great record.

There was an interesting article in the Birmingham News just a few days ago entitled, "Aaron—It All Began With a *Mop Handle and Pop Caps*." It is a most interesting article as to how a boy with little promise in his early life really made good. I commend it to my colleagues for reading.

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:

AARON—IT ALL BEGAN WITH A MOP HANDLE AND POP CAPS

(NOTE.—This is the first of a three-part series on Atlanta slugger Hank Aaron, tracing him from his childhood days in Mobile to today, where he's on the verge of breaking Babe Ruth's home run record.)

(By Ed Shearer)

ATLANTA.—That skinny kid who was swatting pop bottle caps and with a mop handle some three decades ago has become the biggest name in sports today, soon to eclipse a record once thought secure forever.

Hank Aaron begins his 21st major league season this week, needing only two home runs to break the all-time record of 714 held by the legendary Babe Ruth.

Aaron, one of eight children, spent his childhood in Mobile, developing a love for baseball that has evolved into fame and fortune.

"He was always crazy about playing baseball, but I'd never thought about him becoming a player until the Brooklyn Dodgers came to Mobile for an exhibition game when Henry was about 11," recalls his father, Herbert, a retired boat dock worker.

"I took him to see the game and he told me that night at the ball park, "I'm going to be in the big leagues myself Daddy before Jackie Robinson is through playing.'"

Robinson who broke the color barrier in major league baseball, was Aaron's boyhood idol, much as Aaron has become the idol of millions of young blacks today.

"I saw Babe Ruth play myself when I was a kid in Mobile," the elder Aaron said, "but until a couple of years ago I never dreamed I'd have a son who might break Ruth's record."

Hammerin' Hank says he doesn't recall when he first heard of Ruth, the legendary figure with flamboyant life style, totally unlike that of the quiet 40-year-old Atlanta Braves' superstar.

"I know I never remember hearing the name Babe Ruth as a youngster," Aaron recalled.

"He used to hit pop tops with a mop handle for hours," said Henry's father. "You know the other kids would do the pitching. Henry always wanted to keep the bat. I remember he got in trouble once. In fact, he got a good whipping for cutting his mother's new mop."

Many of Aaron's pop top games took place outside Mitchell Field in Mobile, where he actually launched his career as a teenager with the Mobile Black Bears, a semi-pro outfit.

"We used to soak old rags in kerosene and use them for lights when we played at night," Aaron said. "I started out hitting cross-handed with a broom handle. If I regret anything in baseball, it's that I didn't step across the plate and bat left-handed. It would have been easier, and I would have been a step closer to first base."

Aaron's father played a little amateur baseball and managed the neighborhood team that eventually became the Black Bears.

It was natural that the Aaron sons would play the game, but only two, Hank and Tommie, chose it as a career. Tommie, a younger brother, spent several seasons with the Braves and was the first major leaguer to hit a home run in Atlanta Stadium. It came in an exhibition game. He now manages Atlanta's Class AA farm team at Savannah.

Herbert, an older brother, played baseball before entering military service but didn't continue later. Another younger brother, James, played in high school, a fifth Aaron son died of pneumonia at an early age.

Hank also has three sisters, Sarah Jones, Gloria Robinson and Alfredia Scott.

Hank, not an ideal pupil, attended Mobile's Central High School through his junior year when he desired to begin a baseball career. However, his parents insisted he first get a high school diploma and Hammerin' Hank graduated from the Josephine Allen Institute in 1951.

There have been reports that he was a star halfback in high school, but that actually was Tommie, an outstanding prospect who turned down a football scholarship to attend college in Florida.

Aaron often played hookey from Central, strolling into a pool room where he listened to major league games.

"I went to the pool room because that's the only place they had a radio," he said. "And, I couldn't very well go home if I was playing hookey."

His own school problems undoubtedly explain the intense interest he has in education as an adult. A scholarship fund has been established in his name to provide money for the needy who otherwise might be forced to drop out of high school.

Aaron began playing for the Black Bears during his junior year in high school. In the final game, he was impressive in a battle against the Indianapolis Clowns, who offered him a contract the following spring for $200 a month.

Several years before that, Aaron had drifted onto the field during a Brooklyn Dodger tryout camp at Mobile. Dodger personnel took one look at the skinny youngster and told him to go back home

Ed Scott, a scout, signed Aaron to a contract with the Clowns on Nov. 20, 1951. The slugger's mother had sent him on his way with a battered suitcase, two dollars in his pocket and two sandwiches to eat along the way.

Aaron had hits in his first two appearances with the Clowns and soon drew the attention of Braves' scout Dewey Griggs, who eventually signed Hank for $350 a month plus a $10,000 payoff to Clowns' owner Syd Pollack.

The Braves almost lost him to the then New York Giants. Pollack, a friend of Braves farm director John Mullen, advised the club official early in the 1952 season he had a 17-year-old shortstop hitting over .400. Mullen and Pollack reached a gentlemen's agreement on the purchase of Aaron later in the season.

However, the Braves almost let him slip away as time elapsed. The Giants made an offer one day and Mullen happened to telephone Pollack the same day. When he learned of the Giant offer, Mullen reminded Pollack of the earlier agreement and bettered the New York deal.

Aaron was assigned to Eau Claire, Wis., in June, 1952. He played in 87 games that year, hit .336 and was voted the Northern League's outstanding rookie.

The Braves dispatched Billy Southworth to Eau Claire to scout Aaron and the former big league manager filed a glowing report—"for a baby face kid of 18 years, his playing ability is outstanding."

Aaron moved up to the Class A South Atlantic League in 1953, playing for the Jacksonville Tars where he hit .362 and belted 22 home runs.

He led the team to the league title and was named its most valuable player.

He credits to this day his Jacksonville manager, Ben Geraghty, with having one of the greatest influences on his baseball career. He played second base with the Tars and was converted to the outfield the following off-season.

Aaron reported to the Braves' training camp the next spring, ready to play for the club's Class AA team in Atlanta. But a fractured ankle to Bobby Thomson changed those plans and launched the Hammer on a two-decade era of consistency in the majors.

LADIES' HOME JOURNAL WOMEN OF THE YEAR AWARDS

Mr. JAVITS. Mr. President, last evening seven distinguished Americans—women recognized as leading figures in their fields—were honored as recipients of the second annual Ladies Home Journal Women of the Year Awards.

Selected by a process representing both popular and specialized opinion, these seven women serve as an inspiration to men and women everywhere for their accomplishments and dedication to excellence in their respective fields. They have left a mark for the better on their times and the world.

I ask unanimous consent that the citations presented to these women be printed in the RECORD.

Miss Katherine Hepburn, who was unable to attend the ceremony, received a symbolic sunburst emblem for her distinguished accomplishments in the creative arts.

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

CITATIONS FOR THE WOMEN OF THE YEAR 1974 AWARD

Martha W. Griffiths—public affairs: For Congressional leadership in the struggle for equal rights for women and comprehensive health-care for all.

Dixie Lee Ray—science and research: For dedication as scientist, communicator, administrator in the application of nuclear energy and general science in serving human needs.

Barbara McDonald—community service: For sensitivity to the unique problems of the Rosebud Sioux Indians in developing a community run belingual, bicultural early childhood education program.

Dorothy I. Height—human rights: For a lifetime of inspiring leadership in developing innovative, meaningful approaches to fight racial and human injustice.

Barbara Walters—communications: For achievements in reporting and broadcast journalism and for concerned investigation of public issues explored on national television.

Billy Jean King—sports: For accomplishments as an outstanding tennis player and effective crusader for equal opportunities for women in sports.

Patricia Roberts Harris—business and professions: For her professional work as a lawyer in dealing with human and civil rights and for pioneering in business at the top board level.

WEEK OF THE YOUNG CHILD

Mr. MONDALE. Mr. President, I am pleased to take this occasion to call attention to the commemoration of the Week of the Young Child last week, March 31 through April 6. Activities and observances were planned by concerned groups, under the leadership of the National Association for the Education of Young Children, to focus public attention and awareness on the rights and needs of the young.

My Subcommittee on Children and Youth has begun a series of hearings on American families and the pressures they face. There is nothing more important to a child than a healthy family, and these hearings have stressed the need for a national commitment to make services available, on a voluntary basis, that will help families enrich and protect the lives of their children.

As author of the Child Abuse Prevention and Treatment Act, which was signed into law this year, and the Sudden Infant Death Syndrome Act passed by the Senate, I am gratified that Congress has shown its concern for the well-being of children. However, the need for quality care and education of our Nation's young is still great, a need which I emphasize as Senate sponsor of the Child Development Act passed by Congress in 1971, and then vetoed by the President.

Mr. President, in recognition of a shared belief that the youth of this Nation constitute its most precious resource,

we do well to heed the initiative taken by the National Association for the Education of Young Children in dedicating a week to the young child.

The principles that guide us as a nation in our efforts to provide our children with the best opportunities to grow and prosper have been well delineated by the National Association for the Education of Young Children:

The birthright of every child born in this nation entitles him: to respect for himself—"as and for what he is"—and wherever he may be; to love, security and encouragement from a stable home; to health and nutritional services which insure his full development; to protection from physical dangers and moral hazards by a community which plans for its children's needs; to places to live and play which are safe and wholesome; to schools and similar group programs which stimulate and facilitate his fullest intellectual development, and to concern, stimulation and guidance for all adults in his life—his parents, his teachers and others competent, sensitive and supporting in their respective roles.

LAWRENCE CARDINAL SHEHAN

Mr. MATHIAS. Mr. President, the archbishop of Baltimore occupies a historic chair and is always an important man for that fact alone. It is fortunate, however, that over the years since John Carroll became the first bishop of Baltimore, priests who have been called upon to lead that diocese have been far more than the shepherds of their own flocks. They have been, in addition, leaders in the entire community and giants among men.

This has been particularly true of Laurence Cardinal Shehan, whose resignation as archbishop of Baltimore has just been accepted by Pope Paul VI. Cardinal Shehan was called to Baltimore on the eve of a turbulent period. There have been challenges to the church, to government, and to virtually every established institution. The cardinal has met these challenges. Where change was obviously in order he had advocated and encouraged it. Where steadfast loyalty was required he has stood with the staunchest. Where humanity and compassion have been called for he has personified the Christian ethic of love and brotherhood. He has been an example of both moral courage among multitudes and of physical courage of the most lonely kind.

Maryland will not say goodby to Cardinal Shehan for he will always be with us. As he lays down his bishop's staff, however, it is appropriate to assess his contribution, and that assessment is a large one. I ask unanimous consent to print in the RECORD the cardinal's message to the people of his archdiocese, which includes his welcome to the archbishop-elect, the Most Reverend William Donald Borders, presently bishop of Orlando, Fla.

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

CARDINAL'S MESSAGE TO PRIESTS, PEOPLE

DEARLY BELOVED IN CHRIST: With Our Holy Father's acceptance of my resignation as Archbishop of Baltimore, and with the appointment of my successor, I wish to take this opportunity to express my profound gratitude to you, the priests and people of God in this archdiocese, for your constant and unfailing cooperation and effective help during all of the period since I became the Ordinary of this metropolitan see.

As you are aware, to succeed me as Archbishop, the Holy See has appointed Most Reverend William Donald Borders, who up to now has been Bishop of the Diocese of Orlando, Florida, and is now Archbishop-elect of Baltimore.

Personally, I am greatly pleased with the choice of Archbishop-elect Borders. It should be the source of great encouragement and promise to both priests and people that his characteristics of mind and heart correspond so closely to the profile of those qualities which the priests of the archdiocese set forth as those desirable in the new Archbishop in view of the special conditions and problems, the strengths and weaknesses, of this metropolitan see.

Archbishop-elect Borders has, from the beginning of his priesthood, shown himself to be a real pastor to his flock. He is a man of deep faith and wide-ranging pastoral experience; this makes him admirably suited to be our leader and shepherd. I ask you to give him a warm and enthusiastic welcome, and I ask you to join me in thanking the Holy Father and the Apostolic Delegate for the favor of his appointment.

Until Archbishop-elect Borders is formally installed, it is the will of the Holy See that I shall remain as Apostolic Administrator, with relatively the same powers as I have exercised as Archbishop.

If you give to the new Archbishop cooperation and loyalty similar to that you have given to me, I know that his years as Archbishop will be both happy and most fruitful.

I believe that both priests and people of this archdiocese know that I have always held them in deep affection. I assure you that this affection will always remain. I seek continued remembrance in your prayers.

With every good wish and a blessing, I am
Sincerely yours in Christ,
LAWRENCE CARDINAL SHEHAN,
Apostolic Administrator.

VETERANS INSURANCE

Mr. HUMPHREY. Mr. President, as a consistent supporter of benefits for our veterans, I was pleased to be able to cast my vote yesterday in support of Senate passage of S. 1835, the Veterans Insurance Act of 1974.

Extending full-time coverage under servicemen's group life insurance to all members of the Ready Reserves, National Guard, and certain members of the Retired Reserves is an important step in assisting these dedicated public servants. This provision will certainly act as an incentive to enlist and remain in the National Guard and Reserve Forces which have recently dropped to 90 percent of their authorized strength.

Automatic conversion of SGLI coverage upon its expiration to a 5-year nonrenewable veterans' group life insurance policy will provide low cost insurance protection during the difficult readjustment period for servicemen discharged in recent years. The financial situation of returning veterans often prohibits their purchase of adequate insurance coverage.

The increase in maximum life insurance coverage by 33 percent, to $20,000, is justified by the general economic environment and the national average insurance coverage. The raised ceiling on protection will not affect the premium rate that veterans must pay.

The provision in this bill to require the return of excess premiums paid by Korean conflict veterans for veterans' special term insurance, in the form of dividends to the insured, will correct a long-standing inequity.

Mr. President, I urge the House to take early, favorable action on the Veterans' Insurance Act of 1974 so that this highly important program can be implemented without delay.

ANNOUNCE APPOINTMENT OF VA MEDICAL CHIEF

Mr. HANSEN. Mr. President, Donald E. Johnson, Administrator of Veterans' Affairs, announced today the appointment of Dr. John D. Chase to become the Veterans' Administration's eighth Chief Medical Director.

Mr. President, I commend Administrator Johnson for his selection of such a distinguished physician and career employee of the Veterans' Administration to such an important position.

To assist Dr. Chase in the management of the agency's 171 veterans hospitals and 206 outpatient clinics, the Administrator has selected Dr. Laurance V. Foye to become the Department of Medicine and Surgery's Deputy Chief Medical Director.

For the past few weeks, the American people have been getting distress signals from Members of this body and our counterparts at the opposite wing of the Capitol Building that the VA hospital system is in deep trouble.

Let me assure my colleagues and the American people that nothing could be further from the truth.

The delivery of health care to our Nation's veterans remains second to none, and I am confident VA medicine will continue to provide excellent service under the capable leadership of Dr. Chase and Dr. Laurance Foye.

The new Chief Medical Director has been Chief of the Medical Service and a senior physician at the Tacoma, Wash., VA Hospital since April 1973.

For nearly 5 years prior to his transfer to Tacoma he held two of the highest positions in VA's Department of Medicine and Surgery in Washington, D.C.

In announcing his appointment of Dr. Chase as the VA Assistant Chief Medical Director for Professional Services in May 1968, Dr. H. Martin Engle, then Chief Medical Director, cited Dr. Chase's "extraordinarily balanced background of clinical experience, academic interest and his demonstrated skills in administration."

Under Dr. Musser in February 1971, Dr. Chase was promoted to Associate Deputy Chief Medical Director, the third ranking position in the medical department, to share with Dr. Musser and Dr. Wells responsibility for administering the Nation's largest organization for health care delivery.

Since joining VA in July 1952, Dr. Chase has been on VA hospital staffs in Vancouver, Wash., Portland, Ore., and Long Beach, Calif., and served as Chief

of Staff of the Houston VA Hospital, and then as Director of the VA hospital in Oklahoma City.

After obtaining his A.B. degree at Wabash College in Crawfordsville, Ind., he received his medical degree at Western Reserve Medical School in Cleveland in 1945.

Since serving first as an instructor in internal medicine at the Wayne University Medical School in Detroit from 1950 to 1952, Dr. Chase has been closely associated with academic medicine. He has been on medical school faculties at the University of Oregon, Baylor University, the University of Oklahoma, and George Washington University.

A diplomate of the American Board of Internal Medicine since 1953, he is also a fellow in the American College of Physicians and the American College of Chest Physicians.

He served 2 years on active duty as a physician in the U.S. Naval Medical Corps, and later was active in the U.S. Army Reserve from 1962 to 1967, attaining the rank of lieutenant colonel in the Medical Corps.

The 48-year-old Dr. Foye received both his A.B. and M.D. degrees at the University of California following service with the U.S. Army during World War II. He took his residency training at the VA hospital in San Francisco and Stanford University.

After serving on the medical school faculty at the University of California School of Medicine in San Francisco from 1957 to 1966, he became Chief of the Cancer Therapy Evaluation Branch—Chemotherapy—at the National Cancer Institute, the National Institutes of Health in Bethesda, Md.

Dr. Foye was appointed Deputy Assistant Chief Medical Director for Research and Education in the VA under Dr. Musser in May 1970. He was promoted to his present post as Assistant Chief Medical Director for Academic Affairs on September 30, 1973.

Certified by the American Board of Internal Medicine in September 1962, he is a fellow in the American College of Physicians, and a member of the American Society of Clinical Oncology, the Association of American Medical Colleges, and the Association for Hospital Medical Education.

He has been a longtime member of the San Francisco County Medical Society, the California Medical Association, and the American Medical Association, and holds membership in the Sigma Xi and Phi Beta Kappa honor societies.

THE ENDLESS VIETNAM WAR

Mr. McGOVERN. Mr. President, the United States has been involved militarily either directly or indirectly in the affairs of the people of Indochina for a quarter of a century. With great fanfare the administration pledged an early "peace with honor" in 1972. But the fighting rages on and American taxes, aid, and guns continue to fuel the conflict. The $3 billion in aid we are pouring *into the continuing* war means that we are spending nearly $10 million daily on this bloody venture.

Mr. Anthony Lewis of the New York Times writes of the tragedy in yesterday's Times. I ask unanimous consent that Mr. Lewis' piece be printed in the RECORD:

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

[From the New York Times, Sept. 8, 1974]

WAR WITHOUT END, AMEN

(By Anthony Lewis)

Since the United States first intervened in Vietnam, we have had two broad alternatives of policy. One is to try to impose our desired pattern on the area by force of arms. The other is to withdraw, leaving the Vietnam problem to the Vietnamese and doing only what we can to encourge accommodation.

Our leaders long ago chose the first course. In doing so they naturally told us that war would be only a temporary necessity: soon there would be a free government in Saigon with the political legitimacy and effectiveness to govern in peace. In pursuit of that illusion we bombed Vietnam and poisoned vegetation and lost 50,000 American lives.

Then, a year ago, we signed an agreement for "peace." Perhaps only the naive thought that act signaled a decision to choose the second alternative at last and leave Vietnam alone. But how many saw it as nothing more than a device to carry on intervention and war by other means? How many would have predicted that five years hence, or ten, or twenty, the United States would still be trying, by arms and ammunition, to impose a solution on Vietnam?

That vision of perpetual proxy war is not just a grim fantasy. It would be the necessary result of the policy disclosed by Secretary of State Kissinger the other day in a remarkably candid letter to Senator Edward Kennedy.

The Paris agreement and our "long and deep involvement in Vietnam," Mr. Kissinger said, both leave the United States with "commitments" to South Vietnam—though there is nothing written down. He spoke of providing the Saigon Government "the means necessary for its self-defense and for its economic viability." For how long?

"We have . . . committed ourselves very substantially, both politically and morally. While the South Vietnamese Government and people are demonstrating increasing self-reliance, we believe it is important that we continue our support as long as it is needed."

That saving phrase about Saigon's 'increasing self-reliance"—what a wonderful echo of all those forgotten promises of light at the end of the tunnel! And just as cynical.

The United States last year supplied the resources for more than 80 per cent of South Vietnam's Government budget. We pay for the oil, we give food and we supply the arms.

For the current fiscal year, which ends June 30, the Nixon Administration has requested $2.24 billion in visible appropriations to aid the Saigon Government, and it projects $2.4-billion for the next fiscal year. Actual spending is almost certainly a good deal higher than published, with additional money coming from the secret C.I.A. budget. Senator Kennedy estimates that aid this year totals $3-billion.

It is only this enormous American subvention that enables President Thieu to maintain his garrison state in South Vietnam—to keep one million men under arms, and a huge police force, and jails filled with political prisoners. It is American policy and American money that allow General Thieu to spurn the terms of the peace agreement calling for political accommodation and to carry on a policy of aggressive military action and indiscriminate shelling of areas under the other side's control.

General Thieu is our surrogate in a proxy war. We pretend that he emerged from a democratic process, but the fact is that we helped him to power in the first place and support him now as he pursues American goals for South Vietnam.

Nguyen Van Thieu is a shrewd man, and he understands that he can remain in office only so long as the United States continues to pay for his million-man bodyguard. He understands, therefore, that he can never afford a political compromise or state of peace. He must maintain the atmosphere, and the reality, of war.

Among those who have studied the origins of our intervention in Vietnam, there is disagreement about whether the leaders who took us in believed their own hopeful words about early viability in Saigon. They had plenty of intelligence showing that no Saigon Government could be expected to survive without continuing massive armed support. Did our leaders go on escalating nevertheless, because they knew nothing else to do?

It is a nice argument about the distant past. But Henry Kissinger well knew the truth about Saigon's prospects when we bombed Hanoi over Christmas, 1972, in order to change some commas in the peace agreement. He well knew that there could never be any way to keep General Thieu in power except perpetual war, waged by the United States through surrogates. And he knows it now when he writes about the prospect of "stable peace."

That is why, despite his other accomplishments, some of us believe that Mr. Kissinger will go down in history on his Vietnam policy as a cynical betrayer of American ideals. But those judgments will come, if ever, a long time from now. The task at the moment is for Congress to end the American intervention in Vietnam.

FEDERAL NO-FAULT INSURANCE

Mr. HRUSKA. Mr. President, it now appears likely that floor action on S. 354, a bill to establish a Federal no-fault motor vehicle insurance law, will commence shortly after the upcoming Easter recess.

In the minority views of the report of the Committee on the Judiciary with respect to S. 354, I made known my opposition to the bill in its current form. It is extremely important to note in this respect what is and what is not at issue as the Senate moves to consider S. 354. We are not discussing the virtues of no-fault automobile insurance over the tort system. True, S. 354 proposes a no-fault insurance plan. But, opposing S. 354 is not, I repeat, not the same as opposing no-fault insurance. Indeed, there are many variations of no-fault insurance. Out of 20 States that already have adopted no-fault plans, no two States have the same type of plan.

What I shall oppose and what I shall ask my colleagues to oppose is the variation of no-fault insurance that S. 354 adopts and the manner by which S. 354 bludgeons the States into following suit and adopting the federally prescribed no-fault plan.

There are two primary reasons why the Senate should not adopt S. 354. First and foremost, the bill is unconstitutional and violative of the basic tenets of a sound federalism in suggesting that the States become mere agents of the Federal Government. Secondly, and probably of primary importance to the American consumer, there is every likelihood that

S. 354 will increase, not decrease, the costs of auto insurance.

On April 1, 1974, the Washington Post carried a story concerning the possibility of a change in administration policy that would call for the support of Federal no-fault. Today, the same newspaper accurately reported that the administration has strongly reaffirmed its position in opposition to any Federal no-fault law.

In view of the fact that these articles might have escaped the attention of my interested colleagues, I ask unanimous consent that there be printed in the RECORD copies of the newspaper articles and the White House communication which is referred to in the latter piece.

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

THE WHITE HOUSE,
Washington, D.C., April 5, 1974.

Hon. ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: In response to your request, the President has asked me to advise you that he has reconsidered the Administration's position concerning the National No-Fault Motor Vehicle Insurance Act, S. 354.

After a thorough review of the bill as reported out of committee and all other factors including the actions of various states on no-fault legislation, the President has concluded that we will continue to support no-fault as a better system of automobile reparations over the so-called "fault" system. However, we strongly oppose any federal legislation in this area. Even though the merits of no-fault have been generally established, the overriding issue concerns the proper federal role. The President continues to object to any federal legislation including the "federal standards approach" of S. 354 and believes that legislative action in this area should be left up to the states who are in a better position to know the specific needs of their people.

I appreciate this opportunity to present the Administration's views on this important issue.

Sincerely,

WILLIAM E. TIMMONS,
Assistant to the President.

[From the Washington Post, Apr. 9, 1974]

NO-FAULT BILL

The White House will "strongly oppose" the controversial no-fault auto insurance bill that is headed for a major floor fight in the Senate, Sen. Roman Hruska (R-Neb.) said yesterday.

Hruska, a leading opponent of the measure, made public a letter he received from presidential assistant William E. Timmons setting forth Mr. Nixon's views.

In it, Timmons said President Nixon had "reconsidered" the bill but still remains adamantly against it.

"After a thorough review of the bill as reported out of committee and all other factors including the actions of various states on no-fault legislation, the President has concluded that we will continue to support no-fault as a better system of automobile reparations over the so-called 'fault' system," Timmons wrote Hruska in a letter dated last Friday.

"However, we strongly oppose any federal legislation in this area. Even though the merits of no-fault have been generally established, the overriding issue concerns the proper federal role.

"The President . . . believes that legislative action in this area should be left up to the states who are in a better position to know the specific needs of their people."

[From the Washington Post, April 1, 1974]

PRESIDENT WEIGHS STANCE ON FEDERAL NO-FAULT BILL

(By Morton Mintz)

President Nixon will decide within "the next few days" whether to support or oppose a pending bill for no-fault auto insurance that would reduce premiums for personal injury coverage an estimated 3 to 28 per cent, a top White House aide has told The Washington Post.

Mr. Nixon's decision could determine the fate of the measure which the Senate is expected to vote upon Wednesday or Thursday.

The President since 1971 has been urging the states to enact no-fault laws of their own. But the pace has been so disappointing that the White House is "in the process of reassessing our position," Kenneth R. Cole Jr., executive director of the Domestic Council, told a reporter.

The stakes are large for consumers, the legal profession, legislators seeking re-election and the insurance industry.

The President said in 1972 that no-fault auto insurance is "one of the most pressing consumer needs," that it is "an idea whose time has come," and that it is "a vast improvement over the present system."

A sizable share of lawyers' total income comes from auto injury liability cases. In 1972 alone, litigation of personal injury claims cost between $1.4 billion and $1.6 billion. Under no-fault accident victims would be promptly compensated, regardless of who or what may have caused an accident.

Lawyers "stand to lose this pot of gold . . . So they are fighting it with every tool at their command," Virginia H. Knauer, the President's special assistant for consumer affairs, said in a speech two years ago.

Trial lawyers have stepped up a long and costly campaign to defeat the bill, which was first introduced almost four years ago by Sens. Warren G. Magnuson (D-Wash.) and Philip A. Hart (D-Mich).

According to a Capitol Hill source, one Democratic senator who is unopposed for re-election this year has been warned by trial lawyers in his state that if he votes for the bill they will raise $200,000 to finance a challenger.

In 1972, when he was the Democratic presidential candidate and no-fault was a plank in the party platform, Sen. George McGovern voted against a move to bury the bill. But this year, when he is seeking re-election to the Senate, he has given a commitment to trial lawyers in his home state of South Dakota to oppose the bill, John D. Holum, his legislative assistant, confirmed recently.

Cole, in a phone interview, said that the bill confronts Mr. Nixon with "very difficult judgment."

The President's consistent philosophy has been to encourage the states to deal with problems in their power to solve, rather than to extend federal authority, Cole emphasized.

Three years ago, the Department of Transportation (DOT) released a major study showing that the existing system pays out in benefits only 50 cents on each dollar paid in and provides no compensation at all to half of the persons injured or killed because they are alleged to be "at fault."

The DOT study also showed that the liability system over-compensated innocent victims with minor injuries while reimbursing the seriously injured for only about one-third of their actual losses.

On the basis of the study, the Nixon administration endorsed the concept of no-fault insurance on a state-by-state basis, Cole recalled.

"I believe that the states—not the federal government—can best respond" to the "urgent" need for reform, Mr. Nixon said in a telegram to the National Governors' Conference in June, 1972.

At that time, the American Trial Lawyers Association was soliciting its 25,000 members for contributions of up to $1,000 each to wage a "nationwide battle for preservation of our system of adversary justice." Now called the Association of Trial Lawyers of America (ATLA), the group earmarked $100,000 for the 1972 operations of its Washington lobbyist, C. Thomas Bendorf.

With the White House opposed to the Hart-Magnuson bill, the Senate in August, 1972, voted 49 to 46 to shelve it by referring it to the Senate Judiciary Committee. A decisive vote for referral was provided by McGovern's running-mate Sen. Thomas F. Eagleton (D-Mo.), who claimed to have cast "a sentimental vote" in honor of his late trial-lawyer father.

Despite the President's plea to the governors, the states moved slowly to adopt no-fault plans that contain minimum acceptable criteria, partly because trial lawyers wielded great influence in many legislatures.

But the White House was optimistic as late as last June, when Under Secretary of Transportation John W. Barnum told the Senate Commerce Committee, "Several states, including some very large ones such as California, Illinois, Ohio and Pennsylvania, now have no-fault reform high on their legislative priorities and are likely to act favorably before the year [1973] is out."

As of now, none of the four states has enacted a no-fault bill that meets DOT standards. Within the past few weeks, moreover, no-fault reform has died in Virginia, West Virginia and Wisconsin. Of the 13 states that have enacted no-fault laws, only two, Michigan and Minnesota, come close to meeting the standards in the Magnuson-Hart bill.

Transportation Secretary Claude S. Brinegar recently told the White House that he believed Mr. Nixon should be made aware of the situation in the states, "so he could focus on it," Cole said. Capitol Hill sources said DOT's top echelon of officials generally believes the time has come to support the bill, which is backed by numerous Republican senators. Similar legislation is pending in the House.

Mr. Nixon, who heads the Domestic Council, has not yet had the issue "formally" put before him, Cole said. Meanwhile, he said, the White House has been getting conflicting inputs from Capitol Hill; from the insurance industry, which is split on the issue, and from trial lawyers.

On Friday, it was learned, Senate Minority Leader Hugh Scott of Pennsylvania and Sen. Ted Stevens (R-Alaska), a strong supporter of the bill, sent a joint letter to the President urging him to re-consider his position on the measure. Scott had voted in 1972 to refer the bill to the Senate Judiciary Committee.

The committee, by a vote of 8 to 7, reported the bill on March 20. A key witness, former U.S. Solicitor General Erwin N. Griswold, testified that the bill is constitutional "both overall and with respect to each of its provisions."

The bill would require motorists to buy liability insurance. The government would lay down broad guidelines, but each state would set its own standards within those guidelines.

In December, Senator Magnuson released a study showing that every state meeting the standards would reap "significant savings," ranging from 3 to 28 per cent and aggregating about $1.3 billion annually.

Had the bill been in effect in 1973, according to the study, the estimated savings would

have been 10 per cent ($17.2 million) in Maryland, 5 per cent ($7.8 million) in Virginia, and 20 per cent ($4.2 million) in the District of Columbia.

The study was done, with DOT financing, by an actuarial firm, Milliman & Robertson, of Pasadena, Calif., on the basis of standards slightly exceeding the bill's mandatory minimums: unlimited medical and rehabilitation benefits, protection of up to $15,000 for lost wages, replacement for up to a year of ordinary and necessary services that a victim no longer is able to perform for himself or his family, and up to $5,000 to compensate a survivor for income a deceased victim would have earned.

Mr. HRUSKA. Mr. President, Prof. Philip B. Kurland of the University of Chicago Law School faculty is a well known and authoritative scholar of constitutional law. He has frequently appeared as a witness before our Judiciary Committee.

His opinion is that S. 354 is unconstitutional for reasons spelled out in his April 4 letter to this Senator. I ask unanimous consent that the portions of his letter pertinent thereto be printed at this point in the RECORD.

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

UNIVERSITY OF CHICAGO,
Chicago, Ill., April 4, 1974.

Senator ROMAN L. HRUSKA,
U.S. Senate, Committee on the Judiciary, Washington, D.C.

DEAR SENATOR HRUSKA: 1. I write in response to your inquiry about S. 354. I do so without any claim to knowing whether the no-fault bill's substantive provisions are good, bad, or indifferent. I address myself rather to institutional aspects of our American constitutional system which, admittedly, have long been in the process of erosion at a price that we are just beginning to recognize as exorbitant.

There are constitutional principles and constitutional provisions. I address myself first to the former.

2. When the nation was founded and for many years thereafter, it was recognized that one of the basic safeguards against tyranny was the dispersal of power. This was planned by making the national government a government of limited, delegated authority, as well as providing for a system of checks and balances that was intended to avoid the concentration of authority within any one branch of the national government itself.

Federalism, the division of authority between the nation and the states, has been all but destroyed. The result has been that local problems demanding solutions adapted to local conditions have been turned over to the national government, which can only provide a uniform solution for all. Frequently that solution doesn't meet any of the local problems well, and sometimes it does no more than exacerbate them.

I think it incumbent on the national legislature, nevertheless, to ask itself, before it assumes the task of writing nationwide no-fault legislation, whether this is an area in which a uniform, national rule is necessary or even desirable. I know of no evidence that supports the proposition that liability for automobile accidents is that kind of a subject-matter which ought to be removed from the control of the states—and the majority of the people within each state—in order to have the representatives of the majority of the nation impose a single rule on all.

I respectfully submit that if this is to be done in the area of no-fault insurance, there is no local subject matter, whether it be permitting a turn to be made on a red light or a charge for local garbage removal, that is not equally amenable to national legislation.

My point is that even if there were authority in the national legislature to act on this subject matter, it would be the better part of discretion for the Congress to abstain. We are badly in need of returning government to local control, not removing it simply because the national legislators think they know better than do local legislators what is best for the people of the local communities. That is a sort of mistaken paternalism that underlies too much legislation. This legislation, however, is not only undesirable, I think it is unconstitutional.

3. I have no question that Congress could constitutionally enact a uniform statute governing no-fault insurance applicable to the entire nation. The Commerce Clause is now a carte blanche to Congress to enact legislation, subject only to the limitations of the bill of rights. The proposal in question, however, goes beyond this power. It says, in effect, the states shall be free to impose their own laws which shall be controlling, unless those laws are inconsistent with Congress's ideas, in which event, Congress shall make the laws for the states.

This is, to me, a clear invasion of the local legislative power which has no precedent of which I am aware. It is true that Congress has conditioned the grants of moneys on state acquiescence to Congressional standards. And this was sustained by a long line of cases following *Massachusetts* v. *Mellon*. But it should be remembered that the rationale for the decision in *Massachusetts* v. *Mellon* was that the state need not accept the moneys and, therefore, need not abide the conditions ordained by Congress. This legislation, S. 354, gives no such alternative to the states. If they choose not to follow Congressional command, it will nevertheless be imposed upon them. If there is anything at all left of the constitutional concepts of federalism, this bill surely violates them.

* * * * *

With all good wishes,
As always,

PHILIP B. KURLAND.

THE UNIVERSITY'S INVOLVEMENT IN APPLIED RESEARCH FOR LOCAL GOVERNMENT

Mr. MATHIAS. Mr. President, recently Robert L. Crain and Jack C. Fisher of the Center for Metropolitan Planning and Research at the Johns Hopkins University delivered a paper at the Washington Regional Conference of the American Council on Education. This paper deals with the University's involvement in applied research for local government.

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

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

THE UNIVERSITY'S INVOLVEMENT IN APPLIED RESEARCH FOR LOCAL GOVERNMENT*

(By Robert L. Crain and Jack C. Fisher)

I think we would all agree that universities have traditionally not been involved in applied research helpful to their local communities. We at the Center for Metropolitan Planning and Research of The Johns Hopkins University have been struggling to break down the barrier between Johns Hopkins and the Government of the City of Baltimore and as a consequence have become more aware of the causes of the separation between the two institutions. In this paper we want to point out some ways in which creation of urban study centers at universities and the development of a federal funding program known as the Urban Observatory have attempted to break down some of the barriers.

We have come to believe that the many factors cited as separating the academy from government ultimately go back to two main problems. First, college professors as a group are constitutionally opposed to applied research. It threatens the sacredness of the academy and it is a source of impurity which flaws the beauty of pure research. One cannot underestimate the seriousness of this problem.

Second, we have come to realize that some sectors of local government have little understanding of, and consequently little commitment to, the research and development function. Of course, in some problem areas local government has little freedom of choice; it is the helpless victim of national policies and other dominant political pressures with little need for a highly developed policy planning process. But we would still maintain that many areas of government decisionmaking do not have well developed research and development programs wherein new policy alternatives and new methods of program implementation may be generated.

To some degree the creation of the urban study centers in the 1960's was an effort to solve the first problem. It was a device which brought together researchers with an interest in urban problems in hopes that they could form an institutional base which would enable them to work together within the academy. To some extent it succeeded. It has provided a meeting ground for those faculty members who are interested in applied research. It has provided career opportunities (although not necessarily academic appointments) for those staff who wish their success to be measured by their ability to solve real world problems. It has provided a telephone line between the city and the university where none existed before. Casual contacts between city officials and university people have led to seemingly accidental opportunities for valuable collaborative work.

The Johns Hopkins Center has been more successful than most. No doubt, some of the reasons are unique, and it would be immodest and uninteresting to discuss them. But there are some important structural reasons. First, the Center's Director is a Professor of City Planning, rather than someone from a traditional social science department such as psychology, economics or sociology. This interdisciplinary leadership means that the Center's goals will not be subverted in order to enhance the standing of any single department on the campus. Second, the President of the University has expressed a strong commitment toward serving the city. But the Metro Center, like most centers, has run afoul of two problems. First, it does not control the recruitment and promotion of the faculty members it wishes to work with. A researcher whose work is highly respected at the Metro Center may not be retained by his department. This has happened repeatedly at Hopkins and at other schools. Secondly, it is very difficult to obtain local community funds for applied research.

One of the most interesting ways in which the federal government has acted to provide funds for applied research for local government has been the National Urban Observa-

*Paper to be presented at the Washington Regional Conference of the American Council on Education, March 1974.

tory Network. This is a grant program originating in the Department of Housing and Urban Development. An annual grant is made to the National League of Cities. Annually, Baltimore and nine other cities each receive approximately $75,000 through the program. Although this $75,000 is earmarked for the city, its use is partly restricted to research topics which have been agreed upon in advance by the National Urban Observatory system.

For example, a research topic might be developed either by the National League of Cities, by a university researcher serving as a consultant to the Urban Observatory or by a city department or researcher in any one of the ten cities. If the research item is agreed upon, each of the cities will then be required to carry out the project.

There are several advantages to the system. The most important is that local government has a certain degree of control over what research is done by local universities. Secondly, the fact that funds are earmarked in advance for a particular city means that the madness of writing proposals to Federal agencies which have only a slim chance of being funded is eliminated. Third, the requirement that local government use universities means that in at least some cases local government will obtain better and more objective research than if it went to its own staff or to consultants. In Baltimore we can see some successes from the program combining Metro Center staff and city agencies: economists have contributed to Baltimore's manpower programs; an engineer has advised the city on its sanitation problems; and a political scientist has prepared an essay on citizen participation, which has resulted in additional allocation of city funds in providing technical assistance to various neighborhoods. The latter study compared the effectiveness of various neighborhood groups, and identified the structural problems encountered by such groups.

The program has probably been more successful in Baltimore than in most of the other Urban Observatory cities. We suspect that this is largely a result of Baltimore's generally good set of middle-level bureaucrats. In part, the program has been successful because it has not had to take time to establish connections between the University and the city—many links had already been developed by the Metro Center. In part, the program succeeded because it was able to draw upon the services of a number of different schools rather than becoming the property of any one university. And in part, Baltimore's success is related to the fortunate City decision of locating control of the Urban Observatory in the Department of Planning, the agency which best understands the significance of research.

Some of the successful work done by Johns Hopkins for the Urban Observatory is attributable to a peculiar characteristic of the university: many faculty have strong, lifelong ties to the Baltimore region and many faculty remain at Hopkins because they have personal commitments to the city. We think it is no accident that two of the successful studies done at Hopkins were done by researchers who were born and raised in Baltimore.

At the same time the Observatory program has several clear disadvantages. The relatively small magnitude of research funding has produced project diseconomies, with many cities leaving the conduct of the program to the universities to do as they please. The City of Baltimore has felt that being compelled to participate in a set of research topics defined nationally is often quite foolish.

The use of a common research agenda in all ten cities provides opportunities for comparative research, that are deemed of slight value to any particular city, and frequently is viewed as a subversion of local goals in favor of national objectives. Urban problems have subtle differences from location to location. When problems are similar, a city still may not wish to tackle a particular problem in conformity with a national time schedule. University faculty feel that the program robs them of their autonomy and turns them into data collectors. In short, the layers of control which may be necessary to prevent either local government, the University, or HUD from subverting the project away from its original intent have tended to prevent the Urban Observatory system from successfully decentralizing. These layers of control create an enormous overhead—not in financial terms, but rather in the removal of policy control from local government and local researchers.

Yet it is not at all obvious how one would reform this structure in order to create more decentralization. The National League of Cities serves a useful function in protecting the program both from the federal government's overcontrol and the potentiality of the program being subverted by the national academic community. The elimination of the national agenda-making process would no doubt help the program to better serve the needs of cities like Baltimore, but we doubt that this would get to the root of the problem.

Ultimately the problems of the Urban Observatory go back to the failure of the city and the university to understand and respect each other. Perhaps the most important action the universities could take would be to create departments of appplied social research to parallel their social science departments, in much the same manner departments of engineering and medicine parallel their departments in biological sciences and physical sciences. Until universities begin to value applied research, and until cities recognize the need for research with more than a sixty day turn around time, the gulf between what the university *could* do for the city and what it *will* do for the city will remain.

POLICY IMPOUNDMENTS CONTINUE

Mr. HUMPHREY. Mr. President, from recent announcements it appears that the Nixon administration has changed its tune on impoundment. The brusque, truculent manner of last year is no longer in evidence. The style has changed. The fashion this year apparently, is to be low-keyed and moderate.

THE MYTH

For example, when OMB Director Roy L. Ash talked to a New York Times reporter in January, he remarked:

> You can retire that word impoundment from your type. We may even forget how to spell it.

Instead of impounding funds to frustrate congressional goals and priorities, OMB would merely establish budgetary "reserves" for routine and noncontroversial purposes.

When Mr. Ash appeared before the Senate Committee on Rules and Administration on January 15, he announced that he had good news about impoundment:

> When you see the budget that you will have in front of you very soon, probably the last subject that we will find ourselves discussing this coming year, as we did last, will be the question of impoundment.

He assured the committee that the problem of impoundment was all moot in a practical sense. And when he appeared before the House Committee on Appropriations the following month, on February 19, he said that the new impoundment report reflected a change of policy toward normal, routine reserves and apportionment.

THE REALITY

Now let me introduce a note of reality into this discussion. While it is true that the administration has changed its tune on impoundment, it has yet to change its course. Notwithstanding the many conciliatory remarks by executive officials, impoundment is still being used in a substantial way for policy purposes. It is still employed to promote the preferences and priorities of the Nixon administration, despite specific congressional policy and program mandates. Once again we find it advisable to look at what they do rather than what they say.

THE EVIDENCE

Look at the clean-water program. Congress provided $18 billion in contract authority for fiscal year 1973, 1974, and 1975. The administration has released exactly half of that—impounding the astounding total of $9 billion. Congress went on record to establish this national commitment for the fight against water pollution. The administration proceeded to gut this commitment by cutting this program in half. The full financial and human costs of that decision have yet to be calculated.

Impoundment is being used to pressure Congress—holding on to housing money for the purpose of forcing Congress to pass the so-called Better Communities Act. The latest OMB impoundment report shows the following amounts withheld from HUD: $75,012,000 for Model Cities, $55,161,000 for the Open Space Land program, $281,314,000 for urban renewal, and $401,734,000 for basic water and sewer facilities. It has long been the strategy of the Nixon administration to impound those funds as a means of pushing Congress toward passage of its urban special revenue sharing.

The moratorium on subsidized housing, imposed by the administration in January 1973, is still in force. The Nixon administration turned its back on the commitment made by Congress in 1968 to provide assistance to low-income and moderate-income families. The amounts currently withheld include $219,654,000 for homeownership assistance—section 235—and $51,586,000 for rental housing assistance—section 236.

THE PATTERN

The pattern here is unmistakable. Through its constitutional responsibilities to provide for the general welfare, Congress has made national commitments to housing and to clean water. The administration, through its impoundment policy, has undermined and frustrated those commitments. It is also worth noting that at the same time that the administration insists that funds have to be withheld to combat inflation, it proceeds full steam ahead with its own priorities.

How easy it is to discover the values of this administration. It impounds funds for cities, for housing, for rural water

and waste disposal, for clean water, and for the progressive social programs of HEW. And yet it comes out with a massive defense budget justified, in part, by the administration as necessary for the purpose of "pump-priming" a sick economy. I find it incredible that this administration is holding back money from essential social programs to combat inflation while at the same time urging expenditures for superfluous defense items in order to stimulate our sluggish economy. Small wonder that this administration has lost its credibility with the American people.

IMPOUNDMENT CONTINUES

Even if you look at OMB's own report on "budgetary reserves," it is clear that policy impoundments remain with us. The report of February 1974 shows a number of programs delayed for such broad policy purposes as combating inflation or keeping spending within the public debt limit.

Those two arguments are used to rationalize obvious policy impoundments for the Appalachian regional development program, Agriculture Research Service construction, the Water Bank Act program, rural electrification, rural water and waste disposal, and grants for rural housing for domestic farm laborers. That is not all. The same two vague arguments show up for impoundments of funds for programs under the National Bureau of Standards and the Maritime Administration. They appear again in the following HUD programs: Nonprofit sponsor assistance, Model Cities, grants for neighborhood facilities, open space, water and sewer facilities, urban renewal, and new community assistance grants. These same two convenient covers for policy decisions, are also applied to impoundments in the Bureau of Prisons, the Coast Guard, the Federal-aid highway program, territorial highways, and public lands highways. Significantly, of the funds withheld from the Defense Department, not 1 penny is impounded for these policy reasons.

IMPOUNDMENT UNDERGROUND

There is additional evidence that the impoundment practice is going underground. Apparently the administration is trying to accomplish by indirect means what it cannot achieve overtly through the constitutionally designed legislative process. Is impoundment going to disappear from our dictionaries only to be replaced by a new form of withholding, a form more subtle and less abrasive, perhaps, but capable of serving the same purpose of frustrating the intent of Congress? We are discovering a vast range of quasi-impoundments: Slow processing of applications, understaffing, personnel ceilings, restrictive agency regulations, apportioning all funds to the fourth quarter, and a stretchout of spending. Is this the new style of impoundment?

Styles may change, new words may emerge, but I see no fundamental shift in the administration's position. The pattern is the same, executive officials are still twisting laws and words to favor their own priorities, despite the clear policy and program decisions made by the Congress in strict accordance with its responsibilities as determined by our Founding Fathers and established by them in the Constitution.

ILLEGAL USE OF UNION FUNDS FOR POLITICAL PURPOSES

Mr. HANSEN. Mr. President, here we are in the midst of debate over campaign and election reform, yet the Congress has failed to give any real consideration to one of the biggest abuses in our system, the illegal use of union funds for political purposes. No legislation can be called comprehensive in this respect unless these abuses by union leaders are stopped.

My distinguished colleague from Arizona, Mr. FANNIN, gave a speech March 29, 1974, to a chamber of commerce group in Litchfield Park, Ariz., and in this talk he discussed the key role the unions play in our political system. I ask unanimous consent to have the text of his remarks printed in the RECORD for the benefit of my colleagues who have not read this speech.

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

SPEECH OF SENATOR FANNIN, MARCH 29, 1974

During the next nine months three crucial decisions will be made.

First, there is the question of impeachment.

Second, there is the question of whether unions achieve their proclaimed objective of a veto-proof Congress.

Third, there is the question of whether the Congress adopts public campaign financing proposals which I believe would be devastating to the free enterprise system and the future of our country.

All of these issues have to be of greatest importance to businessmen and to all Americans who believe in our traditional business enterprise system.

Today I will make some observations on these three related issues, and what I think the implications are for the business community.

Just as in the heat of a political campaign, the President's opponents think they have drawn some blood so they are out for the kill.

But one of the strengths of our Government is that it does not allow stampeding as our Constitution provides for due process. This provision can be summed up in two words—"fair play".

The considerations facing this Nation are almost unbelievable.

Impeachment would have a detrimental effect upon the entire Nation and it could be a difficult time for commerce. Congress could be paralyzed for at least three months and it seems logical that the executive branch of Government would be seriously distracted by an impeachment trial. We are a strong Nation and we would survive—but there would be a cost.

It would be a time of international peril because our longtime adversaries and foreign mischiefmakers would be tempted to take advantage of our diversion. Negotiations for needed trade agreement revision, for disarmament, and for settlement of international conflicts could be set-back or even scuttled. It would be a tragedy for the world to undercut President Nixon at such a crucial time in international relations.

In my visit to the Mideast in January I found that foreign leaders have tremendous respect for President Nixon, and it is his prestige that has been a very important factor in keeping the lid from blowing off the powder keg in that part of the world. Much credit is and should be given to Secretary Kissinger but most of the foreign leaders recognize President Nixon as the final decision maker.

It is no secret that I remain strong in my support of President Nixon. He should not resign, and he should not be impeached. I will continue to support him unless someone can show me concrete and irrefutable evidence that the President is guilty of a crime which constitutes an impeachable offense.

As I have said, if there is an impeachment trial, I would approach this with a totally open mind and make my judgment on the evidence presented. To date I have seen nothing which even justifies a trial, let alone a conviction. In my opinion it would be highly detrimental to our national future if he were hounded out of office.

President Nixon has provided outstanding leadership for this Nation.

To cite just one example, President Nixon's appointment of Supreme Court Justices is vital today and will have even more of an impact for many years into the future.

Watergate has to be a great personal tragedy for President Nixon because it is a blight upon what otherwise has been an exceptional record of public service and accomplishment.

The impeachment effort gives us a good picture of just how vicious and how effective the powerful union lobby can be.

When the AFL–CIO established impeachment as one of its goals, it unleashed a heavy barrage upon the President.

Union lobbyists on Capitol Hill received their signals to swing into action.

Union newspapers which pour into congressional offices stepped up their attacks.

But most important, the unions were able to put the heat on the House Judiciary Committee. Public records show unions donated more than $189,000 in 1972 to elect Democrats serving on that committee. Chairman Peter Rodino of New Jersey received almost $31,000 in campaign help from the unions.

Democrats on the Judiciary Committee got the message when Mr. Meany called for impeachment.

It will be interesting to see if the unions can pull off the impeachment effort. If they can, we face the tragedy that future Presidents can well be in the pocket of the labor officials.

The second issue I have raised is whether unions will be able to get a veto-proof Congress.

The Executive Council of the AFL–CIO in its report to the federation's 1973 convention recommended:

"1. Total commitment at all levels of the labor movement to achieve victory at the polls in 1974.

"2. Establishment of a COPE committee in every affiliated local union to do its utmost to assure political participation by every member, to the extent at least of registering, voting and contributing to COPE.

"3. Increased efforts at all levels to communicate on a continuing basis with members on issues and candidates' records."

The implication in this statement is that the unions will do anything necessary to win. The statement uses the words "total commitment at all levels of the labor movement to achieve victory." It does not include any reference, as one would hope, to remaining within legally permitted limits. And what are the legally permitted limits—is it legal to have more than one-half the people on their payroll working in political activities?

The union bosses already are at work and bragging about their great successes in the special elections in Pennsylvania, Michigan, and Ohio.

Union political workers swarmed into Pennsylvania's 12th congressional district. We have reports that at least 23 rooms in hotels and motels in Johnstown were rented for use by these union political workers. The Pennsylvania COPE organization used its non-profit organization bulk postage permit to send out at least two mailers on behalf of the Democratic candidate. So-called "soft money" from the unions was used to contact educators and enlist them to work for the union candidate.

In Michigan, we are told that organized labor manned 300 telephones in Grand Rapids. They made more than 90,000 calls from union headquarters and hiring halls. They admitted contributing $34,000 in cash to the Democratic candidate.

In the first district of Ohio, the unions again went to work and again the Democratic candidate of their choice was elected.

Union bosses already control from 50 to 55 Senators on any issue where they care to pull the strings. If the pattern shown in the special elections so far this year were to hold true in the fall, then the unions will have a total stranglehold on the Senate and the House as well.

When George Meany says he wants a veto-proof Congress, in reality he is saying:

He wants unrealistic price rollbacks

He wants confiscatory taxes on business and industry

He wants to bar most product imports from abroad

He wants to break up multinationals

He wants socialized medicine

He wants ever higher minimum wages

And most damaging, he wants an end to the right to work law and all other legal impediments to a complete unionization of America.

He wants a Congress in which no action is taken until it is approved by big labor chiefs.

This is what George Meany means by a veto-proof Congress.

He has an awesome arsenal at his disposal.

Labor Columnist Victor Riesel has estimated that unions spent $60 million in the 1968 Federal elections and $50 million in 1972.

A recent study by Americans for Constitutional Action found reported union contributions of about $1.7 million to Senate candidates in 1972. All but $123,000 went to Democrats.

But the monetary contributions of the unions really are not the significant factor. What is important is that unions supply numerous valuable services which are paid for—illegally—out of union dues.

Union officials paid out of dues work on the campaign staffs of union-backed candidates.

Expensive union computers are used to compile information and make mailings for the benefit of chosen candidates.

Union secretaries paid through union dues process thousands of letters on dues-purchased stationery.

Union-owned printing presses churn out campaign literature.

Union-owned vehicles are used for campaign activities and to get pro-union voters to the polls.

Unions conduct registration drives which are designed to sign up voters who will do the union bidding.

Union-held credit cards finance travel for certain candidates.

Union-sponsored dinners raise funds to help the selected candidates.

Union phones, as I mentioned earlier, are utilized profusely.

Unions have the leverage to turn out armies of so-called volunteers to work for candidates. We all know the subtle and not-so-subtle persuasion that union bosses can employ to get volunteers.

Recently we had a rare glimpse of just how the unions operate. The glimpse came as a result of a case initiated by a group of members against their union, the International Association of Machinists.

This case forced the union to disclose documents which showed how "political education" funds actually were used to campaign for candidates which had the support of union bosses. These funds help pay for campaign staff members, for use of union computers, for travel, for polls and printing services, for fund raising dinners, and for get-out-the-vote drives.

These documents showed that the machinist union provided at least $9,300 in non-cash assistance in addition to the $5,000 cash it gave to Senator Gale McGee in 1970.

Ralph Yarborough got at least $10,680 in union-financed services in addition to the $8,950 he received in his unsuccessful race for the Senate in Texas in 1970.

When John Gilligan ran for the Senate in Ohio in 1968, he got $15,200 cash from the machinists and another $15,500 indirectly.

Estimates were made that the machinist union officials spent time in political campaigning which was worth more than $42,000 in 1968, more than $58,000 in 1970, and more than $39,000 in 1972. One machinist report showed that in August 1970 at least one field representative was working full time on each of more than 20 congressional campaigns. It also was shown that some machinists who were off their regular jobs to campaign were given union lost time compensation—paid for out of union dues, of course.

Letter in the union files described how democratic workers would go ahead of union voter registration teams to identify residences of unregistered supporters of the union candidate.

This court action only documents what we already knew was happening. Unions are making extensive use of the so-called "soft money" on partisan politics.

The figures in this one case aren't overwhelming until we stop to consider several factors:

First, this undoubtedly still is a vast understatement of the union's involvement in politics. It is not a full accounting.

Secondly, this is only one element of the AFL–CIO, a union with less than 4 percent of union membership in America.

Multiply this by 25 and we have some idea of the tremendous political power the unions can and do muster.

Earlier I mentioned the heavy bombardment that the unions already have unleashed. So we know that this fall's election is going to see the unions pull all the stoppers. They will be going all out, and they will be very difficult to counter.

This brings me to the third point, campaign reform legislation.

One might expect that in the furor over Watergate and the deep concern over political reforms, some significant effort would be made to curb abuses by the unions, but this has not happened.

Section 610 of the Federal Corrupt Practices Act as amended by the Federal Election Campaign Act of 1971 provides that corporations, national banks and labor unions cannot lawfully make a contribution or expenditure in connection with a Federal election.

This section provided criminal penalties. In my opinion, the law as spelled out in both the statute and the Supreme Court decision has been more honored in its breach than in its enforcement against labor organizations.

True, perhaps as many as 20 corporations contributed corporate funds to the re-election campaign of President Nixon. Eight of them have admitted it and have been fined $5,000. If any labor unions have been indicted, I am unaware of it.

In 1970, the Justice Department indicted President Hall of the Seafarers Union and other union officials for violation of the Corrupt Practices Act. The Seafarers' political activity donation fund was one of the richest such funds within the AFL–CIO and Mr. Hall was accused of disbursing nearly $1 million in campaign donations in 1968.

At about the same time, the Justice Department indicted United Mine Workers President Tony Boyle under the same law. The Boyle case ended in prosecution and conviction, but the case against the Seafarers was dismissed by the court on the ground that the prosecution had not pushed it promptly. Justice did not appeal and the case was dropped.

However, as I have indicated, cash contributions are only the tip of the iceberg and it is the in-kind contributions that the unions dole out lavishly to their chosen candidates.

The Corrupt Practices Act and the 1971 amendments have not done the job.

Now, at a time when Common Cause and leading populist politicians are trumpeting the need for campaign reform, we still find that they are blind to the abuses of organized big labor.

When the Senate debated and passed S. 372 last year it totally ignored this problem.

Although the House never acted on S. 372 and that legislation is still in limbo, the Senate now has moved on frenetically to consider another campaign reform bill.

Backers of the current public campaign financing have called it comprehensive reform legislation. Yet, once again, they have conveniently neglected any provisions to restrain the unions from improper election activities.

For that matter, the Senate also is ignoring its own Watergate Investigating Committee which was supposed to give us the complete picture so that we could intelligently decide what campaign reforms are needed.

The Watergate Committee failed miserably to seek out union abuses. To my knowledge the only action taken by this committee was to send out questionnaires to unions asking them about their activities. This is not what I would call aggressive investigation.

Perhaps it doesn't make a lot of difference, but now we have the Senate plunging ahead without even waiting to see what the Watergate Committee has found.

To be quite candid, we don't need a report.

There is not a Member of Congress who is not aware of the abuses that unions commit without fear of prosecution.

There is not one Member of Congress who is unaware of the powerful influence that labor has on the Congress.

In 1969, George Meany was quoted as saying:

"I think frankly we have the most effective lobby in Washington, we don't go bragging about our lobby. We don't brag that we are lobbyists. We don't talk about it. But actually, we are lobbyists."

The only thing that has changed since 1969 is that the union lobby has become even stronger. Recently I was asked by a reporter to rate the oil industry lobby. I said with all sincerity that the oil lobby was about one-tenth as powerful or as effective as the unions.

On several occasions I have attempted to put some brakes on the union bosses. I have tried to ensure that the ideal of the Corrupt Practices Act be enforced.

To do this, I would make it mandatory that the Internal Revenue Service revoke the tax exempt status of any union which used membership dues for political purposes illegally.

Each time I have attempted to get this amendment through, it has been killed by the union lobby.

Any campaign reform bill should contain at least two elements to be comprehensive:

It must strictly control and require the reporting of "in-kind" contributions such as the use of computers, paid campaign aides, telephone canvassing, and the like.

It must provide enforcement against the misuse of union dues for political purposes.

There are many other items that should be included to keep candidates, businessmen and others from committing campaign abuses. But when we ignore the unions, we ignore the most powerful single lobby in Washington.

If our country is to make progress, we must have a system which has balance. It must provide a chance for all the various interests to be heard and to have a just chance in the political process. When any single group becomes too strong, it is detrimental to the Nation. It was true when big business was able to run roughshod over the country; it is true when big labor is able to dictate to the Government.

We should have a system where the same rules apply both to labor and to business. The double standard which we have—with unions free to ignore the law—can no longer be accepted.

I hope that what I have said here today does not lead anyone to believe that the cause is lost, that we might as well all give up and apply for union membership.

It is possible for us to restore balance to our system.

We soon will know one way or the other which way the impeachment process will go.

We can and we must prevent the unions from electing a veto-proof Congress next fall.

We must get across to the public the fact that until we have effective control of union political activities, we do not have the most important element in campaign reform.

In conclusion, I would say that the business community has been badly outgunned by big labor. The past 12 months have been a disaster. The unions are launching an all-out assault. If our economic system is to survive, we can only follow the advice of the French leader Maréchal Foch when he said: "My center is giving way, my right is in retreat; situation excellent, I shall attack."

The businessmen of this country, who are the employers furnishing the jobs in this Nation, must not be forced out of politics by big labor—it is the unions which depend upon business for their very existence. If we lose the influence, the talents, and the judgment of our business and industry leaders, then this country will no longer retain its position of world leadership.

There is only one solution—fight for your rights and the rights of all Americans.

FAIR WITHHOLDING OF INDIVIDUAL INCOME TAXES

Mr. MATHIAS. Mr. President, earlier this year I introduced S. 3111 which would revise our current income tax withholding rates to end the massive overwithholding which occurs each year under the current system. I made this proposal on both economic and equity grounds. The current overwithholding siphons from the economy billions of dollars which should be circulating through the economy, producing goods, services, and jobs. Moreover, the current system deprives millions of Americans of money which they have earned and which they need, particularly in light of the soaring inflation which afflicts us today.

I was pleased at the reaction of the public to this proposal, and the support which it has received among professional economists. I was also pleased when Secretary Shultz endorsed the proposal to adjust withholding rates in testimony before the Senate Finance Committee in late March. I am hopeful that the Congress will enact the needed adjustments in these withholding rates at the earliest possible time.

Recently, the Dispatch, the evening newspaper in Columbus, Ohio, endorsed this proposal in an editorial entitled "Tax Withholding Review Advisable." I ask unanimous consent that this editorial be printed in the RECORD.

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

TAX WITHHOLDING REVIEW ADVISABLE

Congress should have no trouble in accepting Treasury Secretary George Shultz' recommendation to revise federal income tax withholding rates which now cause most taxpayers to overpay.

The secretary told the Senate Finance Committee the overpayments amount to $6 billion which must be refunded.

While the federal treasury realizes substantial earnings on this excess revenue, its collection in the long run is not good governmental policy in several respects.

It drains off temporarily the taxpayer's money which he himself can put to better use, either to pay his current bills or to invest as he chooses to enlarge his own income. In principle, too, the government—if it must err—should err in favor of the people.

Governmental withholding of excessive taxes tends also to obscure in the people's own mind how much they really pay for government.

Furthermore, the fact that the taxpayer receives a refund does not mean his government is operating economically in his favor.

The most effective way to remind ourselves of the high cost of government would be not to withhold taxes from the pay envelope and to allow the correct amount to fall due at the end of the year. What a staggering amount most taxpayers would have to come up with!

This proposition's basic merit still is in no way lessened by the nation's choice to do it otherwise.

Secretary Shultz' proposal may have the appearance to some of trimming the tax bite, but it would only turn more of the taxpayer's current disposable income into the economy instead of into deposits in the federal treasury at no interest.

Tax cutting at this time appears to be more a Democratic temptation, what with several Democrats proposing an outright federal income tax reduction or increase in personal exemptions.

Either of the two, withholding rate revision or tax reduction, would give the economy a shot in the arm, but the administration proposal makes more economic sense at this time.

A tax reduction, however welcome to taxpayers at any time, would merely add to the federal budgetary deficit for fiscal 1975 and accelerate inflationary pressures.

Already, the prospective deficit is estimated at $9.2 billion by the administration.

The diversion of $6 billion in overpaid withholding would not only stimulate the economy, but send more bona fide revenue into the treasury to help reduce the impending deficit as well.

Such a course would be fairer to the taxpayer and might even lessen the constant tendency of Congress to spend more and more money it just does not have.

COMMERCE DEPARTMENT FLEET LAUNCHES 1974 OCEAN STUDIES

Mr. HOLLINGS. Mr. President, I was pleased to learn recently of the Commerce Department's decision to expand its personnel and ships for the purpose of investigating the oceans and waters of the United States and foreign lands. This study will include everything from deep-water surveys to studying fisheries resources.

I believe this news release merits our attention, therefore I ask unanimous consent that it be printed in the RECORD.

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

COMMERCE DEPARTMENT FLEET LAUNCHES 1974 OCEAN STUDIES

Approximately 1000 scientists, technicians, officers, and seamen will man 21 Commerce Department ships plus numerous smaller craft in a new season of investigations of the oceans and waters that lap the shores of the United States and foreign lands.

Their activities will take them up and down the coasts of the United States to the Caribbean and the Gulf of Mexico, across the Atlantic to Africa, off both coasts of Latin America, into the vast reaches of the Pacific, the Gulf of Alaska, and elsewhere.

They will probe the oceans, including the land beneath and the air above, the coastal waters and estuaries of the United States, the submerged continental shelves, the wrecks that dot America's shores, the treacherous currents that endanger seamen and their craft, and the water's abundant aquatic life.

Some work will be glamorous; much of it will be routine, but essential. The mysterious internal waves, which undulate below the surface of the sea, will be probed, as will the mountains, ranges, canyons, and massive fractures in the earth at the bottom of the sea. And scientists will seek additional evidence of the movement of the continents and sea floor spreading. Others will conduct investigations necessary for managing fisheries resources.

While the larger seagoing vessels are carrying on deep ocean activities, the smaller ships of the Commerce fleet will be conducting marine charting surveys, measuring the currents along the coasts and in estuaries, bays, and harbors, and scouring coastal sea lanes for submerged wrecks, pilings, abandoned equipment, coral and rock formations, and other dangers to sea commerce and recreational boating.

Still other vessels will be studying fisheries resources, conducting investigations, such as tracking fish migrations, and gathering data for predicting areas of occurrence and levels of abundance, studying environmental parameters that affect survival and fluctuations in population, and assessing and evaluating the potential for use of the various fisheries resources. Various experiments will be conducted to advance man's knowledge of the ocean's living resources and to develop or perfect assessment equipment and techniques, such as remote underwater observation equipment and diving with or without submersibles.

The ships are operated by the Commerce Department's National Oceanic and Atmospheric Administration. The NOAA Fleet supports primarily the activities of three NOAA agencies—the National Ocean Survey, the National Marine Fisheries Service, and the Environmental Research Laboratories. They

are based at Norfolk, Va., Miami, Fla., Detroit, Mich., Seattle, Wash., and, for those engaged primarily in fisheries research and studies, at various ports where fisheries laboratories and centers are located.

This year, as during the past few years, NOAA scientists are continuing their research on the interrelated theories of continental drift and sea floor spreading. According to the continental drift theory, the earth at one time had one or two large land masses which began to split some 200 million years ago. The theory postulates that, as the sea floor spreads, the continents are drifting at about one inch or so a year. The drifting resulted in the separation of the supercontinents. According to a related theory, the earth's crust is made up of gigantic, grinding, constantly moving plates or segments.

Deep ocean surveys will be conducted by the NOAA Ships *Oceanographer* and *Researcher*. These and other vessels will be engaged in extensive oceanographic research projects involving studies in such widely-separated areas as the North Atlantic, Puget Sound, the Great Lakes, the New York Bight, Gulf of Mexico, Caribbean, and the central and eastern Pacific.

The studies will seek to extend man's understanding of the ocean and the atmosphere above; to evaluate the living marine resources of waters off the United States and South America; to assess the environmental impact of submerged coastal areas, such as the New York Bight; and to study the behavior of cloud clusters and their role in the larger circulation of the atmosphere. Some studies will involve other U.S. agencies and educational institutions and foreign countries. Various studies are tied in with efforts to obtain data which will help solve the problem of ocean pollution.

A study of tropical atmosphere and oceans and their effect on the earth's weather will be carried out by the Seattle-based *Oceanographer* and the Miami-based *Researcher* off the northwest coast of Africa in conjunction with ships and aircraft of 10 nations.

On the Great Lakes, the *Shenehon* will set current meters on Saginaw Bay, after which she will perform research work on the St. Clair and Detroit Rivers and lower Lake Huron, while the *Laidly*, using a newly-installed hydroplot system, will make hydrographic surveys on Lake Erie. The *Johnson* will conduct a water quality survey of Saginaw Bay early in the season and will then be shifted to chart revisory surveys on Lake Michigan. The *Virginia Key*, operating out of Miami, will conduct near-shore and coastal oceanographic studies.

Much of the work that will be done by NOAA ships in 1974 will be essential to safe navigation. Marine Charting surveys will be carried out by the *Rainier, Fairweather, Davidson, Mt. Mitchell, Whiting* and *Peirce* in the waters of the Carolinas, Georgia, Florida, California, Washington, Alaska, and other areas. *McArthur* will conduct tide and current surveys in Washington and Alaskan waters.

Essential also to safe navigation are the wire drag surveys for underwater hazards conducted in the Gulf of Mexico by the *Rude* and *Heck*. Circulatory studies will be performed by the *Ferrel* in the New York Bight, the 15,000-square-mile area of ocean waters and continental shelf that extends from Montauk Point, Long Island, to Cape May, N.J.

While these activities are underway, NOAA vessels will be engaged in important fisheries surveys and research along U.S. coasts, in the Caribbean and Gulf of Mexico, off Nova Scotia, and in the Pacific.

These vessels carry out a wide range of studies as diverse as egg and larval surveys off the east coast to studies of the abundance and distribution of groundfish in the Gulf of Alaska and Bering Sea. They gather biological data vital to international discussions and agreements on fisheries, as well as data for the MARMAP program (Marine Resources Monitoring, Assessment and Prediction), a long-range study of our fishery resources. Essentially, the mission is to estimate periodically the size of stocks in total numbers and weights and their expected yields at given levels of fishing. This is done primarily by fishery catch analysis, egg and larval studies, and juvenile and adult stock surveys.

Major marine resources being studied include shrimp, lobster, tuna, snappers, billfish, pollock, sablefish, and salmon. Included among these vessels will be the *Oregon* and *Oregon II, Bowers, Albatross IV, Murre II, Jordan, Cobb*, and *Rorqual* and *Delaware II*. Another seagoing vessel, the *Pribilof*, will make four supply trips to communities on the Pribilof Islands in the Bering Sea, where the Alaska fur seal herd is maintained by the National Marine Fisheries Service.

THE ENERGY CRISIS

Mr. HANSEN. Mr. President, I have read the speech of Mr. Herman J. Schmidt, vice chairman, Mobil Oil Corp., which the distinguished Senator from Texas (Mr. TOWER) inserted in the RECORD, April 8, 1974. Mr. Schmidt makes an excellent case for the proper role of Government, the foremost being the need for a comprehensive national energy policy. I certainly agree with the viewpoint expressed and would concur that a Federal oil and gas corporation and regulation of intrastate gas would be counterproductive.

NAACP SUPPORT FOR IDA

Mr. HUMPHREY. Mr. President, Mr. Roy Wilkins, executive director of the NAACP, recently sent me a column he wrote strongly urging Congress to support the fourth IDA replenishment.

Mr. Wilkins has raised several important issues which I believe the Senate should seriously consider before voting on IDA. He correctly states that the continuance of the International Development Association is a life or death issue for many of the poorest states of Africa. Anyone who has read the newspaper accounts of the tremendous suffering in the drought-stricken states of west Africa knows that this is true. These countries have seen their land devastated, their livestock destroyed, and the vast majority of their people forced to live as refugees in conditions of extreme poverty and severe malnutrition. IDA is committed to providing extensive assistance to these countries to enable them to once again support their populations.

The drought in West Africa, which is spreading to other poor African nations, was so devastating partly because these countries were among the least developed in the world. The commitment of IDA to bring such countries into the development process—to provide roads, to develop water resources, and to introduce better agricultural techniques—will enable these countries to better cope with natural disasters in the future. Increasing the agricultural productivity of the world's least developed countries, IDA's first priority is essential in a world where the price of food is skyrocketing—where the poorest nations simply cannot afford a bad harvest.

A second important issue that Mr. Wilkins brings out is the necessity that the United States realize that the world in which we live does not consist only of Europe and the major Communist powers. He states:

The U.S.A. has been Europe-oriented, not Africa-oriented. We send our dollars to Europe. Lately we have included Japan and soon will include China. We simply do not see our destiny, as yet, in Africa.

Yet our destiny is in Africa—and in the less-developed countries of Asia and Latin America as well. All these countries have vast, untapped natural resources on which we will become increasingly dependent in the future. All have vast human resources which go undeveloped because of a lack of education and health care. IDA is committed to the development of these resources—and to making the entire world richer in the process.

Finally, Mr. Wilkins raises the inescapable moral issue that as we have grown wealthier, we have also grown less generous. He points out that:

If we go by per capita income, our contribution is only one-tenth of what it was 25 years ago. This is not a proud spot for the richest nation the world has ever seen.

There are sound economic arguments for our participating in the development of natural resources we will soon need. There are sound political arguments for our cooperating in the development of countries whose cooperation we will soon need on a broad range of international political issues. But in weighing the pragmatic arguments, we must not forget the moral implications of the wealthiest nation in the world refusing to participate in the international effort to prevent starvation and relieve suffering in the poorest nations.

In considering the IDA legislation, we must keep in mind the generosity of countless Americans who gave to the victims of the drought in West Africa. Many of these Americans believe, as Mr. Wilkins does:

The U.S., so fat and rich, must not starve millions of human beings. If our vote denies bread to the black people of Africa, whatever excuses we give to the world, in our heart of hearts we shall don sack cloth and ashes and we shall weep for the brothers we could have helped, but did not.

Mr. President, I ask unanimous consent that Mr. Wilkins' column be printed in the RECORD.

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

THE ROY WILKINS COLUMN

(By Roy Wilkins)

The people who have suffered during the African drought will be starving to death in 1974 because the House of Representatives of the United States of America, the richest nation on earth, failed to enact a bill which would enable the poor African nations to borrow from the World Bank and thus stave off starvation.

Representatives in the House were reacting, it is said, to the strong American feeling that this nation ought not to vote money for any foreigners, especially if they are black. But the vote of January 23 was more than resentment against voting another money bill. It was more than resentment against the actions of the President who has cut off funds for poor Americans, while still asking that American money go to the poor in foreign lands.

American private citizens have leaped to

the aid of any people, anywhere, after disaster has struck. We have poured out our dollars and our goods wherever there has been want. It matters not whether the stricken people suffered from a tidal wave, an earthquake, a volcano, a flood, a drought, a tornado or whatever, American hearts went out to them. American pocketbooks were opened. In fact, disaster relief has been so generous and so loosely administered inside our own country that there has been a shaking of heads over some phases of the relief of our own people.

Apparently this has not extended (at least through our elected representatives in the Congress) to the black people of Africa. We have given them, it is true, a million here and a million there to relieve a multi-million-dollar need, but nothing comparable to the millions and hundreds of millions—even the billions—we have made available to nations not predominantly black.

The U.S.A. has been Europe-oriented, not Africa-oriented. We send our dollars to Europe. Lately we have included Japan and soon will include China. We simply do not see our destiny, as yet, in Africa. Color helps our white people in their mistaken righteousness, but it is not the whole answer.

However, it is difficult to convince a hungry black population, as well as millions of American blacks, that skin color is merely incidental. The question now is, "To starve or not to starve?"

The United States ranks 14th among the 16 donor countries. Its per capita income is today 30–40 times that of the people in the poor nations of Africa and Asia. If we go by per capita income, our contribution is only one-tenth of what it was 25 years ago. This is not a proud spot for the richest nation the world has ever seen.

Nor is it an occasion for boasting that the sharing agreement was negotiated at a meeting to all interested parties in Nairobi, Kenya. The House of Representatives seems to be saying that it does not live up to agreements negotiated in Africa. The share of the United States was 1.5 billion dollars spread over four years instead of three. It was the smallest share ever for the U.S.

Mr. McNamara, president of the World Bank, has called the refusal of the House "an unmitigated disaster for hundreds of million of people in the poorest nation of the world."

The U.S., so fat and rich, must not starve millions of human beings. If our vote denies bread to the black people of Africa, whatever excuses we give to the world, in our heart of hearts we shall don sack cloth and ashes and we shall weep for the brothers we could have helped, but did not.

ENERGY STUMBLING BLOCKS

Mr. BARTLETT. Mr. President, there is a great need for the Interior Committee and its ex officio members, pursuant to Senate Resolution 45 passed by the 92d Congress, to have informational hearings to determine now the likely stumbling blocks that will limit the energy producing industries' ability to cope with the current shortage of energy supplies. Already we have seen drilling activity hampered by a lack of readily available oil country tubular goods and drilling rigs. These are just the first of many obstacles that we should plan for well in advance, because generally long leadtimes are required to solve these problems.

We not only need a national commitment for a goal of domestic energy sufficiency, but also the planning necessary to achieve it as soon as possible.

How many oil and gas wells should be drilled in 1974 and succeeding years?

How many oil and gas wells can be drilled in these years?

Mr. President, the Federal Energy Office agrees with me that we need an overall energy program to achieve the objectives of Project Independence. The first goal should be to determine the rate of drilling required domestically to achieve the desired levels of domestic production. I feel that it will be necessary to at least double the current drilling rate.

Several areas of oilfield operations must be discussed in detail to determine if inhibiting shortages are likely to occur, when they will occur, and how best to avoid their occurrence.

Congress should determine in advance if the manufacturers of material goods necessary for oilfield operations will be able to supply greatly expanded material needs of the petroleum industry such as steel casing and other tubular goods, drilling rigs, drill bits, tool joints, compressors, and other critical machinery.

Congress should determine if the oilfield service companies who support the producing and workover activities of the petroleum industry will be able to provide continued expansion in crucial areas such as cementing of wells, logging operations, and perforating of wells.

Congress should determine if qualified personnel will be available to the industry such as trained labor for rig crews and field operations, trained technicians, and professional people such as qualified geologists and engineers.

Congress should determine if the engineering support companies with particular expertise necessary for the design and construction of refineries, pipelines, et cetera, are able to provide the necessary rate of expansion of those facilities.

Congress should determine the ability of the financial community to provide capital for the tremendous investments and the required profitability of the oil industry if the financial community is to justify making those commitments.

Congress should determine the restrictions to rapid expansion of the Federal leasing effort to assure that adequate acreage is available to explore for oil and gas.

All of these areas and others need to be heard now, not when additional shortages occur and we are hampered further in our efforts to increase energy supplies.

No one in Congress knows what needs to be done to go from a situation of shortages to a position of self-sufficiency.

The consumers deserve more than shortages and the hot air of political demagoguery. To date Congress has done very little to provide the consumers with sufficient supplies of energy. Congress seems content with harassing the oil companies to the delusive joy of their people back home.

Instead, we as representatives, have the responsibility to learn for our people back home what needs to be done to increase energy supplies for their welfare.

Otherwise, the people of the United States will be faced with allocations and rationing and in general the frustration of dealing with shortages of energy.

THE ORGANIZATION MEN

Mr. HUGH SCOTT. Mr. President, I commend to my colleagues the following editorial from the Wall Street Journal of Thursday, April 4, 1974. It is an unusually thoughtful analysis of the current political situation. I ask unanimous consent that it be printed in the RECORD.

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

THE ORGANIZATION MEN

Of the many important lessons to be drawn from Watergate, one of the least discussed is the extent to which institutions help restrain excess ambition and zeal. Vice President Ford hinted in that direction in a recent speech criticizing "an arrogant elite guard of political adolescents" which bypassed the regular party organization, made its own rules and ran roughshod over the seasoned political judgment of party regulars. But the Vice President necessarily limited his remarks to the GOP, when in fact it is necessary to look beyond that for an answer.

The national preoccupation with what happened in Watergate has tended to overshadow the equally important question of how it happened. As a result, entirely too many people have chalked up the whole sordid episode to politics as usual. Yet generally it was the amateur playing at politics, rather than the professional politicians themselves, who conceived and carried out the cover-up.

Those who emerged from the episode with their integrity intact tended to be career officials and such institutions as the Internal Revenue Service and the CIA. The explanation seems to be that these officials had an unshakable determination to defend their institutional interests, therefore they couldn't be persuaded to join in the Watergate circus. It's fashionable to ridicule the limited loyalties exhibited by organization men and bureaucratic institutions, and to disparage their preoccupation with minor improvements rather than sweeping reform. Yet while such institutional inhibitions may be frustrating, they are also likely to be prudent.

It's important to remember that the political parties, like the FBI or CIA, are enduring institutions with enduring interests. Critics are forever inveighing against "machine politics" and "political wardheelers," as though they were somehow loathsome. The worst of them may well be; certainly history offers some pretty sordid examples of political machines. But successful political organizations are responsive to the concerns of citizens in a way "reform" politicians rarely are. Perhaps more to the point, if only out of self-interest successful political organizations would not likely try to subvert the very political process of which they're so integral a part.

Vice President Ford implied that ethics aside, professional politicians would not have undertaken a Watergate-type operation because they would not have risked the damage that a bungled operation was likely to inflict. CREEP, on the other hand, had no organizational loyalties beyond the reelection of Richard Nixon, therefore it had no overriding need to worry about the wider GOP fortunes.

Moreover, party pros would not have acted as though the 1972 election were a matter of life or death. Most of them understand that politics is not an abstract goal but an intricate social process. Its weapons are not break-ins and burglary but accommodation and compromise. Opponents are not enemies to be subdued but a political faction to be won over.

All this tends to suggest that the best way to avoid future Watergates is to strengthen the political parties. Unfortunately, though,

the trend is in the other direction: The changing role of the media, emerging demographic patterns, and broad economic and social changes have combined to weaken party loyalty. It's still not clear what will arise to take the place of the major party organizations, except that the sorting out process is likely to be drawn out and maybe even painful.

Yet despite the received wisdom about "political hacks," the worst effects of the new political environment may very well be minimized precisely by encouraging the participation of organization men who can be depended upon to respect political and institutional limits.

SUPPORT FOR PSRO

Mr. BENNETT. Mr. President, during the past few days I have made two speeches on the Senate floor concerning the PSRO provision which I sponsored, and which was signed into law as part of Public Law 92-603.

In brief, the PSRO provision was designed to afford practicing physicians at local levels an opportunity, on a voluntary and publicly accountable basis, to undertake medical care review for medicare and medicaid rather than having this review done by the Government itself and its agents, as in the present medicare program.

In the first of these speeches, I reviewed the reasons why the Congress passed and the President signed this important piece of legislation.

In the second speech I rebutted the unfortunate and unseemly propaganda barrage of distortions and half-truths which was recently released by the American Medical Association against the PSRO amendment.

Today, I would like to discuss the strong support for the PSRO amendment, both within organized medicine and from the administration and the Congress. I think it is important for us in Congress to keep in mind that many elements of medicine support the PSRO amendment.

The PSRO amendment was given careful consideration and would never have passed had it not been for the fact that many, many physicians participated in drafting the amendment and many groups of physicians supported passage of the amendment. For example, a number of large State medical societies supported and continue to support the PSRO provision. Among these are the State societies in Pennsylvania, Mississippi, Colorado, New Mexico, and my own State of Utah. In addition, many local medical societies supported and continue to support the provision. In fact, willingness to cooperate with the PSRO provision by large numbers of medical organizations can be documented by the large number of physician groups who have already requested to be designated as potential or conditional PSRO's.

Additionally, the principal medical specialty societies have been supportive of the PSRO concept and have been cooperating in its implementation. Just last week, for example, in New York, the 25,000-member American College of Physicians, one of the largest national medical organizations, composed of specialists in internal medicine, came out in support of the provision.

I think the Senate will also be interested in what I consider to be one of the most significant resolutions in support of PSRO. The House of Delegates of the Student American Medical Association, meeting just recently, passed a resolution strongly supporting the PSRO program. Mr. President, I ask unanimous consent that that resolution be printed in the RECORD.

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

RESOLUTION NO. 11A—PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS, 1974

Resolved, that SAMA reaffirms its policy of endorsement of responsible peer review, and be it further

Resolved, that SAMA recognizes the opportunity provided by Section 249F of Public Law 92-603 to improve the quality and decrease the cost of medical care, and be it further

Resolved, that SAMA urges more effective means be developed for the maintenance of confidentiality, and be it further

Resolved, that SAMA feels that review, and in particular peer review, should be considered educational first before punitive, and be it further

Resolved, that SAMA urges all medical students and the medical profession to work toward implementing Professional Standards Review Organizations and encourages the inclusion of physicians-in-training at all levels of planning and implementation, and be it further

Resolved, that SAMA acknowledges that PSRO is a legislative mandate which enables physicians to maintain control of their profession."

Mr. BENNETT. Mr. President, I think this resolution is most significant because it shows that those many thousands of young men and women in medical school and recently graduated from medical school, who have their whole lives and careers in medicine before them, believe not only that they have nothing to fear from appropriate peer review, as called for in the PSRO provision, but that they see such review as a strong positive force toward assuring high quality medical care.

Mr. President, I think that the last portion of the Student AMA resolution is perhaps the most significant:

Resolved that SAMA acknowledges that PSRO is a legislative mandate which enables physicians to maintain control of their profession.

These young student doctors realize that Federal health programs are not only here to stay, but will likely expand in the future. These student doctors are intelligent enough to realize that with programs of this magnitude, a quality and utilization review mechanism is necessary and, finally, they understand the PSRO provision for exactly what it is—a mechanism to enable physicians to maintain control of their profession.

Unfortunately, those political physicians who seem to have a disproportionate voice within the AMA, appear to be more concerned with warding off, postponing and otherwise hindering the development of any effective professional and accountable review mechanism at all for a few more years—perhaps until they may be out of practice—rather than supporting the establishment of a lasting and effective review mechanism responsibly operated by practicing physicians rather than Government or its agents.

Mr. President, aside from the support for PSRO from many segments of organized medicine, the PSRO provision is strongly and actively supported by the administration. Those within the administration who are responsible for administering the medicare and medicaid programs recognize that the PSRO provision represents a mechanism under which they can carry out their responsibility for effective administration of the programs, while leaving to physicians medical judgments and determinations.

The administration not only supports the PSRO concept as it relates to the current medicare and medicaid programs, but they have also included in their national health insurance proposal provisions so that the PSRO review units would also review medical services provided under the proposed administration health insurance program.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an excerpt from President Nixon's health message to the Congress on February 20 of this year. The excerpt concerns the PSRO program.

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

PROFESSIONAL STANDARDS REVIEW

Under my Comprehensive Health Insurance proposal, the Professional Standards Review Organizations now being established by law would be expanded to improve the quality of health care for all.

As presently contemplated, there will be a nationwide system of locally run physician organizations which will review the quality and effectiveness of medical care delivered to Medicare, Medicaid, and Maternal and Child Health beneficiaries. These new organizations, called PSRO's, provide great potential for bringing about improvements in health care practices by the best possible utilization of health care facilities and services.

This program is a unique Federal effort. It recognizes that physicians at the local and State level are best suited to judge quality and appropriateness of care. Individual PSRO's will be established and operated by local physicians, although the Federal Government will pay the operating costs. A number of PSRO's are expected to be designated and set into operation by the end of this fiscal year.

Mr. BENNETT. Mr. President, it is not just the administration which recognizes the necessity and importance of the PSRO program. I have been pleased to see that the sponsors of most of the major health insurance proposals currently before the Congress have included the PSRO concept as an integral part of their proposals. For example, the proposal of Senators LONG and RIBICOFF includes PSRO review. And, the PSRO approach is incorporated in the bill introduced just the other day by Senator KENNEDY and Chairman MILLS.

Mr. President, in closing, I would urge those Congressmen and Senators who may have concerns about the PSRO provision to review the speeches I made on April 1 and April 2. I urge them to keep in mind the fact that the PSRO provision has strong support from many segments of organized medicine, from those

who are currently charged with administering the medicare and medicaid programs, and from the sponsors of major health insurance measures.

ASSISTING SMALL BUSINESS TO COMPLY WITH THE OSHA LAWS

Mr. BIBLE. Mr. President, as chairman of the Select Committee on Small Business, I have consistently tried to make it possible for the small business community to be partners in progress rather than the victims of progress.

It was gratifying that the legislation which I first proposed in 1969, enabling SBA loans for general compliance with consumer, pollution, environmental, health and safety standards, became law on January 2 of this year as Public Law 93–237. Our committee has also worked over the years on other possible legislative and administrative proposals to make it practical for small businesses to live with Government requirements.

One of the notable areas of difficulty in this regard has been the occupational safety and health law. This statute gave rise to a massive 330-page set of regulations that still has many businesses tied up in knots in attempts to comply.

A serious defect in the OSHA statute from the beginning has been the inability of the Federal Government to be helpful to the small firms constituting 97½ percent of the business population who may desire earnestly to meet the requirements of the statute within their available management time and financial means.

We have advanced and supported legislation to provide for on-site consultations to remedy this problem. I was gratified to note the recent introduction of a bill by a member of our committee, the Senator from Iowa (Mr. CLARK), proposing that the Small Business Administration be given authority to conduct the on-site advisory inspections.

I have been advised by the Department of Labor that the Department views with approval the authority contained in section (b) of the Small Business Act that:

> It shall be the duty of the Administrator (of the SBA) whenever it determines such action is necessary—(1) to provide technical and managerial aids to small business concerns, by advising and counseling on matters in connection with—accident control.

I ask unanimous consent that the correspondence to this effect from the Labor Department be printed in the RECORD at the conclusion of my remarks.

It was most encouraging that the 10th Biennial Convention of the American Federation of Labor and Congress of Industrial Organization—AFL–CIO—adopted a policy resolution stating that this great labor organization would accept an on-site consultative program for small employers provided that it was "financed to a separate budgetary request"; that is, separate from the administration of the OSHA law, and also that it "provides the same rights and protection for workers as are set forth in the inspection and enforcement sections of (that) act."

It seems to me that we now have some very welcome developments in this field.

I hope that the committees of Congress concerned will be able to move forward with these suggestions and bring a real measure of relief to the thousands of small firms who wish to comply with occupational safety and health requirements.

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

U.S. DEPARTMENT OF LABOR,
Washington, D.C., December 20, 1973.

DEAR SENATOR BIBLE: Because of your recognized interest in helping small businessmen comply with occupational safety and health standards, I felt the enclosed letter from Assistant Secretary Stender would be of interest to you.

If you have any questions or require additional information, please let me know.

Sincerely,

BENJAMIN L. BROWN,
Deputy Under Secretary for Legislative Affairs.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., December 20, 1973.

Mr. GEORGE H. R. TAYLOR,
Executive Secretary, AFL–CIO Standing Committee on Occupational Safety and Health, Washington, D.C.

DEAR MR. TAYLOR: Thank you for your recent letter asking for my reaction to your policy resolution agreeing to on-site consultative programs for small employers if those programs are separately financed and administered.

My position is in strong support of on-site consultative service to assist small businesses in complying with safety and health standards. Even before affirming that stand during my confirmation hearings, I took an active role as a Washington State Senator in assuring such a provision would be included in my home state's occupational safety and health plan.

Under present law, the Labor Department is not authorized to offer Federal consultation in an employer's establishment without conducting an inspection at the same time. Where States have sought such authority, we have approved on-site consultation service in their plans, if it is shown to have separation from the mechanisms of enforcement sufficient to protect them against reduced impact.

While I am reluctant to offer an interpretation of laws that govern other agencies, to be fully responsive to your question, I feel I should point out a statutory provision that relates to your resolution. It is the authority found in the Small Business Act (PL 85–536, Section 8(b)) which empowers the Small Business Administration in making available "technical and managerial aids to small-business concerns" to provide advice and counsel on "accident control."

The pertinent provision follows:

"It shall also be the duty of the Administration and it is hereby empowered, whenever it determines such action is necessary—

(1) to provide technical and managerial aids to small-business concerns, by advising and counseling on matters in connection with Government procurement and property disposal and on policies, principles, and practices of good management, including but not limited to cost accounting, methods of financing, business insurance, accident control, wage incentives, and methods engineering, by cooperating and advising with voluntary business insurance, professional, educational, and other nonprofit organizations, associations, and institutions and with other Federal and State agencies, by maintaining a clearinghouse for information concerning the managing, financing, and operation of small-business enterprises, by disseminating such information, and by such other activities as are deemed appropriate by the Administration;" (emphasis supplied)

I hope the foregoing is helpful to you and your colleagues in furthering the common concern of labor, management and government to end injury and illness in the American workplace.

Sincerely,

JOHN H. STENDER,
Assistant Secretary of Labor.

AFL–CIO,
Washington, D.C., December 14, 1973.

Mr. JOHN H. STENDER,
Assistant Secretary, Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C.

DEAR JOHN: The 10th Biennial Convention of the AFL–CIO held October 18–24 of this year unanimously adopted a policy resolution dealing with occupational safety and health. Copies of this resolution were given to your Special Assistant, Mr. Maywood Boggs, one of which he told me would be delivered to you. I understand that this was done.

I particularly wish to call to your attention that part of our policy resolution addressed to on-site consultative services. It reads:

"Accept any on-site consultative program for small employers only if it is separately financed and administered by an agency other than the Labor Department, provides the same rights and protections for workers as are set forth in the inspection and enforcement sections of the Act, contains penalties against its misuse to avoid compliance with the standards of the Act, and is financed under a separate budgetary request."

The AFL–CIO, therefore would oppose any legislation proposed, now or in the future, which would be counter to the above. Moreover, it would oppose with equal vigor any administrative proposal to accomplish on-site consultative services within OSHA.

I would appreciate your taking the opportunity to examine our statement dealing with on-site consultative services and giving us the benefit of your reactions at your earliest possible convenience.

Sincerely yours,

GEORGE H. R. TAYLOR,
Executive Secretary, AFL–CIO Standing Commtitee on Occupational Health and Safety.

MARYLAND VOTERS POLL

Mr. MATHIAS. Mr. President, I want to report the results of a poll that I conducted recently among the people of Maryland, because I think it will be of interest throughout the country as an indication of the thinking of a significant body of opinion. In a newsletter that I mailed early in March to approximately 400,000 households in the State of Maryland, I included a poll that asked several specific questions on two issues—"Federal election reform" and "energy and the economy." I also asked recipients of the poll to write-in other matters that they thought should receive top congressional priority this year.

There were approximately 25,000 poll responses to my office. I should emphasize that while the poll provides an insight into the attitudes of residents of the State, there is no way to determine the educational background, ethnic composition or income level of the respondents. There also was no effort made to break down the responses into geographical regions. Thus, the results of this poll can be accurately and usefully interpreted only when bearing in mind these unanswered questions. Nevertheless, the results are highly informative.

In summary, Mr. President, the poll reveals strong support among Marylanders who responded for a number of Federal election reforms—with the notable exception of public financing. Returns also show that slightly fewer than half the respondents think the energy crisis is real. But they express support of various proposals to deal with a shortage of energy. Finally, Mr. President, analysis of the poll results makes it clear that the rising cost of living and the unsettled nature of the Watergate affair head a list of domestic issues that Marylanders think should be given top priority by Congress this year.

I ask that the report on the Maryland poll be printed in the RECORD.

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

[Results in percent]

Would you favor—	Yes	No	No opinion
I. FEDERAL ELECTION REFORM			
1. A fixed ceiling on campaign expenditures	89	11	0
2. Public disclosure of personal finances of all elected officials	75	22	3
3. Outlawing cash gifts to campaigns	61	37	2
4. Larger tax deductions for campaign contributors	20	76	4
5. A single 6-year term for President	37	58	5
6. Public (government) financing for:			
Presidential campaigns	50	48	2
7. Congress and Senate campaigns	46	50	4
8. Party primary campaigns	26	67	7
9. General election campaigns only	26	49	25
10. A law to limit the size of political contributions? (If "yes," what should the limit be?)	77	15	8
Dollar limit as a percentage of those answering "yes": $50 and under—9 percent; $100—25 percent; $500—12 percent; $1,000—21 percent; $5,000—8 percent; $10,000 and over—6 percent; specified no dollar amount—19 percent.			
11. Mandatory retirement of elected officials at a specific age? (If "yes," what should the age be?)	67	27	6
Retirement age as a percentage of those answering "yes": 60 and below—7 percent; 62—3 percent; 65—40 percent; 68—4 percent; 70—36 percent; 72—2 percent; 75 and above—7 percent; specified no age—1 percent.			
II. ENERGY AND THE ECONOMY			
12. Do you believe the energy crisis is real	48	39	13
Would you favor—			
13. Voluntary fuel conservation	66	24	10
14. Gasoline rationing	51	42	7
15. Allowing gas prices to rise	30	64	6
16. Easing environmental restrictions	51	41	8
17. Expanded nuclear power facilities	82	11	7
18. Greater governmental spending on energy research	80	15	5
19. Controls on oil company profits	79	16	5

III. The "write-in" section of the poll was tabulated by selecting twenty key issues (listed below) and recording the responses as a percentage of the total number of "write-in" comments sampled. For example, the 17% figure for inflation means that of all the comments recorded, nearly a fifth (or 17%) dealt with inflation. The relatively low percentage figures for the majority of the issues are a function of the large number and variety of comments received. The percentages should not be interpreted to mean that there are no overriding issues. In fact, seven issue-areas account for 70% of the comments and should be considered significant (in order of importance): inflation, impeachment, tax reform, regulation of oil companies, "put Watergate behind us", mass public transportation, and health care. It should be noted however, that many respondents declined to offer written suggestions, while others held priorities that constituted less than one percent of the comments sampled. For example, the issues of gun control, abortion, unemployment, education, and the media were suggested but are not among the top twenty priorities.

As a percentage of "write-in" comments sampled—

(Percent of twenty key issues recorded)

1. Other energy measures:	
Development of solar energy	4
Regulation of oil companies (includes nationalization, public disclosure of inventories, higher tax on oil companies, etc.)	8
Fuel price rollbacks	1
Development of offshore and shale oil deposits	1
Total	14
Other priorities	
2. Economy:	
Inflation (includes both a general concern about the cost of living and concerns about specific sectors of the economy)	17
Overall reduction in government spending	3
Total	20
3. Public confidence in government:	
Impeachment (includes those favoring resignation and "removal of the President")	15
Put Watergate behind us (includes anti-impeachment and "get on with the country's business")	7
Corruption in government	2
Restore confidence in elected officials	5
Total	29
4. Domestic programs.	
Tax reform (includes lowering property and mid-range income taxes as well as closing loopholes)	11
Mass public transportation	6
Health care (includes both comprehensive and partial federal health insurance)	6
Welfare reform	4
Old age assistance	2
Total	29
5. Military:	
Maintain strong national security	1
Cut military spending (includes general reduction and lowering troop levels abroad)	1
Total	2
6. Crime:	
Crime	2
Restore death penalty	1
Total	3
7. Environmental issues:	
Environment (includes all references to cleaning up the environment and strengthening ecological safeguards)	3
Total	3

CONCLUSION

The open ended nature of the "write-in" section makes it difficult to accurately determine how a percentage of the population feels about a given issue (for example, of those ballots sampled, only 14% contained a reference to inflation). Nevertheless, by considering the relative frequency of comments, it is clear that the rising cost of living and the unsettled nature of the Watergate affair are issues which the sampled population sees as of primary importance. At the other end of the spectrum, some issues are important because of the lack of response which they generated; i.e., there was relatively little interest evinced in the areas of crime and international security. Based on this sample, then, it would seem that domestic issues should be given top priority by Congress this year.

WHY TAXES SHOULD NOT BE CUT NOW

Mr. FANNIN. Mr. President, I would like to bring to the attention of my colleagues an article in the April 9 edition of the Wall Street Journal by Prof. Murray L. Weidenbaum entitled "Why Taxes Should Not Be Cut Now." Contrary to the report of the Joint Economic Committee calling for a $10 billion tax reduction, Professor Weidenbaum concludes "that a very substantial amount of fiscal stimulus is already programed and foreseeable in the Federal budget for the coming year."

Mr. President, controlling the rising spiral of inflation should have the highest priority in Congress and it is difficult for me to understand how we control inflation by enlarging a prospective fiscal year 1975 deficit of roughly $26 billion.

As Malcolm Forbes, in the April 15 edition of Forbes, so aptly states:

Cut Taxes? Yes, sure—that's the way to slow inflation. Don't we always put out fires by dousing them with gasoline?

Mr. President, I ask unanimous consent that the full text of Professor Weidenbaum's article be printed in the RECORD.

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

WHY TAXES SHOULDN'T BE CUT NOW

(By Murray L. Weidenbaum)

Projections of rising unemployment have given rise to pleas for reducing federal taxes to provide more stimulus to the economy. Hence, it is in order to examine how expansionary the federal budget really is going to be in the year ahead.

On the surface, the fiscal outlook appears to be quite moderate. A modest $9.4 billion deficit is projected in the unified budget for the fiscal year beginning July 1. Moreover, on a "full employment" basis, the budget is expected to register a restraining $8 billion surplus for the fiscal year 1975. On this

basis, there would appear to be some opporunity for further fiscal stimulus to a soft economy.

However, my examination of the details of the budget indicate that the deficit may be as high as $20 billion for the coming year, and that the "full-employment" budget has become a victim of inflation.

AN OVERSTATEMENT

Revenues for the fiscal year 1975 are officially estimated at $295 billion. But on the basis of the same general economic assumptions (a 1974 gross national product of $1,390 billion and an unemployment rate of 5.5%), the staff of the Joint Committee on Internal Revenue Taxation estimated receipts for the year at $287 billion, or $8 billion lower.

About $3 billion of the discrepancy is due to the tax legislation which the administration has proposed, mainly the so-called tax on windfall oil profits. The present outlook is dim for congressional action raising oil industry taxes by that amount. All in all, federal revenues seem to be overestimated by $6-$8 billion.

On the expenditure side, the estimate for unemployment compensation may turn out to be low, particularly if the unemployment rate exceeds the administration's expectation of 5.5% for the calendar year 1974. Even if the economy turns up in the second half, it is most unlikely that the real rate of growth will be sufficiently rapid to absorb the growing labor force. Thus, it is likely that, from the current level of 5.2%, the rate of unemployment will rise and exceed 5.5% for the year as a whole.

On the basis of past experience, it is likely that the administration and Congress will both take a more liberal attitude toward spending in general as the unemployment rate continues to rise. Hence, an election year may well result in the economic slowdown compelling an increase in government outlays substantially beyond the budget requests. At least in the past, the policy reaction has been "too much, too late." All in all, expenditures are likely to be $2 billion to $4 billion above the fiscal 1975 estimate.

There is one further area that deserves our attention, the fairly new phenomenon of the so-called "off-budget" agencies. The term was introduced for the first time in the 1975 budget. It does not include many items which would seem to fit the title, such as the government-chartered Federal Land Banks and the Federal National Mortgage Association. These enterprises, which have become privately owned in recent years, properly are excluded from the budget.

The new category of "off-budget" agencies is limited to enterprises which are entirely federally owned and controlled—the Export-Import Bank, the Postal Service, the Rural Electrification Administration; they are truly part of the federal government. The only thing that separates them from the agencies that are included in that budget is that Congress has passed laws which arbitrarily move their financial transactions out of the budget. The result is clear: The total of federal expenditures and the resultant budget deficit are both lower than they would be if this arbitrary change had not occurred.

It is noteworthy that when the Treasury reports the federal government's total borrowings from the public, the $3 billion of financial requirements of the off-budget agencies are added back in! Thus, total expenditure overruns and revenue shortfalls could easily convert the anticipated $9.4 billion deficit to a substantial $20 billion net injection of federal purchasing power into the economy's income stream in the year ahead.

There are some of course who would react to this situation by shifting the debate to the so-called full-employment budget. Even after allowing for the $3 billion of federal spending by the off-budget agencies, this measure of federal finance would still show a comfortable and comforting $5 billion surplus in fiscal 1975. But here account must be taken of two key shortcomings of this series: (1) the 4% unemployment assumption and (2) the impace of inflation.

Without rekindling the debate as to whether 4% unemployment is a feasible target, it is important to understand that the choice of unemployment assumption can be critical to determining whether the full-employment budget registers a surplus or a deficit for any given time period. If we take at face value the estimates in the January budget and do nothing more than raise the unemployment assumption, we will lower if not eliminate the projected "full employment" surplus.

As shown in the table below, at 4.5% unemployment, the full employment budget registers a $5 billion deficit rather than an $8 billion surplus. This change occurs because revenues are more than twice as sensitive as expenditures to changes in the level of economic activity. (Technically, the "income" elasticity of federal revenues is 1.1 and of expenditures only 0.5 in the short run.)

TABLE A.—1975 FULL-EMPLOYMENT BUDGET

[Dollars in billions]

Unemployment assumption	Revenues	Expenditures	Surplus (+) or deficit (−)
4.0 percent	$311	$303	+$8
4.5 percent	299	303	−4
4.8 percent	296	304	−8

A similar analysis can be performed to show the impact of inflation. The more rapid the rate of inflation, the smaller the deficit or the larger the surplus that is registered in this budget series. As shown in the table below, shifting from the 7% inflation assumed used in the budget to the more customary 3% reduces the projected full-employment surplus from $8 billion to $2 billion.

TABLE B.—1975 FULL-EMPLOYMENT BUDGET

[Dollars in billions]

Inflation assumption	Revenues	Expenditures	Surplus (+) or deficit (−)
7 percent	$311	$303	+$8
3 percent	299	297	+2
0 percent	290	292	−2

To see what the total effect of inflation on the full-employment budget concept is, we can observe the figures that would result from no change in price levels—a $2 billion deficit in the "real" full employment budget. The purpose of this analysis is not to question the realism of the 7% inflation assumption used in the January budget. Rather, it is to cast grave doubt over the validity of using the full-employment budget numbers as presently computed as an indicator of fiscal restraint during a period of substantial inflation.

A POWERFUL STIMULANT

Contrary to the views of those who are advocating reductions in the federal personal income tax, it can be seen that a very substantial amount of fiscal stimulus is already programed and foreseeable in the federal budget for the coming year.

Reducing federal taxes may be attractive in an election year. Yet, given the inevitable lags in voting and implementing a change in policy, a 1974 tax cut would have little effect on employment this year. But it would likely have a substantial inflationary impact during an economic upturn in 1975.

GUIDE FOR FEDERAL AID TO EDUCATION

Mr. MONDALE. Mr. President, a concise guide to programs administered by the U.S. Office of Education for fiscal year 1974 appears in the March 1974 issue of American Education. The guide clearly and simply outlines the types of assistance available, the amounts appropriated, and basic application information.

Because this table would be helpful to students, teachers, school administrators, and others interested in education in Minnesota and throughout the Nation, I ask unanimous consent that it be printed in the RECORD.

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

FEDERAL FUNDS: GUIDE TO OE-ADMINISTERED PROGRAMS, FISCAL YEAR 1974

The Federal Government is a major source of financial support and technical assistance to the Nation's schools and colleges, chiefly through the U.S. Office of Education (OE). As a major component of the Education Division of the U.S. Department of Health, Education, and Welfare, OE administers programs covering virtually every level and aspect of education. These programs and the Fiscal Year 1974 funds appropriated by Congress in support of them are listed on the following pages.

For easy reference, the programs are presented in categories or groupings that indicate whether they serve individuals or institutions and the nature of their support, for example, research or construction. Since the several phases of one program or activity may serve more than one category, a given program may be listed more than once.

It is important to note that under special provisions of the HEW Appropriations Bill, the President is authorized to withhold from obligation and expenditure up to $400 million of the total, with the reservation that funds appropriated for no one program, activity, or project may be reduced by more than five percent. With that withholding option taken into account, the Office of Education's funding level for Fiscal Year 1974 comes to $5,936,944,000. This sum does not include the FY 1974 appropriation of $75 million for the National Institute of Education, the other major component of the HEW Education Division.

It should also be noted that distribution of OE funds for Title I of the Elementary and secondary Education Act is subject to a special "hold harmless" provision. Under this provision allocations will be made in such a manner that no State will receive less than 100 percent and no more than 120 percent of the amounts it received in FY 1973. Within each State, no local education agency will receive less than 90 percent of the amount it received in FY 1973, with no stated ceiling on amounts above that level.

Reprints of the "Guide to OE-Administered Programs, Fiscal Year 1974" are available. A single copy may be obtained free on request to American Education. P.O. Box 9000, Alexandria, VA 22304. Multiple copies may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 at 25 cents each (25 percent discount on orders over 100). When ordering, please specify OE-74-01016.

GROUP I: TO INSTITUTIONS, AGENCIES, AND ORGANIZATIONS

Type of assistance	Authorizing legislation	Purpose	Appropriation (dollars)	Who may apply	Where to apply
PT. A—FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS					
1. Bilingual education	Elementary and Secondary Education Act, title VII.	To develop and operate programs for children aged 3–18 who have limited English-speaking ability.	50, 350, 000	Local education agencies or institutions of higher education applying jointly with local education agencies.	OE Grant Application Control Center.
2. Comprehensive planning and evaluation.	Elementary and Secondary Education Act title V–C.	To improve State and local comprehensive planning and evaluation of education programs.	4, 750, 000	State and local education agencies.	OE Division of State Assstance.
3. Follow Through	Economic Opportunity Act of 1964 (amended by Public Law 90–222).	To extend into primary grades the educational gains made by deprived children in Head Start or similar preschool programs.	41, 000, 000	Local education or other agencies nominated by State education agencies in accordance with OE and OEO criteria.	OE Division of Follow Through.
4. Incentive grants	Elementary and Secondary Education Act, title I, pt. B (amended by Public Law 91–230).	To encourage greater State and local expenditures for education.	17, 855, 000	State education agencies that exceed the national effort index.	OE Division of Compensatory Education.
5. Innovative and exemplary programs—supplementary centers.	Elementary and Secondary Education Act, title III.	To support innovative and exemplary projects.	146, 168, 000	Local education agencies	State education agencies, or OE Division of Supplementary Centers and Services.
6. Indian education	Indian Education Act (Public Law 92–318) title IV, pt. A.	To aid local education agencies and Indian controlled schools on or near reservations meet the special educational needs of Indian children.	25, 000, 000	Local education agencies and Indian controlled schools on or near reservations.	OE Office of Indian Education.
7. Programs for children in State institutions for the neglected and delinquent.	Elementary and Secondary Education Act, title I (amended by Public Law 89–750).	To improve the education of delinquent and neglected children in State institutions.	25, 449, 000	State parent agencies	State education agencies.
8. Programs for disadvantaged children.	Elementary and Secondary Education Act, title I (amended by Public Law 89–750).	To meet educational needs of deprived children.	1, 446, 338, 000	Local school districts	State education agencies.
9. Programs for Indian children	Elementary and Secondary Education Act, title I (amended by Public Law 89–750).	To provide additional educational assistance to Indian children in federally operated schools.	15, 809, 936	Bureau of Indian Affairs schools	Bureau of Indian Affairs, Department of Interior.
10. Programs for migratory children	Elementary and Secondary Education Act, title I (amended by Public Law 89–750).	To meet educational needs of children of migratory farmworkers.	98, 331, 000	Local school districts	State education agencies.
11. School library resources and instructional materials.	Elementary and Secondary Education Act, title II.	To help provide school library resources, textbooks, and other instructional materials.	90, 250, 000	Local education agencies	OE Division of Library programs.
12. Special grants to urban and rural school districts with high concentrations of poor children.	Elementary and Secondary Education Act, title IV, pt. C (amended by Public Law 91–230).	To improve education of disadvantaged children.	47, 701, 000	Local school districts	State education agencies.
13. Special projects in Indian education.	Indian Education Act (Public Law 92–318), title IV, pts. B and C.	To support planning, pilot, and demonstration projects for the improvement of educational opportunities for Indian children and to develop training programs for educational personnel.	15, 000, 000	Indian tribes, organizations, and institutions; State and local education agencies and federally supported elementary and secondary schools for Indian children.	OE Office of Indian Education.
14. State administration of ESEA Title I programs.	Elementary and Secondary Education Act, title I (amended by Public Law 89–750).	To strengthen administration of ESEA, title I.	18, 048, 000	State education agencies	OE Division of Compensatory Education.
15. Strengthening State education agencies.	Elementary and Secondary Education Act, title V–A.	To improve leadership resources of State education agencies.	34, 675, 000	State education agencies, combinations thereof, and public regional interstate commissions.	OE Division of State Assistance.
PT. B—FOR STRENGTHENING ORGANIZATIONAL RESOURCES					
16. Library services	Library Services and Construction Act, title I.	To extend and improve public library services, institutional library services, and library services to physically handicapped persons.	44, 019, 000	State library administrative agencies.	OE Division of Library programs.
17. Interlibrary cooperation	Library Services and Construction Act, title III.	To establish and operate cooperative networks of libraries.	2, 730, 000	State library administrative agencies.	OE Division of Library programs.
18. State administration (of NDEA programs).	National Defense Education Act, title III.	To strengthen administration in in State education agencies for supervisory and related services to elementary and secondary schools.	2, 000, 000	State education agencies	OE Division of Library programs.
19. Instruction in nonpublic schools	National Defense Education Act, title III, sec. 305.	To provide interest bearing loans to private schools to improve instruction of academic subjects.	250, 000	Nonprofit private elementary and secondary schools.	OE Division of Library programs.
20. Instruction in public schools	National Defense Education Act, title III.	To strengthen instruction of academic subjects in public schools.	26, 250, 000	State education agencies	OE Division of Library programs.
21. Educational personnel training and development.	Education Professions Development Act (Public Law 90–35).	To support, broaden and strengthen training of teachers and other educational personnel.	26, 179, 000	State and local education agencies, colleges, and universities.	OE Division of Educational Systems Development.
22. Teacher Corps	Education Professions Development Act, pt. B–1.	To improve educational opportunities for children of low-income families and to improve the quality of programs of teacher education for noncertified and inexperienced teacher interns.	37, 500, 000	Institutions of higher education, local education agencies and State education agencies.	OE Teacher Corps Office.
23. Special programs serving schools in low-income areas.	Education Professions Development Act (Public Law 90–35).	To train or retrain persons for career ladder positions or for staff positions in urban and rural poverty schools; to introduce change in the ways in which teachers are trained and utilized.	46, 229, 000	State and local education agencies, colleges, and universities.	OE Division of Educational Systems Development.
24. Educational broadcasting facilities.	Public Broadcasting Act of 1967, as amended.	To aid in the acquisition and installation of broadcast equipment for educational radio and TV.	15, 675, 000	Nonprofit agencies, public colleges, State broadcast agencies, and education agencies.	OE Division of Technology and Environmental Education.
25. Sesame Street—Electric Company.	Cooperative Research Act	To fund children's public television programs.	3, 000, 000	Children's Television Workshop (only).	OE Division of Technology and Environmental Education.
26. Projects in environmental education.	Environmental Education Act of 1970 (Public Law 91–516).	To develop environmental and ecological awareness and problem-solving skills through education programs conducted by formal and nonformal educational organizations and institutions.	1, 900,000	Colleges and universities, postsecondary schools, local and State education agencies and other public and private nonprofit agencies, institutions, and organizations.	OE Division of Technology and Environmental Education.

GROUP 1: TO INSTITUTIONS, AGENCIES, AND ORGANIZATIONS—Continued

Type of assistance	Authorizing legislation	Purpose	Appropriation (dollars)	Who may apply	Where to apply
PT. B—FOR STRENGTHENING ORGANIZATIONAL RESOURCES—Continued					
27. Drug abuse education and related programs and activities.	Drug Abuse Education Act of 1970 (Public Law 91-527).	To organize and train drug education leadership teams at State and local levels; to provide technical assistance to these teams; to develop programs and leadership to combat causes of drug abuse.	5,700,000	Institutions of higher education; State and local education agencies; public and private education or research agencies; institutions and organizations (sec. 3); public or private nonprofit agencies, organizations, and institutions (sec. 4).	OE Division of Drug Education Nutrition, and Health programs.
PT. C—FOR POSTSECONDARY EDUCATION PROGRAMS					
28. Advanced institutional development.	Higher Education Act of 1965, title III, as amended.	To assist selected developing institutions enter the mainstream of higher education.	99,992,000	Developing institutions with demonstrated progress.	OE Division of Institutional Support.
29. College Library Resources	Higher Education Act of 1965, title II-A.	To strengthen library resources of junior colleges, colleges, universities, and postsecondary vocational schools.	9,975,000	Postsecondary institutions	OE Division of Library programs.
30. College Work-Study	Higher Education Act of 1965, title IV-C, as amended.	To stimulate and promote the part-time employment of postsecondary students of great financial need.	270,200,000	Colleges, universities, vocational, and proprietary schools.	OE Office of Student Assistance, Division of Student Support and Special programs.
31. Cooperative education programs	Higher Education Act of 1965, title IV-D, as amended.	To support the planning and implementation of cooperative education programs at higher education institutions.	10,750,000	Colleges and universities	OE Division of Institutional Support.
32. National Direct Student Loan program.	Higher Education Act of 1965, title IV-E, as amended.	To assist in setting up funds at institutions of higher education for the purpose of making low-interest loans to graduate and undergraduate students attending at least half-time.	293,000,000	College and universities	OE Office of Student Assistance, Division of Student Support and Special programs.
33. Cuban student loans	Migration and Refugee Assistance Act.	To provide a loan fund to aid Cuban refugee students.	2,600,000	Colleges and universities	OE Office of Student Assistance, Division of Student Support and Special programs.
34. Endowments to agriculture and mechanic arts colleges.	Bankhead-Jones and Morrill Acts.	To support instruction in agriculture and mechanic arts in land-grant colleges.	12,200,000	The 69 land-grant colleges	OE Division of Institutional Support.
35. State student incentive grants	Higher Education Act, title IV	To encourage States to increase their appropriations for grants to needy students or to develop such grant programs where they do not exist (Grants are on a matching 50-50 basis).	19,000,000	State education agencies	OE Office of Student Assistance.
36. Higher education innovation and reform.	Education Amendments of 1972	To aid higher education in generating reforms in curriculum development, teaching, and administration.	10,000,000	Postsecondary institutions and related organizations.	Fund for the Improvement of Postsecondary Education (ASE).
37. National teaching fellowships and professors emeriti.[2]	Higher Education Act of 1965	To strengthen the teaching resources of developing institutions.	(see 1, 28)	Developing institutions nominating prospective fellows from established institutions and retired scholars.	OE Division of Institutional Support.
38. State Administration of Higher Education Act, titles VI-A and VII-A programs.	Higher Education Act, title XII	To help States administer programs under title VI and VII of Higher Education Act.	3,000,000	State commissions that administer academic facilities instructional equipment programs.	OE Division of Training and Facilities.
39. University community service programs.	Higher Education Act of 1965, title I, as amended.	To strengthen higher education capabilities in helping communities solve their problems.	14,250,000	Colleges and universities	State agencies or institutions designated to administer State plans (information from OE Office of Institutional Support and International Programs).
40. Strengthening developing institutions.	Higher Education Act of 1965, title III.	To provide partial support for cooperative arrangements between developing and established institutions.	(see 1, 28)	Accredited colleges and universities in existence at least 5 years.	OE Division of Institutional Support.
41. Student Special Services	Higher Education Amendments of 1968, title I-A	To assist low-income and handicapped students to complete postsecondary education.	23,000,000	Accredited institutions of higher learning or consortiums.	HEW Regional Offices.
42. Veterans cost-of-instruction	Higher Education Act, Title X	To encourage recruitment and counseling of veterans by postsecondary education institutions.	23,750,000	Postsecondary education institutions.	OE Veterans Program Unit.
43 Supplemental Educational Opportunity Grants.	Education Amendments of 1972	To assist students of exceptional financial need to pursue a postsecondary education.	210,300,000	Participating educational institutions.	OE Division of Student Support and Special Programs.
44. Talent Search	Higher Education Act of 1965, title IV-A, as amended.	To assist in identifying and encouraging promising students to complete high school and pursue postsecondary education.		Institutions of higher education and combinations of such institutions, public and private nonprofit agencies, and public and private organizations.	HEW Regional Offices.
45. Undergraduate instructional equipment.	Higher Education Act of 1965, title VI-A.	To improve undergraduate instruction.	11,875,000	Institutions of higher education, including vocational and technical schools and hospital schools of nursing.	Division of Institutional Support.
46. Upward Bound	Higher Education Act of 1965, title IV-A, as amended.	To generate skills and motivation for young people with low-income backgrounds and inadequate high school preparation.	38,331,000	Accredited institutions of higher education and secondary or postsecondary schools capable of providing residential facilities.	HEW Regional Offices.
47. Fellowships for higher education personnel.	Education Professions Development Act, pt. E.	To train persons to serve as teachers, administrators, or education specialists in higher education.	2,100,000	Institutions of higher education with graduate programs.	OE Division of Training and facilities.

GROUP I: TO INSTITUTIONS, AGENCIES, AND ORGANIZATIONS—Continued

Type of assistance	Authorizing legislation	Purpose	Appropriation (dollars)	Who may apply	Where to apply
PT D—FOR THE EDUCATION OF THE HANDICAPPED					
48. Deaf-blind centers	Education of the Handicapped Act, title VI-C (Public Law 91-230).	To develop centers and services for deaf-blind children and their parents.	14,055,000	State education agencies, universities, medical centers, public or nonprofit agencies.	OE Bureau of Programs for Handicapped, Division of Educational Services.
49. Early education for handicapped children.	Education of the Handicapped Act, title VI-C (Public Law 91-230)	To develop model preschool and early education programs for handicapped children.	12,000,000	Public agencies and private nonprofit agencies.	OE Bureau of Programs for Handicapped, Division of Educational Services.
50. Information and recruitment for handicapped.	Education of the Handicapped Act, title VI-D (Public Law 91-230).	To improve the recruitment of educational personnel and the dissemination of information on educational opportunities for the handicapped.	500,000	Public agencies and private nonprofit agencies and organizations.	OE Bureau of Programs for Handicapped, Division of Educational Services.
51. Media services and captioned film loan program (films).	Education of the Handicapped Act, title VI-F (Public Law 91-230).	To advance the handicapped through film and other media, including a captioned film loan service for cultural and educational enrichment of the deaf.	13,000,000	State or local public agencies, schools, and organizations which serve the handicapped, their parents, employers, or potential employers.	OE Bureau of Programs for Handicapped, Division of Educational Services.
52. Media services and captioned film loan program (centers).	(As above)	To establish and operate a national center on educational media for the handicapped.	(included in 51 above)	Institutions of higher education	OE Bureau of Programs for Handicapped, Division of Educational Services.
53. Media services and captioned film loan program (research).	(As above)	To contract for research in the use of educational and training films and other educational media for the handicapped and for their production and distribution	(included in 51 above)	By invitation	OE Bureau of Programs for Handicapped, Division of Educational Services.
54. Media services and captioned film loan program (training).	(As above)	To contract for training persons in the use of educational media for the handicapped.	(included in 51 above)	Public or other nonprofit institutions of higher education for teachers, trainees, or other specialists.	OE Bureau of Programs for Handicapped, Division of Educational Services.
55. Programs for children with specific learning disabilities.	Education of the Handicapped Act, title VI-G (Public Law 91-230).	To provide for research, training of personnel and to establish model centers for the improvement of education of children with learning disabilities.	3,250,000	Institutions of higher education, State and local educational agencies, and other public and private nonprofit agencies.	OE Bureau of Programs for Handicapped, Division of Educational Services.
56. Programs for the handicapped (aid to States).	Education of the Handicapped Act, title VI-B (Public Law 91-230).	To strengthen educational and related services for handicapped children.	47,500,000	State education agencies	OE Bureau of Programs for Handicapped, Division of Educational Services.
57. Programs for the handicapped in State-supported schools.	Elementary and Secondary Education Act, title I (Public Law 89-313, as amended).	To strengthen programs for children in State-supported schools.	85,778,000	Eligible State agencies	OE Bureau of Programs for Handicapped, Division of Educational Services.
58. Personnel training for the education of the handicapped.	Education of the Handicapped Act, title VI-D (Public Law 91-230).	To prepare and inform teachers and others who educate handicapped children.	39,615,000	State education agencies, colleges, universities, and other appropriate nonprofit agencies.	OE Bureau of Programs for Handicapped, Division of Training Programs.
59. Training of physical education and recreation personnel for handicapped children.	Education of the Handicapped Act, title VI-D (Public Law 91-230).	To train physical education and recreation personnel for the handicapped.	(included in 58 above)	Institutions of higher education	OE Bureau of Programs for the Handicapped, Division of Training Programs.
PT. E—FOR THE SUPPORT OF OVERSEAS EDUCATIONAL PROPROGRAMS					
60. Consultant services of foreign curriculum specialists.	Mutual Educational and Cultural Exchange Act and Agricultural Trade Development and Assistance Act (Public Law 83-480) (in excess foreign currency countries).	To support visits by foreign consultants to improve and develop resources for foreign language and area studies.	160,000	Colleges, consortiums, local and State education agencies, nonprofit education organizations.	OE Division of International Education.
61. Group projects abroad for language and area studies in non-Western areas.	Mutual Educational and Cultural Exchange Act and Public Law 83-480 (in excess foreign currency countries).	To promote development of international studies.	[2] 2,300,000	Colleges, universities, consortiums, local and State education agencies, nonprofit education organizations.	OE Division of International Education.
62. Institutional cooperative research abroad for comparative and cross-cultural studies.	Agricultural Trade Development and Assistance Act of 1954 (Public Law 83-480).	To promote research on educational problems of mutual concern to American and foreign educators.	(included in 61 above)	Colleges, universities, consortiums, local and State education agencies, nonprofit education organizations.	OE Division of International Education.
PT. F—FOR OCCUPATIONAL, ADULT, AND VOCATIONAL EDUCATION					
63. Adult education	Adult Education Act of 1966, as amended.	To provide literacy programs for adults	63,485,000	State education agencies	OE Division of Adult Education.
64. Occupational training and retraining.	Manpower Development and Training Act of 1962, as amended.	To train persons for work in fields where personnel shortages exist.	145,000,000	Local school authorities (public, private, nonprofit).	State vocational education agency (information from OE Division of Manpower Development and Training).
65. Vocational programs	Vocational Education Act of 1963, as amended.	To maintain, extend, and improve vocational education programs; to develop programs in new occupations.	[3] 494,227,000	Public schools	State boards of vocational education (information from OE Division of Vocational and Technical Education).
PT. G—FOR DESEGREGATION ASSISTANCE AND IMPACT AID					
66. Cuban refugee education	Migration and Refugee Assistance Act.	To help school systems meet the financial impact of Cuban refugee education.	10,000,000 (est.)	School districts with significant numbers of Cuban refugee school-age children.	OE Division of School Assistance in Federally Affected Areas.
67. Desegregation assistance to local education agencies.	Civil Rights Act of 1964, title IV	To aid school districts in hiring advisory specialists to train employees and provide technical assistance in matters related to desegregation.	[4] 21,700,000	School districts	OE Office of School Desegregation Programs.
68. Desegregation assistance to teacher institutes.	Civil Rights Act of 1964, title IV	To improve ability of school personnel to deal with school desegregation problems.	(included in 67 above)	Colleges and universities	OE Office of School Desegregation Programs.
69. Desegregation assistance to general assistance centers and State education agencies.	Civil Rights Act of 1964, title IV	To provide technical assistance for school desegregation activities.	(included in 67 above)	Colleges, universities and State education agencies.	OE Office of School Desegregation Programs.
70. Desegregation assistance (nonprofit organizations).	Emergency School Aid Act, title VII (Public Law 92-318).	To give aid to community based efforts in support of school district E.S.A.A. programs.	19,915,000	Nonprofit organizations and groups of organizations (public or private).	HEW Regional Offices.
71. Desegregation assistance (basic grants).	Emergency School Aid Act, title VII (Public Law 92-318).	To aid school districts to eliminate or reduce minority group isolation.	146,875,000	Local public school districts	HEW Regional Offices.

GROUP I: TO INSTITUTIONS, AGENCIES, AND ORGANIZATIONS—Continued

Type of assistance	Authorizing legislation	Purpose	Appropriation (dollars)	Who may apply	Where to apply
PT. G—FOR DESEGREGATION ASSISTANCE AND IMPACT AID—Continued					
72. Desegregation assistance (pilot projects).	Emergency School Aid Act, title VII (Public Law 92-318).	To help school districts provide special educational assistance in minority group isolated schools.	37,341,000	Local public school districts	HEW Regional Offices.
73. Desegregation assistance (bilingual-bicultural programs).	Emergency School Aid Act, title VII (Public Law 92-318).	To help school districts provide bilingual programs to reduce isolation of minority language groups.	9,958,000	Local public school districts	HEW Regional Offices.
74. Desegregation assistance (educational TV).	Emergency School Aid Act, title VII (Public Law 92-318).	To develop and produce multiethnic TV presentations supporting educational improvements.	7,468,000	Nonprofit organizations, public or private.	OE Office of School Desegregation Programs.
75. Desegregation assistance (special programs).	Emergency School Aid Act, title VII (Public Law 92-318).	To support efforts serving E.S.A.A. aims in areas not included in specified programs.	12,447,000	School districts in U.S. jurisdictions other than States; and nonprofit organizations, public and private.	OE Office of School Desegregation Programs.
76. School maintenance and operation.	School Aid to Federally Impacted and Major Disaster Areas (Public Law 874).	To aid school districts on which Federal activities or major disasters have placed a financial burden.	225,820,000	Local school districts	OE Division of School Assistance in Federally Affected Areas.
GROUP II: INDIVIDUALS—FOR TEACHER AND OTHER PROFESSIONAL TRAINING, AND STUDENT ASSISTANCE					
1. Basic educational opportunity grants.	Education Amendments of 1972.	To provide financial assistance to postsecondary students at the undergraduate level	475,000,000	Postsecondary education students.	P.O. Box G, Iowa City, IA 52240.
2. College work study	Higher Education Act of 1965, title IV-C, as amended.	To stimulate and promote the part-time employment of postsecondary students of great financial need.	(see I, 30)	Graduate, undergraduate, and vocational students enrolled at least half-time in approved educational institutions.	Participating institutions (information from OE Office of Student Assistance).
3. Cuban student loans	Migration and Refugee Assistance Act.	To provide a loan fund to aid Cuban refugee students.	(see I, 33)	Cubans who became refugees after Jan 1, 1959.	Participating institutions (information from OE Office of Student Assistance).
4. Direct student loans	Higher Education Act of 1965, as amended, title IV-E.	To provide low-interest loans to postsecondary students.	(see I, 32)	Graduate and undergraduate students enrolled on at least a half-time basis.	Participating institutions (information from OE Office of Student Assistance).
5. Educational development (for educators from other countries).	Mutual Education and Cultural Exchange Act.	To provide opportunity for educators to observe U.S. methods, curriculum, and organization on elementary, secondary, and education levels.	350,000	Educators from abroad (including administrators, teacher trainers, education ministry officials).	OE Division of International Education.
6. Fellowships abroad for doctoral dissertation research in foreign language and area studies.	Mutual Educational and Cultural Exchange Act.	To promote instruction in international studies through commercial lenders.	750,000	Prospective teachers of language and area studies.	Participating institutions (information from OE Division of International Education).
7. Fellowships for higher education personnel.	Education Professions Development Act, pt. E.	To train persons to serve as teachers, administrators, or education specialists in higher education.	(see I, 47)	Individuals who qualify	Participating institutions (information from OE office of Institutional Support and International Programs, Division of Training and Facilities).
8. Fellowship opportunities abroad.	Mutual Educational and Cultural Exchange Act, and Public Law 83-480 (in excess foreign currency countries).	To promote instruction in international studies through grants for graduate and faculty projects.	[5] (see I, 60)	Faculty in foreign languages and area studies.	Institutions of higher education at which applicants are enrolled or employed (information from OE Division of International Education).
9. Guaranteed student loan program.	Higher Education Act of 1965, title IV-B, as amended.	To encourage private commercial institutions and organizations to make loans for educational purposes to postsecondary students.	([6])	Students accepted for enrollment on at least a half-time basis in an eligible postsecondary educational institution.	Private lenders.
10. Interest benefits for higher education loans.	Higher Education Act of 1965, title IV-B, as amended.	To provide interest benefits for student loans through commercial lenders.	310,000,000	Students enrolled in eligible institutions of higher and vocational education.	Participating lenders (information from OE Office of Student Assistance).
11. Media services and captioned films training grants.	Education of the Handicapped Act, title VI-F (Public Law 91-230).	To improve quality of instruction available to deaf persons.	[7] (see I, 51-54)	Persons who will use captioned film equipment.	OE Bureau of Programs for Handicapped, Division of Educational Services.
12. National teaching fellowships and professors emeriti.	Higher Education Act of 1965, title III.	To strengthen the teaching resources of developing institutions.	[8] (see I, 37)	Highly qualified graduate students or junior faculty members from established institutions and retired scholars.	Participating institutions (information from OE Division of Institutional Support).
13. Personnel training for the education of the handicapped.	Education of the Handicapped Act, title VI-D (Public Law 91-230).	To prepare and inform teachers and others who educate handicapped children.	(see I, 58)	Qualified individuals	Participating institutions (information from OE Bureau of Programs for Handicapped, Division of Training Programs).
14. State student incentive grants	Higher Education Act, title IV	To encourage States to increase their appropriations for student grants to needy students or to develop such grant programs where they do not exist—grants are on a 50-50, matching funds basis.	(see I, 35)	Postsecondary education students.	State education agencies.
15. Supplemental educational opportunity Grants.	Education Amendments of 1972.	To assist students of exceptional financial need.	(see I, 43)	Postsecondary students	Participating educational institutions (information from OE Office of Student Assistance).
16. Teacher exchange	Mutual Education and Cultural Exchange Act.	To promote international understanding and professional competence by exchange of teachers between the United States and foreign nations.	[9] 1,320,000	Elementary and secondary school teachers, college instructors, and assistant professors.	OE Division of International Education.
17. Training of physical education and recreation personnel for handicapped children.	Education of the Handicapped Act, title VI-D.	To train physical education and recreation personnel for the handicapped.	(see I, 59)	Qualified individuals	Participating institutions (information from OE Bureau of Programs for the Handicapped, Division of Training Programs).
18. Teacher Corps project grants	Education Professions Development Act, pt. B-1.	To improve educational opportunities for children of low-income families and improve the quality of programs of teacher education for both certified and inexperienced teacher interns.	(see I, 22)	Institutions of higher education, local education agencies, and State education agencies.	OE Teacher Corps Office (individuals apply to appropriate institution).

GROUP II: INDIVIDUALS—FOR TEACHER AND OTHER PROFESSIONAL TRAINING, AND STUDENT ASSISTANCE—Continued

Type of assistance	Authorizing legislation	Purpose	Appropriation (dollars)	Who may apply	Where to apply
19. Ellender Fellowships	Public Law 92-506	To assist the Close Up Foundation of Washington, D.C., to carry out its program of increasing the understanding of the Federal Government among secondary school students, and the communities they represen..	500,000	Economically disadvantaged secondary school students and secondary school teachers.	The Close Up Foundation, 1660 L St. NW., Washington, D.C. 20036.
20. College teacher fellowships	Higher Education Act, title IX	To increase the number of well qualified college teachers.	5,806,000	Prospective college teachers working toward doctoral degrees.	Participating institutions (information from OE Office of Institutional Support and International Programs, Division of Training and Facilities).
21. Librarian training	Higher Education Act, title II-B	To increase opportunities for training in librarianship.	2,850,000	Prospective and/or experienced librarians and information specialists.	Participating institutions (information from OE Division of Library Programs).
GROUP III: FOR RESEARCH					
1. Handicapped research and related activities.	Education of the Handicapped Act, title VI-E (Public Law 91-230).	To promote new knowledge and teaching techniques applicable to the education of the handicapped.	9,566,000	State or local education agencies and private educational organizations or research groups.	OE's Bureau of Programs for Handicapped, Division of Innovation and Development.
2. Physical education and recreation for the handicapped.	Education of the Handicapped Act, title VI-E (Public Law 91-230).	To perform research in areas of physical education and recreation for handicapped children.	350,000	State or local education agencies, public or nonprofit private educational or research agencies and organizations.	OE Bureau of Programs for Innovation and Development.
3. Vocational education curriculum development.	Vocational Education Act of 1963, as amended in pt. "I"	To develop standards for curriculum development in all occupational fields and promote the development and dissemination of materials for use in teaching occupational subjects.	4,000,000	State and local education agencies, private institutions and organizations.	OE Application Control Center, Office of Adult, Vocational, Technical, and Manpower Education.
4. Vocational education research (developing new careers and occupations).	Vocational Education Act of 1963, as amended, part. C.	To develop new vocational education careers and to disseminate information about them.	9,000,000	Education agencies, private institutions, and organizations.	OE Application Control Center, Office of Adult, Vocational, Technical, and Manpower Education.
5. Vocational education research (innovative projects).	Vocational Education Act of 1963, as amended, pt. D.	To develop, establish and operate exemplary and innovative projects to serve as models for vocational education programs.	8,000,000	State boards of education	OE Office of Adult, Vocational, Technical, and Manpower Education, Division of Research and Demonstration.
6. Vocational education research (meeting vocational needs of youth).	Vocational Education Act of 1963, as amended, pt. C.	To develop programs that meet the special vocational needs of youths with academic and socioeconomic handicaps.	9,000,000	Education agencies, private institutions, and organizations.	State boards of education.
7. Vocational education research (relating school curriculums to careers).	Vocational Education Act of 1963, as amended, pt. D.	To stimulate the development of new methods for relating school work to occupational fields and public education to manpower agencies.	8,000,000	State boards of education, local education agencies.	DHEW regional offices.
8. Library demonstrations	Higher Education Act, title II-B	To promote library and information science research and demonstrations.	1,425,000	Institutions of higher education and other public or private nonprofit agencies, institutions, and organizations.	OE Division of Library Programs.
GROUP IV: FOR CONSTRUCTION					
1. Public schools	School Aid to Federally Impacted and Major Disaster Areas (Public Law 815).	Aid school districts in providing minimum school facilities in federally impacted and disaster areas.	19,000,000	Local school districts	DHEW regional offices.
2. Vocational facilities	Appalachian Regional Development Act of 1965.	Construct area vocational education facilities in the Appalachian region.	24,000,000	State education agencies in Appalachian region.	OE Division of Vocational and Technical Education.

[1] OE (Office of Education).
[2] Includes $2,000,000 in appropriated excess foreign currencies, $300,000 from the Bureau of Postsecondary Education.
[3] At least 10 percent for handicapped.
[4] Represents tota. funding figure for title IV of Civil Rights Act.
[5] Take from a total $3,000,000 in appropriated excess foreign currencies.
[6] Private capital is used for these loans.
[7] Programs that include educational personnel training.
[8] Appropriated in previous years.
[9] Includes funds contributed by foreign governments on a cost-sharing basis.

DISCRIMINATION PROHIBITED

Title VI of the Civil Rights Act of 1964 states: *"No person in the United States shall, on the ground* of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, or be so treated on the basis of sex under most education programs or activities receiving Federal assistance." All programs cited in this article, like every other program or activity receiving financial assistance from the Department of Health, Education, and Welfare, operate in compliance with this law.

CONDITIONS IN BRAZIL

Mr. KENNEDY. Mr. President, recent events in Brazil raise new concerns for the preservation of human rights in that nation.

Many of us had hoped that the words of the new President, Gen. Ernesto Geisel during his inauguration presaged a turn toward a more open and free society.

Past events of torture and severe repression had prompted expressions of condemnation of the previous government of Brazil from a number of international and inter-American commissions concerned with violations of human rights. These continuing reports of conditions in Brazil had tainted the economic accomplishments of that regime.

Many of us saw the declarations of the new President as offering some hope for a permanent shift away from the practices of earlier military governments.

However, news reports over the weekend now disclose that a Congressman was arrested for having given a speech in the Congress condemning the excesses of the Chilean military junta.

The arrest itself contradicts the declarations and pronouncements of the new President and raises fresh concern among many observers hopeful that Brazil could move away from political repression. The resources of Brazil are among the most bountiful in the world and the opportunities for economic and social development are broad. It would be tragic if the new administration were to continue a policy of the denial of civil liberties to its citizens.

As one Senator, I would hope that this incident would be brought to a quick close, one which would assert the freedom of speech of Brazilians and their elected representatives.

Mr. President, I ask unanimous consent for two articles on this subject to be printed in the RECORD at this time.

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

[From the New York Times, Apr. 5, 1974]

BRAZIL CHARGES A CONGRESSMAN

(By Marvine Howe)

RIO DE JANEIRO, April 4.—An opposition Brazilian Congressman appeared before the

Supreme Court in Brasilia today to be charged under the national security law with public offense to Chile's chief of state.

The charge stemmed from a speech in Congress last month in which the Congressman, Francisco Pinto of the opposition Brazilian Democratic Movement, described the chief of Chile's military junta, Gen. Augusto Pinochet Ugarte, as a "fascist" and "the oppressor of the Chilean people."

If convicted, the Congressman faces two to six years in prison.

FIRST SUCH CHARGE

This is the first time that Brazil's military Government has formally charged a member of Congress with public offense to a chief of state, although other members have used strong language to denounce other leaders, among them President Nixon, President Juan Domingo Peron of Argentina and Premier Fidel Castro of Cuba.

The Pinto case has stirred much comment and concern in opposition circles here in view of widespread hopes that the inauguration last month of Gen. Ernesto Geisel as President of Brazil was a step toward liberalization.

General Geisel has publicly declared that he favors a "gradual but sure" return to democratic rule in Brazil and has promised a new voice in policy making to Congress, which had been made powerless in recent years.

Mr. Pinto himself expressed the view that the Government's action against him was intended to placate not only General Pinochet but also Brazil's hardline military leaders, who have expressed concern over a slight relaxation of censorship.

The Congressman's five-minute speech, which included a warning against what he described as the Chilean leader's plan to create an anti-Communist axis with Brazil, Paraguay and Bolivia, was published in the Congressional record but has not appeared in full in the Government-censored press.

CITES "LEGAL DUTY"

The general public learned of Mr. Pinto's stand when the Minister of Justice announced last week that he would be tried. Considerable press coverage has been given to the Pinto case but most articles in defense of him have been censored.

"I was acting according to my conscience and my constitutional and legal duty," Mr. Pinto declared in an interview here in Rio de Janeiro before taking off for Brasilia. He pointed out that the Brazilian Constitution gives Congress the exclusive right to discuss foreign treaties, conventions or international acts.

"My protest against Pinochet and his plan for an axis was above all made as a democrat and a Christian." Mr. Pinto declared, adding that he felt he was voicing a strong consensus not only of Brazil but also of the world.

His attack coincided with the arrival here of the Chilean leader for the inauguration of General Geisel as Brazil's fourth military President since the army took power 10 years ago.

[From the New York Times, Apr. 7, 1974]

IN BRAZIL ALL IS NOT AS IT SEEMS

(By Marvine Howe)

RIO DE JANEIRO.—As they face endless lines for milk and vegetable oils, shortages of rice and sugar and inaccessible prices for meat, many Brazilians have begun to ask what became of their "Miracle," the economic achievement of a decade of military government: heady industrial development and controlled inflation at the same time.

The questioning is important to the future of Brazil. It is the first serious problem for the nation's new President, Gen. Ernesto Geisel, who assumed office only a month ago. And the economic difficulties are compounded by their inevitable political consequences. For ten years, Brazilians have endured repression of basic democratic liberties in return for economic improvement. Now the situation seems paradoxical: Just as the regime appeared ready to restore some political liberties, many Brazilians have become economically dissatisfied and are making political demands greater than the Government seems willing to grant. The result, for the moment, is both economic and political unrest.

STABILITY FIRST

General Geisel is the most recent legatee of the military takeover in 1964 that was, basically, a middle- and upper-class movement directed against the popularly elected, leftist President João Goulart, soaring inflation and the rising demands of the workers. The military men and their technocrat aides who have governed since have concentrated on two aims: development and security.

Press freedom and legal guarantees have been quashed, the political life of the country truncated and social development often neglected. But the authorities, in defense of their policies, point to the handsome growth statistics. Last year the national product increased at a rate of 11 per cent, one of the highest in the world, and has averaged about 10 per cent over the past five years. Foreign investment was $3.6-billion last year and is expected to double this year. Foreign reserves stand at a high $6.4-billion. At the same time, inflation has come down from a peak of 100 per cent in 1964 to 15.5 per cent last year, according to official statistics.

The country still has all the signs of boom times: construction projects, labor shortages and industrial vitality. An aggressive foreign trade policy has pushed not only the traditional coffee and sugar but also shoes, pharmaceuticals, vehicles and computers, all over the globe. The aid and trade push in Latin America, particularly in Chile, Bolivia, Uruguay and Paraguay, has brought accusations of imperialistic designs. Brazilian authorities shrug off these charges and aspire to world power status as befits the country's size (larger than continental United States), population of 104 million and natural resources.

The new Finance Minister, Mario Henrique Simonsen, has pledged to pursue these growth policies but faces an entirely new situation. Brazil imports 80 per cent of its oil, and expects to have to pay $3-billion for oil imports this year. This means necessarily more exports, new shortages on the local market, continued containment of workers' salaries and a rise in discontent.

THE POLITICAL PROBLEM

President Geisel, former head of the national oil enterprise Petrobras, is fully aware of those possible political effects. For several months, as the Government's presidential candidate, he quietly initiated a policy of "decompression" or a relaxation of the previous authoritarian controls. His aim: to broaden the regime's support and to bring in other sectors to share responsibility for impending problems.

General Geisel and his chief aides met critics of the regime among the press, intellectuals and the Roman Catholic church, and promised to ease censorship, end tortures and other police abuses, and give a greater voice to congressmen, students and workers. In his first major policy speech the week after taking office, without actually criticizing the former Government of Gen. Emilio G. Medici, President Geisel said that corrections and adjustments were needed. He acknowledged that serious regional disparities persist between the "flagrantly underdeveloped north and northeast and the fairly developed south and center." He said the gap between rich and poor was too broad.

Finance Minister Simonsen bears this out in his book "Brazil 2001." In 1960, he says, the lower half of the population held 18 per cent of the wealth and the top five per cent held 27 per cent. By 1970, the bottom 50 per cent held only 14 per cent and the top five per cent held 36 per cent.

Last week, on the tenth anniversary of the military takeover, the Brazilian press published glowing accounts of stability and economic development. There were also grave reports on the state of education, health and the arts.

Infant mortality has increased from a rate of 62.94 per thousand children in São Paulo in 1960 to 88.28 per thousand in 1970. Forty million people were said to be undernourished and nearly half the country's cities without running water and sewers.

"The country has such serious social problems that the regime, no mater how noble Geisel's intentions, won't be able to relax controls for long," a Catholic lay leader declared.

CENSORSHIP, ON AND OFF

"Censorship is worse than ever," Fernando Gasparian, publisher of the main opposition weekly, Opinão, declared. He pointed out that censors had even slashed President Geisel's policy speech—the section on the need for a better distribution of income.

Brazil's leading daily, O Estado de São Paulo, which has led the fight for a free press, continues to publish classical poetry in the censored spaces and its sister afternoon newspaper, Jornal da Tarde, fills its spaces with recipes.

The only improvement in the press was the appearance last week of the newsmagazine Veja without cuts, an indication that its censor had been pulled out of the newsroom.

At the same time, Justice Minister Armando Falcão announced the prosecution of an opposition deputy. His crime: denouncing the presence of Gen. Augusto Pinochet, head of Chile's military junta, at President Geisel's inauguration and attacking General Pinochet's reported plan to create an anti-Communist axis grouping Chile, Brazil, Bolivia and Paraguay. If convicted under the National Security Law, the errant deputy could get from two to six years in prison.

HISTORIC PRESERVATION LEGISLATION NEEDED NOW

Mr. PERCY. Mr. President, few, if any, among us are opposed to the preservation of historic buildings. As the 1976 American Bicentennial approaches, more rhetoric than usual flows forth on the importance of preserving our cultural heritage. But we are not doing enough.

Ada Louise Huxtable recently wrote an article on the tragedies that are occurring in many American cities; despite public outcries, historic structures, buildings whose architectural style and charm will be lost forever, are being demolished to meet the "needs" of a progressive society.

The Senate has already taken a positive step to protect such buildings. We recently approved the Housing and Community Development Act of 1974, which authorized Federal insurance for historic structures preservation loans. These loans will finance the preservation of residential structures that conform with the criteria of the National Register of Historic Places. But more needs to be done. Numerous bills, several of which I cosponsor, that would provide the necessary incentives to encourage the owners of historic properties to preserve and

restore them rather than tear them down are still pending before the Congress.

As Ms. Huxtable's article points out, the demolition of structures deserving of preservation is proceeding across the country. The longer Congress delays in taking up the several pending historic preservation bills, the more of our architectural treasures will be destroyed. As my colleagues know, Chicago can boast one of the proudest architectural heritages among American cities; yet each year that maintenance and renovation of historic structures is not economically advantageous, the owners of such buildings will continue to find it necessary to tear them down and replace them with more lucrative investment properties. But Chicago is only one of thousands of American cities that have a lot to lose.

I urge the various Senate committees, before whom historic preservation measures are pending, to act with all possible haste to take action on legislation in this area. I also urge my colleagues to read Ms. Huxtable's article for insight into the true seriousness of the current situation. 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 New York Times, Mar. 10, 1974]

IN ST. LOUIS, THE NEWS IS BETTER

(By Ada Louise Huxtable)

In New York, Grace Church seems to be going ahead with its plan to demolish its two 19th-century Gothic Revival houses for a new school and community activities building, wringing its hands all the way to the bulldozer.

In St. Louis, the news is considerably better. Adler and Sullivan's Wainwright Building of 1892, a landmark of skyscraper design that was to be torn down for parking, will be saved.

If anything, one would have thought that the Wainwright situation was the more hopeless of the two. Nothing is more obsolete than an old office building, or more relentless than commercial land values, and nothing is harder to save than a sizable and antiquated investment structure in a central business district, with the pressures of redevelopment pushing it deeper and deeper into the red. Talk about odds!

But the Wainwright will be restored and used as a state office building by the State of Missouri, on the unanimous vote of the Board of Public Buildings, and with the hearty endorsement of Governor Christopher Bond. The new user, and happy ending, were found after the National Trust for Historic Preservation had initiated the unprecedented step of taking an option on the building from the present owners, when they decided to demolish.

The Trust's purpose was to find a buyer—with the owner's cooperation. It was a big gamble that worked. It meant taking an activist role, with the obstinate vision of what had to be done.

For Grace Church, the commitment to preservation never seemed to be that great. For one thing, it was being weighed against survival of the congregation and a desperate lack of funds. There was always uncertainties and division among church members on the worth of the old buildings, with some believing that a new one would be better, as well as cheaper. When conversion proved to be the more costly route, the die was cast. And while the Wainwright building, a seminal skyscraper at the top of Louis Sullivan's work, was listed on the National Register, the Grace Church buildings did not even have city landmark designation. Unfortunately, there are no nuances of designation in environmental terms; a building either "makes it" or it doesn't, and although "amenity" factors are increasingly being considered, they raise legal questions. Nor has National Register listing saved a lot of buildings; it has just made more illustrious rubble. But the determining factor for Grace Church was that the obstinate vision that makes things happen against odds was simply never there.

The difference is chiefly one of values perceived. Not long ago, a government agency would have been accused of losing its senses if it proposed to take over an 82-year old, 10-story structure that needed both repair and conversion. Not so today. The State of Missouri is quite aware, and even proud, of its role. Moreover, it is putting its money behind its intent. The State project will restore and "recycle" the Wainwright Building and construct an adjacent "compatible" new structure on the same downtown block. The conscious aim is to aid center city revitalization while preserving the local and national architectural heritage and adding to urban quality. That takes both vision and values, and deserves full credit and applause.

It is a lot more vision than Chicago is demonstrating. Louis Sullivan's home town has already destroyed two fine Adler and Sullivan buildings—Garrick Theater and the Stock Exchange. It piddles around with designations, and just recently refused to list two other early buildings of the historic, and irreplaceable, Chicago School, the 1891 Manhattan Building by William LeBaron Jenney and the 1893–94 Old Colony Building by Holabird and Roche. D. H. Burnham's 1895–96 Fisher Building may get the nod.

Here and there, Chicago is designating a token out of the priceless unity of its early skyscraper heritage, unique in the nation and the world, and permitting developers to destroy the rest. This is particularly deplorable because Chicago has had submitted to it a carefully and professionally researched zoning proposal that would create an air rights transfer bank that could be progressive, practical and profitable. That proposal has been backed officially by the Department of the Interior as a device for making a National Urban Park of Chicago's early skyscraper district—and the Federal government is not given to impulse sponsorship.

But Chicago continues to measure the urban environment almost exclusively by the real estate yardstick and the public interest is being atrociously served while private, speculative interests are served all too well. Other cities move toward broader zoning laws, while Chicago drags its feet.

The vision and values that Chicago lacks are surfacing all over the country. Bulldozer clearance is being replaced by rehabilitation; "recycling" of old buildings in the dual interest of the energy crisis and the quality of environment is being practiced as well as preached. Many cities are tending one or more historic districts. Handsome and profitable conversions of older structures are becoming commonplace.

It has reached the point where it is virtually impossible to list the successful rehabilitations, from entire Main Streets to landmark public buildings, now being transferred from the Federal government (they were formerly sold as real estate or demolished for parking lots) for local reuse. The sale is often remarkable; the city of Galveston is moving on a "recycling" project of a nearly intact 19th-century area called The Strand, aimed not at a stage-set, sentimental enclave, but conceived as a functioning part of the city. A purchase fund is already in operation, and transportation and commercial link studies are being made at the most serious professional level.

But apparently none of this has filtered through to the nation's capital. Washington's General Services Administration—the same agency that is sincerely encouraging the transfer and reuse of those landmark public buildings in other cities—has a project going at home that defies belief. As reported by Wolf Von Eckardt in the Washington Post, the block on 17th Street NW between G and F Streets, a rapidly disappearing type rich in architectural and historical values and with the additional rarity of variety and human scale, is about to be bulldozed for a monolithic new structure for the Federal Home Loan Board Bank.

One of the interesting things about Washington is that eternal vigilance is not enough. It is the nature of bureaucracies everywhere that a lesson demonstrated is a lesson never learned. Government agencies have a kind of built-in circuitry that insures retreading their errors to infinity. That is one kind of "recycling" that is utterly dependable.

The present disaster, therefore, has an awfully familiar ring. About a decade ago, GSA was prepared to commit the same kind of barbarism on Lafayette Square. It was going to demolish the humane and historic houses of two sides of the square for a pair of Federal white elephants. The project was stopped by White House intervention.

Today, Lafayette Square is the Capital's shining example of preservation, rehabilitation and reuse. It is there—not very far from the 17th Street block—as a successful object lesson for all to see, including GSA. What really surpasses belief is that GSA and assorted other official bodies have given their O.K. to the bulldozer even after the Advisory Council on Historic Preservation reported against the plan. One surmises that it must be the same uncontrollable "sinister force" at work that erased that tape. There is no reasonable explanation for such damage. The environmental quality of the block is beyond dispute.

Who is going to turn the bulldozer around this time? It took a President to do the job before. Again, it is a question of values, complicated, no doubt, by the usual assiduous Washington political game-playing, including angle-figuring, status-seeking and skin-saving. It is not the monuments of men, but the less noble politics of power, that are immortal.

Note: As we went to press, one building was suddenly demolished by GSA in spite of an agreement to wait, and a court order had stopped the bulldozers temporarily on the grounds that GSA is in violation of the 1966 Historic Preservation Act.

COMMUNITY DEVELOPMENT CORPORATIONS SHOW SUCCESS IN COMBATING POVERTY

Mr. KENNEDY. Mr. President, the National Congress of Community Development Corporations held their annual meeting in Washington a short time ago.

Representing the vanguard of the Nation's effort to alter *the conditions* of poverty in the ghettoes and rural hollows of America, the CDC's have compiled an impressive record of growing success.

Operating in 36 areas affecting a population of over 5 million, the CDC's have created more than 12,500 jobs and 40 percent of those jobs are filled by men and women who were unemployed before the CDC brought new life to their communities.

Never a narrowly based concept, the CDC's have developed comprehensive

designs for economic rebirth including housing, health, manpower training, and social services. They have been active partners in the creation of new small businesses and in the enticement of major corporations into the largely neglected poverty community.

When one looks at the Nation as a whole—at the contrasts between the wealth of a private corporation such as Exxon and at the poverty of millions of our citizens—the distance we have yet to travel to realize our national ideals of social justice is apparent.

The CDC's have been a unique tool, crafted by the poverty community itself and mobilizing all of the resources and power of that community and of the larger society as well, in seeking to diminish the gap between rich and poor America. In Roxbury and East Boston in my own State, in Hough, in Rochester, in Salt Lake City, in southeastern Kentucky, and in Harlem and Bedford-Stuyvesant, men and women are demonstrating that community control and community participation can be more than catchwords.

It was in Bedford-Stuyvesant that these programs first began when Senator JACOB JAVITS and Senator ROBERT KENNEDY conceived the idea of Government support for community-based corporations whose goal was both social and economic development. The initial special impact program of the Economic Opportunity Act enabled Bedford-Stuyvesant to begin a course of development that continues to this day.

In 1972, I was pleased to join with Senator JAVITS in sponsoring a new title VII to the Economic Opportunity Act which expanded the special impact program and sought to enlist other Government agencies in behalf of the self-help projects of the poverty community.

This year, we currently are working on legislation to further the independence of this program and to assure continued and expanded Federal support for it.

Senator JAVITS, in a major address to the Congress of Community Development Corporations at their annual meeting, set forth both the philosophy and the history of this idea and eloquently spoke of its potential for the future.

I ask unanimous consent that this statement by Senator JAVITS, who was honored by the Congress of CDC's for his leadership in focusing national attention on the needs of the poor, be printed in the RECORD.

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

REMARKS OF SENATOR JACOB K. JAVITS

This is a very special occasion for me to address this annual meeting of the National Congress for Community Economic Development, for as you know, it was over six years ago, that the late Senator Robert Kennedy and I added the "Special Impact" title to the Economic Opportunity Act of 1964, generated by our desire to do something about the future of communities such as Bedford-Stuyvesant, New York where the community economic development corporation idea to deal with a major poverty problem was born.

A little over a year has passed since Senator Edward Kennedy and I added to the Act a new expanded authority for community economic development—title VII—as a part of the Economic Opportunity Act Amendments of 1972.

Now, under these authorities, we have currently 34 federally funded community development corporations—split almost evenly between urban and rural areas—a number of rural cooperatives, and 75 like privately funded corporations and similar entities across the Nation which have sprung up to harness the energies of their communities.

However, despite these efforts, the circumstances of poverty which necessitated the original legislation have, if anything, gotten worse rather than better.

This is evident from our own personal observations if one takes time even to walk through our inner city and depressed rural areas, as you do all the time; there is seldom little in sight, except what this program has built, to convince us or those who live in these rural areas, that there has been any significant change in the overall situation, between our initial national recognition of the problem of poverty and the present.

What we see with our own eyes—and hear from the people—in human terms is confirmed by the statistic gatherers:

The basic problems which the special impact program was designed to address are with us today in even greater abundance.

Joblessness. The national unemployment rate in January 1968, the year the "special impact" program fully commenced was 3.7% with 2,879,000 persons unemployed. The figures for February, released just last Friday, show a rate of 5.2% national with 4,753,000 persons unemployed. You know, as do I, that the unemployment rate among minority youth in the areas you serve hits regularly 30 to 40% of that population.

Inadequate Housing. A 1971 study by the Congressional Research Service of the Library of Congress notes that the number of abandoned houses in our central cities steadily increased over the previous five years. The present situation in the face of the energy crisis is depressingly documented by the Washington Center for Metropolitan Studies: of the 8 million single family dwellings occupied by the poor, 4 million have no insulation, and about 5 million have no storm windows or doors. One-fourth, or 2 million, of the homes are in the coldest or moderately cold climate zones where temperatures go below freezing in the winter months.

Lack of Business Opportunity for Minorities. The most recent statistics from the Bureau of the Census show that in the entire nation there are only 321,958 minority owned firms.

Welfare Dependency. In 1968, there were 1,522,000 families receiving AFDC (Aid to Families with Dependent Children) with an aggregate of 6,086,000 recipients; today we have in the Nation, 3,150,762 families in that category with an aggregate of 10,851,000 individuals.

Need I say that these "national" problems remain concentrated in the ghettos, barrios, and rural poverty pockets of the Nation, where—added to the depressing economic situation which afflicts all Americans—there is a dwindling tax base coupled with increasing costs—a "double punch" if there ever was one.

And where are we, as these problems stare us in the face?

To deal with *joblessness*, we have a new Comprehensive Employment and Training Act, signed by the President, establishing a new delivery system of state and local governmental sponsors, but at this point a request by the Administration of only $1.88 billion for this fiscal year for an estimated 359,000 "man years" of training, 709,200 more with summer jobs for youth and 35,700 public service jobs, obviously falls far short of the need.

Incidentally, with respect to summer youth jobs—a matter of key concern to you and your communities—the Department of Labor estimates that the 709,200 nine week opportunites to be provided under the Administration's plans with an aggregate of $300,000,000 would reach less than one-fourth of the number who could benefit. The U.S. Conference of Mayors has certified to me that if they had the funds the cities could effectively provide an aggregate of 1,111,483 ten week slots or 402,283 slots above the number planned by the Administration. This would require an additional $220,174,200. As in the past, I shall urge that the Administration and the Congress respond to these documented needs by adding funds to the Second Supplemental Appropriations bill, soon to be considered in the Senate.

In terms of *housing*, we continue to have essentially a "non-program" as the Administration has abandoned the commitment made during the 1960's and, as it contemplates other approaches, actually has brought most efforts to a standstill.

In terms of *minority enterprise*, we have a number of isolated modest efforts, with new budget authority in this year of $35,693,000, about a tenth of what the Nation expends each year to maintain the Coast Guard, for an aggregate of $53,327,000.

In terms of *welfare*, we are still stuck with the old system, unable to reach agreement on how to meet the challenge made by the President in 1969 in proposing the Family Assistance Act, and worse still, have clamped a $2.5 billion annual ceiling on funds for social services under the Social Security Act.

Obviously, from these facts our general programs can hardly be said to hit the mark to an extent sufficient either to meet general needs or to make unnecessary special focus programs directly from the federal government to the neighborhoods which bear the brunt of these problems.

And yet, the Administration seems to remain resolute in its agenda of dismantling the anti-poverty program, as such, which was designed to provide the framework for established efforts of the kind I just described.

Health programs and child care have already been spun off to the Department of Health, Education and Welfare, manpower training to the Department of Labor, VISTA to the new Action agency, and so forth.

The legal services program will soon be taken over by a new independent legal services corporation; as you know legislation to establish the corporation has been passed by both Houses and conference is expected in the next two weeks.

What does that leave? It leaves, basically, the heart of the program—OEO itself, community action agencies, and your effort of community economic development.

Under the Administration's plans, as of this June 30, OEO is to terminate and community action agencies are to "sink or swim" on the strength of state and local governmental help from general and special revenue sharing—sources which have already exhibited little "buoyancy" for the hopes and needs of the poor.

Community economic development, the last of these elements which the Administration appears to care at all about, is in a sense the last obstacle in the way.

And they propose that it, as you know, be transferred by legislation—since the 1972 amendment precluded its delegation—to the Office of minority Business Enterprise in the Department of Commerce.

Under these circumstances, on the one hand, it would be easy to take the Administration's plans as an accomplished fact, view the community economic development effort as essentially "orphaned" and take out "adoption" papers, pursuant to the Administration's plans with the Department of Commerce at the earliest moment.

On the other hand, it would be just as reasonable for you to stay close to those who continue to support you "parent" agency, OEO, and your "brother" community action effort, and "fight to the death."

But both of these options reflect essentially a reactive—if not negative—philosophy based solely on the objective of mere survival and maintenance of the status quo.

It is a policy which says, at best, only what we have been, and not what we are and what we can be.

And so, I urge that we put aside, for the present the immediate question of where the program should be administered, and resolve that question only after we have had the benefit of defining our long term objectives for community economic development over a ten year period, and determining what we should do in the short-term to advance it toward those objectives.

LONG-TERM OBJECTIVES

Ten years from now, I would hope that we would have a very mature and sophisticated system of community economic development, extending over the entire Nation—if not to all areas which may be considered "special impact"—potentially in the thousands—then to 800 areas—or twenty times what we have today.

At the State and local level, I would envision substantial supporting efforts to community economic development corporations and co-ops coming through the carefully constructed systems of the "new Federalism" in areas such as manpower, child care, social services, and economic development generally; in the new Comprehensive Employment and Training Act, we sought to insure that community based groups would have certain "due process" provisions to insure that they receive a fair share of funds, and these processes should be locked into other legislation.

And at the Federal level, I would hope that we would have, in addition to direct funding services from the "parent" agency and support from other agencies, an entity along the lines of S. 2050, the "Domestic Enterprise Bank", which I proposed in June of last year, based upon the Domestic Development Bank proposal which I offered in 1967.

The Bank would be established as a profit-making corporation authorized to make long-term, low-interest loans and guarantees, to participate in loans with public or private lenders to seek participation 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 made more than $2 billion in loans and has raised over $3.4 billion from private investors for its bank to governments' development activities.

The Domestic Enterprise Bank would provide the leverage for secondary sources of assistance—through existing lending institutions and new lending institutions—to which community development corporations, co-ops, minority enterprise efforts, and similar activities would have access.

SHORT-TERM GOALS

Now, a dream of this kind is not going to spring up automatically "from the soil" overnight, and it's not going to spring up at all unless we move forcefully to build in each of these areas over the next few years.

And thus, for the near future, I urge that we abandon the philosophy of mere survival or "holding our own" and adopt one of "expansionism" and break some new ground toward our long-term objectives.

And to that end, I propose that any legislation dealing with the continuation of the program beyond this June, include at the very least, the following basic elements:

First, a clear statement of the program as an "indigenous" community economic development program, and not as something else, with all the flexibility as a programmatic matter which it has had to date.

Second, in whatever agency it is placed—and I will discuss that shortly—that a separate office be established for community economic development, or if combined with an existing office, then community economic development be given the principal "billing", with the office reporting to the head of the agency.

Third, wherever it is maintained, the program should be buttressed by a special Resources Advisory Board consisting of the heads of the Small Business Administration, the Economic Development Administration, the Department of Housing and Urban Affairs and other agencies, as well as representatives of the private sector, the state and local public sector, and the CDCs themselves, to ensure all appropriate federal, state, local, and private resources are channeled into the community development effort at the local level.

Through this Board—which would replicate the basic structure of the community development corporations at the local level—and through amendment of the laws in question, we hope to ensure a greater availability of federal resources. This would include funds administered through block grants to the states and cities, or directly, for example, the assistance of EDA in public works efforts, and of SBA in permitting CDCs to use their basic funds to a greater extent for leveraging purposes; the provisions in the 1972 Economic Opportunity Act Amendments have prompted some assistance, but as you know, not enough, and further measures are necessary.

Fourth, it must have expanded funding. Under the Administration's fiscal year 1975 budget, the program would receive approximately $39.3 million, about the same amount as fiscal 1974. This amount is inadequate.

This request—and the fact that not one new program has been funded since June 1971—is to overlook the fact, according to OEO itself, that new applications have numbered 75 to 100 per year in recent years, and the reality, documented by Action for Community Economic Development, that existing CDCs could use effectively $62.2 million merely to expand existing commitments to a meaningful level and $86.5 million for a "growth" budget.

I would not want community economic development to fall into the "trap" that other social efforts have fallen into—being short funded and then evaluated out of existence—and I pledge every continued effort to increase funds under the existing authority; in my opinion, the legislation should authorize no less than $90 million in the first new fiscal year 1975 and $120 million in the next so that the program can begin to meet its potential.

Fifth, I recommend that the legislation provide a more specific basis than under the current law for building upon the efforts of the Opportunity Funding Corporation, in testing banking concepts to provide additional resources to CDCs in meeting their long term objectives.

In addition to what OFC is already undertaking, the new authority should direct efforts to provide low interest long term loans and guarantees to service the financial needs of various CDC activities without prime consideration as to the leverage of government funds which OFC has so ably proven as a viable method of operation, thus functioning, in an experimental fashion, like the proposed Domestic Enterprise Bank.

THE ADMINISTERING AGENCY

Now, if we can agree on these wide parameters—or some others which you and your representatives feel are key—then the question is where in the Federal government the program should reside.

To decide let us see what the program really reaches:

Anyone who sees in action the taxi-cab company run by the Racine Wisconsin CDC, the Mississippi Delta Foundation's clothing company, the Job Start program in Kentucky, the Denver CDC's supermarket, the Harlem Commonwealth Council's foundry, the Office Stationery Supply and furniture efforts in Nassau county, New York, the Alaska CDC's fish and food co-ops, or the McDonald franchises in San Antonio or Houston, might well conclude that community economic development is essentially a minority enteprise effort, to be lodged in the Department of Commerce.

On the other hand, a representative of the Department of Housing and Urban Development might view the 800 units of housing now being planned or under construction in Bedford-Stuyvesant, the North Lawndale, Chicago 100 acre Industrial park, the Hough, Cleveland Shopping Center, the 65 units of housing completed by Lummi Indians in the state of Washington, or the modular housing factories in North and South Dakota, as conclusive evidence that community economic development is basically a housing effort, appropriately joined with HUD.

A Department of Labor representative, looking at the efforts in Bedford-Stuyvesant, where 5,000 persons have been placed in jobs or at similar efforts in Salt Lake City, might conclude that it is a manpower program.

The Department of Health, Education, and Welfare might base its interest in the social services effort, for example, in Roanoke, Virginia where a health clinic serves 3,000 people, in East Boston's day care center, or in the East Los Angeles food stamp centers.

Or others might see it as a basic program as the "incubator" of new ideas, expressed in the waterfront development in East Boston, or the Billie Holiday theater in Bedford-Stuyvesant, or in a number of proposals, including one in Harlem, for Cable TV for the community.

Now you and I who know this program well and live with it almost daily know that it is all of these "programmatic things" in general, and none of them in particular.

We know, in fact that these efforts across the country have their commonality more in their indigenous nature, their ties to the business community, and other elements of the establishment" and in their flexibility, than any particular programmatic thrust, except in the larger sense of dealing with the problems of poverty and urban and rural decay.

And it is precisely because community economic development is more of a "mechanism" than a "program"—a "dynamic", if you will—and because it defies "description" in orthodox terms, that it was placed in OEO in the first place.

And therefore, there is a very heavy burden of proof on the Administration to show that under its proposal, or any proposal to put it into one bureaucratic or programmatic "cubby-hole", the effort as we now know it and want to see it expand—will not lose these unique elements through some penchant on the part of the "parent" agency to recreate it in its own terms, or place it under the whims of state and local government as a part of the President's proposals to decentralize economic development generally.

We have and must continue to explore every proposal in good faith and open-mindedly; as you are working at the task force level with the Office of Minority Business

Enterprise, so are we in the Congress getting a measure of their intentions with respect to this program should the Congress decide to transfer it.

But there are now forces combining in the Congress which challenge the assumption that the Office of Economic Opportunity is to die this June and that should also be considered.

This arises from the fact, as is so evident, that the political and economic forces are in flux and that the Congress and the Administration may well, in the end be guided by the fact that to eliminate OEO and community action agencies could mean the eradication of a key delivery system to meet the energy crisis in poverty areas, and at the same time, put on the streets out of work, the over 180,000 persons employed in CAA's across the Nation, at the worst possible of times.

Only time and our own efforts will tell whether an extension of OEO can be locked into law, for another year or two years, but as a note of optimism for those to whom it looks bleak, I recall that last year dismantlement seemed to be all but fulfilled, and then the courts intervened to insist that the program be carried out until last June, and the Congress went even beyond that, appropriating funds for the current fiscal year.

To these existing agencies, may be added the possibility—which I am reviewing—of establishing a new separate entity, patterned after the Farm Home Credit Administration, combining the concept of the bank and a grant making program into one.

I am currently working with your representatives in developing this legislation, and of course, will give much consideration to your views in respect both to the long term and the short term.

In conclusion, I want to take this occasion to urge the Administration to join with us in this effort to expand the community economic development effort, as we consider the question of its future as a bureaucratic matter.

It has always puzzled me that while the Administration certainly has not sought to kill this effort—and has imbued it with increasing budget requests generally over the years—it has never fully embraced it as its basic approach to the problems of the inner city and rural depressed areas, for the program seems to have all of the elements which the President has emphasized in the domestic area since 1969:

It is the embodiment of the two key principles underlying revenue sharing—decategorization and decentralization—the only difference being that the Administration calls an end to the decision-making process at the State House and City Hall—while we believe that the 450,000 people in Bedford-Stuyvesant, for example, deserve a mechanism for decision-making as much as the 332,000 people in the entire state of Wyoming for whom state government provides an immediate outlet.

It is also founded on a key premise of the Republican philosophy—emphasized by this Administration—involvement of the private sector in solving social ills.

The program is further a prime example of the related "business" concept of the "multiplier effect" as shown in Bedford-Stuyvesant where the first $25 million in Federal help yielded $31 million in non-federal loans and investments, increased payrolls of over $25 million per year, private contributions of $8.5 million, and real estate investments of $12 million; ABT Associates of Cambridge's review of our efforts across the country concluded that every dollar of Federal money has generated 80 cents in private and 17 cents in other "public" funds, roughly doubling the return.

It also has played its part in dealing with the Administration's concern with the welfare "mess" and unemployment generally. CDCs now employ 12,000 persons, generating a total in annual salaries of $8,100,000; of the 12,000 persons, 40% were previously unemployed and 15% underemployed.

Perhaps for these very reasons, President Nixon said in 1968, of the Community Self-Determination Act—which would have built upon these elements:

"The program is one for economic development, within the ghetto, for building pride and independence, for enlisting the energies of private enterprise and creating new institutions by which private capital can be made available for ghetto investment. I am glad to see it under Republican sponsorship, and I hope it receives full and careful consideration by the appropriate committees of the Congress."

Let us hope that we can get that message across again to the Administration and the Congress so that this effort, which finds its strength in the community—and is only harnessed by the CDC—and which you have given life and breath, can maintain its integrity and be expanded to other areas and begin to help to transform the blight that is around us today.

DISASTER RELIEF ACT AMENDMENTS OF 1974

Mr. STEVENSON. Mr. President, tomorrow, the Senate may consider S. 3062, the Disaster Relief Act Amendments of 1974. At that time, I propose to offer an amendment which would include erosion in the list of disasters for which Federal assistance is available.

On March 11, 1974, I submitted testimony to the Disaster Relief Subcommittee of the Senate Public Works Committee outlining my reasons for offering that amendment. I ask unanimous consent that my testimony be printed in the RECORD so my colleagues may have a chance to review it before I call up my amendment tomorrow.

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

STATEMENT OF SENATOR ADLAI E. STEVENSON ON S. 3062, DISASTER RELIEF ACT AMENDMENTS OF 1974

Mr. Chairman, I am pleased to have this opportunity to add to the Subcommittee's deliberations a few words about Section 102 of the Disaster Relief Act Amendments of 1974.

Last March I introduced S. 1267 which would have included "erosion" in the list of natural disasters for which federal assistance is available under P.L. 91-606. On September 13, 1973, I wrote to the Chairman, expressing my hope that the Subcommittee would incorporate that bill into its revision of the disaster relief law.

In the Chairman's recent statement upon introduction of S. 3062, he noted that the substance of S. 1267 was excluded from the proposed Disaster Relief Act of 1974 "because of the extension of the Flood Protection Act of 1973, P.L. 93-234, to cover losses from erosion and approval by the Senate of new demonstration shoreline and streambank erosion programs in S. 2798."

The new demonstration shoreline erosion programs which were enacted in the Water Resources Development Act of 1973 do not address the same problem as S. 1267. Of the four shoreline-related sections, one provides technical and engineering assistance to non-federal public bodies, another directs the feasibility study of an hydraulic model of the Great Lakes, while a third calls for a study of low-cost means of preventing shoreline erosion (and authorizes eight demonstration projects). The only one that considers emergency or disaster situations is Section 27 which gives the Corps of Engineers authority to combat shoreline erosion on an emergency basis in limited areas. This is directly analogous to the Corps' emergency flood control authority. But the word "flood" is not deleted from the definition of "disaster" simply because the Corps can try to fight floods on an emergency basis. Neither should "erosion" be deleted just because the Corps can try to fight erosion on an emergency basis. The streambank erosion provisions of the Water Resources Development Act—like the shoreline erosion provisions—do not address emergency situations, but are more concerned with studying and demonstrating erosion control techniques.

Further, the Corps' emergency erosion control authority is more limited than its flood control authority and extends only to public or nonprofit, quasi-public institutions and thus is less comprehensive than either the protection afforded by the Corps' emergency flood control authority or the assistance provided in the Subcommittee's new bill.

It is true that erosion losses are included in the flood insurance program. But that, I submit, is no more reason for excluding erosion from the disaster assistance law than it would be for excluding floods. Erosion and flood damages are similar and ought to be eligible for similar benefits. Just as the disaster assistance program is necessary in the case of floods, to supplement flood insurance, so too is it necessary in the case of erosion to supplement erosion insurance.

Flood insurance does not eliminate the need for disaster relief. If "erosion" is not included in the definition of "disaster", none of the emergency assistance available under the proposed disaster relief law would be available to the community struck by erosion, including surplus equipment, emergency work necessary to the public safety, emergency shelter, temporary bridges, demolition of unsafe structures, etc. The inclusion of erosion in the flood insurance program does not provide this.

Mr. Chairman, a disaster caused by accelerating erosion can be as serious as a disaster by some other cause. Indeed, the disasters caused by erosion and flooding can be virtually the same. A dismaying string of news stories describes homes, roadways and beaches washed into the waters by the relentless forces of erosion.

In practice, it is often extraordinarily difficult to categorize the cause of a loss as either "erosion" or "storm, flood, high water, or wind-driven water." In many cases the causes are inseparably mingled. Then assistance is denied because losses were subjectively considered to be "more like 'erosion' than like 'flooding'" when, in fact, the losses were caused by both. A rigid adherence to an untenable distinction denies the disaster victims assistance to which they are entitled. No one is happy with such arbitrary decisions. The continued exclusion of "erosion" from the definition of "disaster" will perpetuate them.

The Senate has evidenced its understanding of these problems by passing—on two separate occasions—amendments which would have included "erosion" in the P.L. 91-606 definition of "major disaster". Once, the amendment was deleted in conference by the House conferees on a point of germaneness; once, the House accepted the amendment only to have the entire bill vetoed by the President.

Mr. Chairman, I do not expect that there will be many occasions on which the new disaster relief law will be invoked to provide assistance to areas with severe and unforeseen erosion problems. I think the nature

of the problem and the careful tailoring of the disaster assistance mechanism in the proposed legislation will insure that. I do believe that this comprehensive revision of the nation's disaster relief laws should be, in fact, comprehensive. Unless "erosion" is included in the definition of "disaster", the day may come when authorities stand by, helpless, as a community suffers catastrophic losses from such a disaster.

I hope the Subcommittee will include "erosion" in its definition of "disaster".

FINANCING HIGHER EDUCATION

Mr. PERCY. Mr. President, the Chicago Tribune recently carried an excellent series of articles by Peter Gorner on the current situation in this country with regard to financing higher education. In recent months, we have seen numerous reports that higher education is being priced out of range of the middle class and that some colleges are in imminent danger of closing because of declining enrollment. I believe the Tribune articles present a balanced view of the situation.

Higher education is of vital importance to the prosperity and well-being of this country. None of us can afford to be unconcerned about the current problems our society faces in seeking adequate and equitable means of meeting college costs, and I, therefore, urge my colleagues to give careful attention the statistics Mr. Gorner has compiled.

I, myself, after extensive talks with constituents, have long been aware of the mounting problems in higher education financing and have sought solutions to them. In the coming weeks, I intend to introduce in the Senate legislation that will alleviate some difficulties in our current system of financing. For the present, however, I ask that the three parts of Mr. Gorner's series be printed in the RECORD.

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

[From the Chicago Tribune, April 1, 1974]

SHEEPSKIN HILL GETS STEEPER AS COLLEGE BECOMES A LUXURY

(By Peter Gorner)

(NOTE.—The American parents' dream of a college education for their children is fast becomi: g a financial nightmare for most middle-class families. And when they wake up to the problem, they usually discover that it's worse than they ever dreamed. This first article of a series explores the ramifications of the college cost crunch to middle America.)

Hardpressed middle-income parents in shock over a 9.4 per cent boost in college costs this year—perhaps 80 per cent in the next 10 years—may get another jolt when they assume their offspring can qualify for financial aid.

Illinois students appear luckier than most, thanks to a strong statewide commitment to higher education. However, millions of American families face uphill fights to afford the most costly heepskins in the world. And the hill keeps getting steeper.

The cost of a college degree across the country has been rising faster than any other item in the family budget, even food. One year at a private school now averages $4,039 and $5,500 is not uncommon. Even state-supported schools, long bastions of economical learning, now average $2,400 a year.

But the United States Office of Education predicts average costs for four years at a state school will increase 33 per cent by 1978, and 80 per cent in 1983. Private schools may jump nearly 43 per cent by 1978, or 86 per cent by 1983. And government figures have tended to be conservative. By 1985, it could cost parents $75,000 to educate three children.

But if the hikes don't slow down as predicted in 10 years dad could be asked to shell out $17,000 to send Johnny to Old Ivy for a year!

Parents look back at their college years with bittersweet nostalgia. In 1938, Harvard's tuition was $420, room and board was $555. Northwestern charged $332, and another $350 to live there. This fall comparable costs for a year at Harvard will be $5,025. Northwestern wants $4,830.

Back in 1942, the average annual fee at public colleges and universities was $91. By 1953, it was $128. By 1973, it was about $686.

As prices increased, the reasons remained stable: Higher operating costs, faculty and administrative salary increases, decreasing enrollment, and capital improvements.

The same reasons are being given today.

The colleges appear in as much trouble as the parents trying to afford them. Currently there are about eight million students on campus, less than expected, and many classrooms aren't being utilized. The Viet Nam War no longer lures students to the campus, and changing lifestyles have made the diploma less desired a passport to prosperity than it once was.

Declines in enrollment were not expected so soon for the decrease in birth rates did not begin until 1957 and the college-age population group is still growing.

The 1,500 private colleges in this country enroll about 25 per cent of the students. By the 1980s, they may have only 15 per cent, at the rate local college systems are growing. The smaller private schools are most vulnerable—last year 45 of them closed, merged, or were absorbed by state schools.

Typical is the letter one young man wrote to Columbia University after being awarded a place in its freshman class this year. He turned down the coveted slot, even tho his parents could have come "within a few hundred dollars" of the $2,750 in costs he could not afford and Columbia could not cover with scholarship aid.

"But at the end of college career," he said, "I would have had no bank account, $4,000 in loans over my head, and exhausted parents."

Who benefits from a college education, the student or society? Who should pay?

These questions may become key issues of the '70s, as beleaguered middle-income families face skyrocketing costs.

Postsecondary institutions definitely are big business with incomes above $30 billion, with 57 per cent of that at public institutions.

Where does the money come from? About 21 per cent comes from students, and parents. Another 31 per cent from state and local governments, 27 per cent from the federal government, and 21 per cent from gifts, endowments, and other activities.

Schools asked for $1.773 billion from the federal government last year. They got $773.5 million, $75.1 million less than they had requested.

The total federal contribution of public funds to student financial aid this year was ⅓ of 1 per cent. [.035 per cent] of the gross national product. College officials term this contribution "insignificant."

"These figures begin to focus on the problem," said Leo Gilchrist, an official with the College Entrance Examination Board. "There is a big gap between what is needed and what is available. Student aid comprises only 14.4 per cent of the total $30 billion budget for higher education."

"But as a taxpayer," said a financial aid officer at a midwestern college, "I'm not enthusiastic about providing my tax money for a student to go to school free."

"If a family making $15,000 a year wants to send a kid to the University of Illinois, it will cost $2,600. I think it's reasonable for the student to earn $600 during the year, and another $600 during the summer. That brings it down to $1,400.

"The kid's benefiting directly from his education. It's the parents' responsibility, and I don't think it's unrealistic. I'm not sure the money is more funds. As a taxpayer, I'm not sure at all."

Said a financial aid officer at a school located at the other end of the state, "If the parents want their child to get an education, the kid will get it. He'll do anything to get there."

At a recent midwestern regional meeting of the College Board, Byron Himelick, assistant director of the Illinois State Scholarship Commission, told his colleagues: "The question of who benefits is more widely debated now than before. The debate will grow because the amount needed for student aid will be increasing in greater proportions as more and more students from low-income families and racial and ethnic minorities appear on campuses."

Himelick outlined the alternatives.

The primary beneficiary is the student, and therefore he and his family should pay all the costs.

Society gets the benefit of an educated citizenry and society should finance nearly all the costs from public funds.

Tuitions should be raised for those who can afford it.

"The average household income for 1972 was $13,500, for the family with a college-age child, whose major wage earner is 45 to 54," Himelick said.

"Thus we're asking families with incomes above $10,000 not only to pay for their own kids, but pay higher taxes to support the American education system, without giving them alternatives to rising costs at private and public institutions."

Caught in the crunch of rising costs, most parents are less concerned about the theories of financing higher education than about how much financial help they can get with their offspring's college bills. Most of them are in for a nasty shock.

[From the Chicago Tribune, April 2, 1974]

PROVING NEED TO A COMPUTER

(By Peter Gorner)

(NOTE.—American parents who seek college scholarships for their children must show financial need. This second of a series tells how need is determined by the largest "needs analysis" system.)

Scholarships don't go to bright kids anymore, unless they're needy. And middle-income parents who think they're needy may not be, according to current standards.

Parents must prove their need to a computer run by the College Scholarship Service [C. S. S.] of the College Entrance Examination Board, the American College Testing Service, or other so-called "needs analysis" agencies.

The largest of these is the New York-based C. S. S. Its Parents Confidential Statement [P. C. S.] is used to advise more than 4,000 colleges and universities and state-sponsored and other scholarship programs.

The current concept in financial aid circles assumes that since only so much money is available, it should go to the neediest students. There is an estimated $2.5 billion gap between what families can afford and what they're asked to pay for college. But because a student benefits most directly from his education, the educators believe his parents have the responsibility to pay what they can.

At issue is what parents think they can pay.

"Sure, the rich don't need help, the poor can get it, and those of us in the middle are stuck," is the usual lament of the middle-class.

Nonetheless C. S. S. tries hard to oblige the schools that subscribe to its service. "We update our expectations annually on the basis of the consumer price index," said Leo Gilchrist, a C. S. S. official. "This year's update was 4.7 per cent, the highest we've ever gone." [Parents probably would point out the cost of living rose nearly 10 per cent.]

The agency admittedly faces an impossible task—to be fair, impartial, and objectively determine what basically is a highly subjective decision in most families.

The Parents Confidential Statement bears an unpleasant resemblance to an income tax form, and asks similarly searching questions. How much do you make? How much is your house worth? How much do you have in the bank? Owe on your car? Parents also must sign permission for the C. S. S. to examine their income tax returns, should the agency become suspicious. Colleges usually make the same requirement, too.

After gathering the data, the computer digests it, and thru an ever-changing and always complex series of formulae recommends to the colleges of your child's choice how much money you and he should be able to spend on his education. This figure is then subtracted from the school's estimate of its costs.

Once the student is accepted, and if the family is deemed needy, the school usually tries to offer the student a financial aid package composed of grant-loan-job in combination. How much is limited to the funds they have available.

The C. S. S. expects parents to live at a "moderate standard," as defined by the U.S. Bureau of Labor Statistics for the middle-third of the country's population.

Based on the latest consumer price index, used by C. S. S., moderate standard for a family with one child is $8,860 after taxes; $10,310 for two children; $11,650 for three children; $12,670 with four children, and so forth.

On the average it costs families $1,150 to maintain a child for nine months at home, and parents are expected to pay at least that much to send him to college.

Anything above this "moderate standard" is considered "discretionary income" by C. S. S. and should be used to educate your children. Middle-income families are hit harder than poor families because the latter have no discretionary income.

A huge mortgage doesn't impress C. S. S. Neither does a love of traveling. You spend $60 a month on commuter fares? Move closer to work.

Business expenses are taken into account, tho, and medical expenses over $500 not covered by insurance.

If your wife works, C. S. S. allows a deduction up to $1,500 if she earns more than $3,750. This covers on-the-table expenses she incurs. And you're allowed to deduct $600 for each dependent relative.

Families with more than one child in college are expected to contribute something towards the maintenance of each one. Anything above the $1,150 you're already paying to maintain a child at home should be divided among the numbers of offspring in college.

There also is some allowance for repayment of debts.

A student is expected to hold a summer job and contribute toward his own college expenses. Whether he can find work or not, a boy still is supposed to earn $400 the summer before starting college, and a girl is expected to kick in $300.

Next the C. S. S. computer looks at your assets, which include bank accounts, the equity in your home, stocks and bonds, investments, and any business or farm you own wholly or in part.

Assets enhance the economic position of a family. So if two families both have the same income, but one has assets and the other has none, the family with assets is expected to contribute more to education costs.

For example Pat Playboy and Fred Frugal each earn $18,000 a year. Pat loves to party, sail, travel, and enjoy life. But Fred Frugal saves diligently, builds up a little equity, has nest egg for the future. Fred will be expected to liquidate at the average of 10 per cent a year.

C. S. S. recognizes "a certain level of income and assets is necessary to maintain the family." In fact, said a C. S. S. official, "we expect nothing from family assets up to about $10,000." You're also allowed to save a portion for your retirement depending on your age. and whether or not you have a pension plan in addition to social security.

If your child has assets of his own—savings, endowment, trust funds, stocks or bonds—one quarter of these are expected to go towards college each year he's an undergraduate.

Finally, the computer compares the contribution it believes you should make with the total costs submitted by the college. These include tuition, fees, books, supplies, room, board, recreation, miscellaneous and travel expenses. ["Financial aid officers press for realistic budgets," said a C. S. S. official, "admissions officers tend to make them look cheaper in college catalogs. We try and be realistic."]

If the total costs are more than the parents are expected to provide, that amount is considered "need."

This information is sent to the college. It's up to a financial aid officer there to determine its validity, and what type of aid should be granted. It's not necessarily a scholarship; free grants are the most desirable, but they're also often the least available.

"What often happens," said one college official, "is the first aid granted is an automatic $1,000 loan, then an automatic $600–$800 work study. What's left is tacked onto a $200–$300 grant. I find this dependency on loans depressing."

C. S. S. sends more than a million reports a year to college financial aid officers.

"I think the expectation from middle-income parents often is unrealistic," said Laura Grafman, of the National College of Education in Evanston. "But overall, the data is excellent. The final choice belongs to us anyway, and we're geared to help the whole spectrum of students."

They have to be careful, tho. Recently a financial aid officer at a private school in Ohio decided to exempt home equity from needs analysis. Thus, more students showed need.

Rival football coaches charged this was a means of attracting athletes to the school, not benefiting scholars. Such deviation from the conference norm could be considered a recruiting violation. The battle continues.

[From the Chicago Tribune, Apr. 3, 1974]

DO POOR RATE TOP PRIORITIES?

(By Peter Gorner)

Many people fear that as more attention is paid to the middle-class in the college cost crunch, the poor will be left out in the cold.

All families, tho, regardless of income should explore every avenue of financial aid open to them. Educators resent so-called scare stories which pit the middle-class against the poor. Too many students, they say, become so discouraged they don't even try to go to school.

Many students from middle-income families can go to less expensive colleges, or families can cut their standards of living, educators point out, but the poor seldom have these options.

"This shift in priorities is disturbing," said Byron Himelick, assistant director, scholarships and grants, Illinois State Scholarship Commission. "If it comes to a question of who should get aid, it may not be the low-income family or racial minority. That student's need may be $3,000, and a school could get two students on campus who only need $1,500.

"Already, we're finding we can offer a high-need student $1,300 [our legal limit], and he finds the college can't offer him anything to go with it," Himelick said. "I think we've slapped him twice, as far as I'm concerned."

But the pendulum needn't swing, according to Laura Grafman, director of financial aid at the National College of Education, in Evanston.

"Everybody can be helped," she said. "A total need student is going to get a basic educational opportunity grant [federal] and Illinois money, and he may get a grant from the college, and certainly he should qualify for a loan. If a student wants to go to college, and I mean self-help and opening every door that's available to him, there is a way. I don't believe there is a family of any income who can't do it."

However, the U.S. Bureau of Census recently reported that a young person who attends college most often is directly related to the parents' level of income, education, and occupation. In 1971, 59 per cent of families with children of college age and incomes of $15,000 or more had a child attending college. While only 14 per cent of families earning under $3,000 had children on campus.

Consequently, a recent committee report by the College Board called for massive aid for low-income students, combined with increased tuition for those who can afford it.

And last year, the Council for Economic Development, a business-oriented research group, issued a controversial report calling for the same things.

It sustained heavy fire.

"It is time to blow the whistle on the growing tendency for the rich to make grandiose gestures to aid the poor with the money of the middle-class," said Rep. James O'Hara [D., Mich.], referring to the corporate executives who lead the council.

These proposals, and another by the Carnegie Commission on Higher Education, also hoped to provide a plan for bailing private colleges out of their current financial crisis by eliminating some of the price advantage enjoyed by competing state schools. [The C. E. D. plan would have called for tuition increases averaging more than $55 a year for most students at public colleges and universities.]

Proponents also hoped that giving grants to students, instead of subsidies to schools, would make educators compete for the tuition money, and therefore pay more attention to students and to teaching.

However, critics charged the concept ran counter to the traditional American idea of state colleges open to all citizens at little cost.

Some schools also are attempting to attract middle-income students unable to qualify for aid by offering scholarship based on merit. This year, New York University started a merit program aimed directly at families earning $12,000 to $20,000 a year. Texas Christian University began a program that sets stipends according to high school grades and test scores.

Critics, though, see these moves as attempts to attract brighter students and fill empty classrooms. Such programs often are viewed as academic clearance sales and a needless squandering of valuable scholarship resources. The entire system of needs analysis was set up to stop just this practice, critics say, to do away with bidding for bodies.

Illinois students are particularly fortunate in having a strong program of state aid to

students. Illinois ranks third of all 28 states which have need-based programs, with a $55 million appropriation this year, which is helping 72,000 students get through college.

In his recent budget message, Gov. Walker called for an $8.7 million increase for state-college scholarships for 90 per cent of the students whose families earn $17,000 or less annually. Walker also denied a proposed tuition hike at the University of Illinois.

Of those who apply for state aid, about 78 per cent of Illinois families with incomes above $12,000 are showing need at private schools, according to Illinois State Scholarship Commission, and 34 per cent at public institutions.

The average Illinois State Scholarship is $750, and is limited by law to $1,300 a year. Students must attend approved public or private schools in Illinois. Parents must fill out a financial report similar to the Parents Confidential Statement.

The National College of Education in Evanston is a typical small [600 students] private, expensive [$4,350 a year] school. About 435 students are receiving financial aid, and 290 of them are on Illinois State Scholarships.

Some 75 per cent of the student body at DePaul University is receiving state scholarships.

At Northwestern University, 45.9 per cent of the school's 6,506 undergraduates are receiving financial aid. The average grant is $1,900, supplemented by a $750 loan. These amounts are expected to be increased by 10 per cent next year, in line with Nothwestern's recent price hike.

Parents seeking advice should check with the financial aid officers of their child's college. Many high school guidance counselors aren't always aware of the current practices at different colleges.

Aid officers also administer certain federal programs of financial aid. These include the Supplemental Educational Opportunity Grant program [low-income families may receive up to $1,500 a year]; the College Work/Study Program [$270 million available this year]; and the National Direct Student Loan Program [up to $5,000 a year may be borrowed.]

Most schools also will have students apply directly to the government for help. The new Basic Educational Opportunity Grant Program should be expanded this fall, and do considerably better than last year's average grant of $240.

Many students also may qualify for Social Security Education Benefits, if their natural parent[s] are deceased, disabled, or retired. Annually, $790 million is appropriated nationaly for this program.

Benefits of at least $220 a month are available to veterans, their survivors, or dependents thru Veterans Educational Benefits.

The Illinois Guaranteed Student Loan program is regulated by the Illinois State Scholarship Commission with the cooperation of nearly 1,000 lending institutions. More than 6,000 eligible schools throughout the nation are recognized. Needy freshmen may borrow up to $1,000, sophomores up to $1,500, and upperclassmen, up to $2,500 a year.

"The important thing to remember," said Laura Grafman, "is that there is a way. If the parent really wants his child to have a college education, and if the student wants it badly enough, there are resources available, and professionals who will do everything possible to help.

"Don't forget. There is a way."

RECOGNIZING ARTISTIC GENIUS: ROBERT CHARLES HOWE

Mr. PERCY. Mr. President, when the Saturday Evening Post magazine announced its Norman Rockwell Cover Contest in the summer 1972 edition, the purpose of the competition was stated as follows:

Who knows where . . . promise may be hidden, waiting to be found? Who knows where genius lies? We only know that it is there, somewhere out there. And we aim to find it.

Find it they did.

Painter Robert Charles Howe, a 19-year-old resident of Mason, Ill., won the contest "hands down." The results were announced in a March/April 1973 Post article. Of Robert the Post wrote:

Art is his sport, his social life, his life itself.

Personally, I am extremely proud that Robert is one of my constituents.

The young artist is largely self-taught, having had only 1 year of formal training. In the family basement, he labors over his easel from 5 a.m. until suppertime each day. His studio is a converted coalbin that his grandfather built before the furnace was installed next to it. It is quite small, but "large enough for genius to squeeze in," the Post points out.

Robert has studied the work of many painters. But, from the very beginning Norman Rockwell was his idol. At the prodding of his uncle, a Rockwell enthusiast, young Robert poured over the pages of the Post absorbing the Rockwell laughter and tears. It was an art class in itself.

Robert considers Rockwell to be superior to the impressionist—to the Renoirs and Rouaults and Toulouse-Lautrecs. He believes that time will bear his opinion out.

In late November 1972, Robert mailed one of his paintings to Rockwell. The painting was a caricature of Rockwell adapted closely from Rockwell's own.

No word came for 1 month of impatient suspense.

Then, on Christmas Eve, as Robert ascended the steps to his room, he found a package near his door. It was the painting, returned. On it Rockwell had written "Very well done." And, he signed his name.

Inspired by this, Robert desired a meeting with the artist more than ever. Knowing that Rockwell admires Rembrandt above all, Robert wrote to the artist with diplomacy far beyond his then 18 years:

Perhaps if you had the chance to be with Rembrandt, you could understand how I feel about asking to visit you.

Rockwell consented to see the boy who had sent him the caricature that he so much admired. But only for a very brief visit. He is a very private person. He works every day. Since all the world comes to knock at his door, he parcels out his time sparingly. And, his painting comes first.

But, when Rockwell saw the paintings that the boy from Mason had brought to him, the Post reports:

The careful time schedule went out the window. The master and the student talked about things only they could feel.

The restrained artist even posed for a photograph with Robert—a Rockwell rarity.

Norman Rockwell personally judged the paintings entered in the contest. The judge was interested in all the submitted work, but he had no doubt about his decision. Robert Howe's work won hands down. With characteristic intensity of character, Rockwell declared to the Post editors:

Bob is better than I was at 18.

Bob, whose self-portrait appeared on the cover of the March/April 1973 issue of the Post, has begun a most promising career. As a result of the contest, he is now under contract to the Post as an illustrator and cover artist.

Americans can be extremely proud of this Nation's artistic achievements and heritage. American artists have had an indelible and unique influence on the traditions of all forms of human expression. Particularly in these times of stress, art is an essential human therapy.

Mr. President, Robert Howe is an outstanding example of the Nation's continued artistic flourishing. Because I believe his fascinating young career will lead to future greatness, I ask unanimous consent that the March/April 1973 Saturday Evening Post article referred to earlier be printed in the RECORD. I only regret that the RECORD cannot reproduce the Post cover.

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

[From the Saturday Evening Post, March/April 1973]

THE SATURDAY EVENING POST PROUDLY ANNOUNCES THE WINNERS OF THE NORMAN ROCKWELL COVER CONTEST—THE AMERICAN DREAM REVISITED

Genius is no snob.

Once upon a time an illegitimate son was born to Ser Piero and Caterina, *Donna d'Acchattabrigha di Piero del Vacca*, in a humble hut under the south side of the cliff of the castle of Vinci, facing to the Italian east. The event was so unnoticed that even its date, 1452, is not quite certain. But the time would come when the boy, grown to manhood, would call on the home of a nobleman in Rome and, finding him out, would merely inscribe with a piece of chalk on the front door in a single magnificent flourish a perfectly formed circle—for did not all the world know that such incredible skill could only belong to the greatest artist of the Renaissance, perhaps the greatest of all time, Leonardo da Vinci? Supremacy was his calling card.

A lifetime ago, genius again touched the head of a tiny girl in a farmhouse in upstate New York, as she peeked out of her bedroom window at a shimmering spring morning. One day Grandma Moses would be acclaimed for the primitive poetry she brought to a painting of that scene.

Not quite so long ago, a tousled-haired choirboy in the handcarved stalls of the towering Cathedral of St. John the Divine in Manhattan made sure that no one saw him while he doodled in the margins of his hymnbook during the sermon. Today, bidders in the most exalted art salons fall over each other to possess the tiniest sketch with the signature, "Norman Rockwell."

And now, right now, in the very center of the map of America (give or take a few splinters on your ruler) is the state of Illinois. Smack in the middle of Illinois is a tiny town, and in the depth of its quiet residential streets, right in the middle of the block, is a yellow brick house. And, in the heart of that family residence, downstairs a boy labors over his easel every day from 5 a.m. to suppertime in a converted coal bin his grandfather built before the furnace was in-

stalled next to it. That is his studio, hardly big enough to swing a cat in, in Mark Twain's phrase.

But it is large enough. Large enough for genius to squeeze in again and steady those young hands. For they belong to a lad you can see in his self-portrait on the cover of this magazine. Norman Rockwell himself, who has appraised the work of Robert Charles Howe with a characteristic intensity and largeness of spirit, says that Bob "is better than I was at eighteen."

If you will, stop for a second and open your heart to what this really means. The master's works are on tour all over the United States and our greatest museums have had their placid routines joggled and their turnstiles twirled, as unheard-of throngs came to gaze at the paintings of Norman Rockwell. The man who sees things very much with their own eyes, had they only the gift which is his—to look where the small, wonderful things of life are hiding, and then to put it forever on canvas.

And yet Norman Rockwell can praise with such generosity, with an arm across the shoulders of this unknown young student/artist.

Set your fears aside. The American dream still lives, and is in good hands, let cynics say what they will. We shall never know, really, where to look for genius. But rest assured, it will always be there, in the secret places which are part of God's plan.

Our own faith may have faltered a little at the beginning, when SatEve-Post started the Norman Rockwell Cover Contest. We wrote: "Who knows where another such promise may be hidden, waiting to be found? . . . Who knows where genius lies? We only know for sure that it is there, somewhere out there. And we aim to find it."

Then the paintings, the sketches, the charcoals, began to flood in. We could see that some were quite good, some merely competent, others merely an indication that art, no matter how diligently pursued, is not for everyone.

Then, unexpectedly, we got a call from eighteen-year-old Robert Charles Howe. Could the family drive down to our Indianapolis office and submit his work in the competition? We swallowed hard and said yes, of course (one of the burdens of this business is the constant necessity to find a gentle way to turn aside hope, leaving just enough so that, in case we were wrong, all chance of success might not be extinguished).

So the lad you see here walked in with his father, George. Bob is precisely as he paints himself. He's medium size. The hair is red, very *red* in certain lights. He's quiet, but he's easy to talk to. There's plenty of boy still left there; the man is emerging. He had a number of his sketches and paintings with him, and as he and his father began to unwrap them, we hoped against hope that it wouldn't be too hard to respond. The two of them were all eagerness, close to shaking, but it must be confessed that Bob was the cooler of the two.

Then they put out for inspection what you can see here. The self portrait in the mirror—*"Holy Cow! Look, mom, making like Norman Rockwell!"* The beautifully fashioned painting of his father as the eternal salesman—shabby, almost defeated but not quite, gamely coming up with just one more stale joke that might clinch the deal. And there stood his father in person, a well-groomed and confident industrial designer. The likeness was perfect, but the young artist had gone beyond copying the outer image and had added his own inner dimension to the figure. Like Rockwell. *Like Rockwell???!*

Next we saw the painting of Richard Nixon and Spiro Agnew again in the familiar mood of the Rockwell painting on the U.N. theme. And there, in the background, Bob Howe had painted himself as one of the component figures. Just like Rockwell. *Like Rockwell???!*

There was a caricature of Norman Rockwell, similar to the one Rockwell had done of himself . . . scout cap askew above a rakish countenance. And the beginnings of a sketch of the street on which Bob lives, Rockwellian in mood, and reminiscent of the hundreds of little streets which have appeared in Post covers and illustrations—real streets and real people, captured in a moment of time, for all time.

Everybody talked at once.

We can't expect you to believe this, but you should, because it is the literal truth. Bob is largely self-taught. He has had only a year of formal training, and that was in the art classes of St. Xavier College, near his home. Great credit must go to those teachers. They knew what they had, and they moulded him wisely without changing him. Art students today are often eager for modern modes and techniques. Here was a lad who had opted for the disciplines and representational techniques of the old masters, but especially of Norman Rockwell. There are those in art circles who are jealous enough of Rockwell's great commercial success to try and deny him the palm of true art. Fortunately, Bob was among wiser counsellors. They taught him, as he says, that "thinking is an important part of painting." They taught him to read deeply into the history of art, to study the work of the masters. They taught him to study anatomy, and today he is seldom far from his book of complicated drawings of bones, muscles, and the human form.

But that was for just a year.

What about the rest?

Bob tells it himself. "When I was in first grade, I remember that while the other kids were doing stick figures I was sketching *them*."

He drew everything. But from the beginning Norman Rockwell was his idol. Bob's grandfather, the late George Dillon, was a Rockwell fan, and he often summoned the little boy to pore over the pages of the Post for the Rockwell laughter and tears. It was a kind of an art class in itself. And when Bob started to draw the world around him, Grandpa never let the boy take it either too seriously or to lightly, nicknaming him "Mick" for Michelangelo.

The big day in Bob's life came during a visit with his troop of boy scouts to the Chicago Museum of Art. He knows every painting there—the Vermeers, the Van Goghs, the Rembrandts—but Bob thinks for himself, and he had already decided years ago that Rockwell has it all. In modeling himself after Rockwell, he was going for the top. Bob states quietly enough, but firmly, that he considers Rockwell superior to the Impressionists, to the Renoirs and Rouaults and Toulouse-Lautrecs, and he thinks that time will bear him out.

This is not a stubborn loyalty on his part, because until recently, he had no contact with Rockwell the man, and his hero worship was strictly a one-way message. But he had studied Rockwell deeply. Bob knows all of the loosely structured sketches Rockwell brought back from his many trips to Europe—the quickly captured mood of a Paris street, a Carpathian bridge disappearing into evening mists, a peddler hawking next to a Cairo mosque. And Bob Howe boldly speaks right up and claims that Rockwell's complete output equals the Impressionist cadre any day, and that Rockwell's American classics are more meaningful than anything the Frenchmen ever did.

Well, anyway, on that day of the troop's visit to the Museum, Bob caught sight of that big and expensive Rockwell album published only a few years ago, with the most extensive coverage of the artist's work extant. His father said yes he could have it—if he bought it with his own money. So Bob did.

Bob is first an artist, but he is a rugged kid besides. Up in his bedroom, otherwise as austere as a monk's cell, he has three Rockwells on the walls, but next to his bed is a little shelf on which there are three baseball trophies he won in the Little League as a catcher who hit more home runs than anyone else, and who almost made it to the Little League World Series. He can handle himself. So he bought the big book for himself. It lies now close to the shelf outside his studio where he keeps his other treasures—books of the lives and works of the old masters.

Art is his sport, his social life, his life itself.

"I don't mind being a loner," says Bob. "I even like cloudy days. Maybe because I'm not tempted to go out, away from my studio." His light comes from inside.

He has help. Bob's mother and father, Jean and George Howe, have never wavered in their conviction that their youngest son has a special gift. There are two older Howe boys, out in the world on their own now, who are making their way by conventional careers. But the parents discerned at an early date the special attributes of their youngster, and although it is often the way of parents to sacrifice their own comforts and luxuries for the sake of their children, the Howes have managed to do this and more—since Bob, who is indeed something special, obviously doesn't think he is. He has been brought up wisely, ready to use his great talents, with an understanding of his own place in the total picture. Last Father's Day, the Howes bundled into the family car and headed for Stockbridge, Massachusetts, the home of Norman Rockwell. They were inspired by Rockwell's response to a painting Bob Howe had sent him late in November of the previous year. This was the caricature of Rockwell, adapted closely from Rockwell's own—one boy scout to another. Bob had mailed it himself, but when no word came, he concluded that he was getting just what he deserved from the famous man. Indifference. But . . . on Christmas Eve, as the boy went up the stairs to his room, there was a package on the step at the top. It was the little painting, returned: and on it Rockwell had written, "Very well done," and signed it. There'll never be a Christmas like that again in Bob Howe's life, not quite.

So off they went to Stockbridge. Norman Rockwell is a very private person, and he works every day. But all the world comes to knock on his door, so he must parcel out the time he has for others or they will consume him, with so much painting to do, still ahead of him. Rockwell did, of course, consent to say hello to the boy who had sent him the caricature, but only for a moment. Bob confesses to a small bit of diplomacy in asking for the audience. He knew that Rockwell admires Rembrandt above all. So Bob wrote saying that "perhaps if you had the chance to be with Rembrandt in person, you can understand how I feel about asking to visit you." Not bad for an eighteen-year-old.

Bob does not merely copy Rockwell. He idolizes him, as we know, and he has patterned his style after Rockwell. However, "I rank Rockwell as our greatest painter. But I try to learn a little from everybody. I love the Impressionists, but then again I love the Flemish painters too and the Dutch, and I try in some way to put them universally together. I study especially the technique of Vermeer with light—*The Women in The Red Gown*, the little diamonds, the highlights. I want to portray everything as closely as I can to real life, but not to the point where it's mechanically done. I want to give it a personal feeling. I don't want to be Mr. Rockwell, I want to be me. I love the scenes he has portrayed, the type of things he has done, and I sincerely feel that I would like to follow him in portraying the American scene—if possible, as well as he did, but in my own way, for my own time. To see reality with the artist's eye. Reality by itself may not be in-

teresting enough to portray, but then you must move something into it, or trigger some emotion."

When Rockwell saw the boy's paintings, the careful time schedule went out the window. The master and the student talked about things only they could feel. Rockwell is a restrained kind of person, but when George Howe asked if he would pose for a picture with Bob, Norman consented, and they posed as you see them with this article, in the center of the great man's studio. Bob shyly admits that he put an answering arm around the older man, which doesn't show in the picture. "He was hard and muscular," says Bob. The pupil who came to touch the master also found a man.

So now the young student is also a man. Nineteen today, he will have the family garage converted into a new studio. His box of pipes (doesn't Norman Rockwell smoke a pipe?), his library of old masters, and his skeleton and the books on anatomy will all go along, to be at his elbow while he forgets everything else at the easel. The coal bin is no more. But that is where it all started, where "Mick" pursued his particular Rockwellian star.

Where did this American dream start? Who can say? His father pretends to no great artistic talent. Mother Jean likes to sing for fun. Grandfather was in the packing business, and Grandmother likes music and an occasional Highland fling. But there may be a hint in this—the "Howe," according to George, suffered Anglo-Saxon mutations in England, and can be traced back, if you go far enough, to a German forebear who was celebrated in his day for the beauty and delicacy of his woodcarving. That fine discipline may have found its way into Bob's hands, perhaps. No matter. They are there, and they can paint, and that is what matters now.

And what of the future? Well, it began to shape up for Bob Howe when Norman Rockwell graciously consent to judge the entrant paintings in the contest named in his honor, and we journeyed to Stockbridge with a passel of art for his inspection. If you have ever attempted to transport valuable paintings via air, you will understand the dilemma we faced—the tender mercies of airline baggage departments are too well known to seasoned travelers for us to conceive of commiting our precious art cargo to such thumps and pitchings, swift as they may be with more study cargo. So it was necessary to work out a way of carrying them. But airlines do not permit luggage aboard larger than will fit under the passenger's seat. And we had some biggies.

Then came the inspiration. Airlines will permit a passenger to carry with him a garment bag which the stewardess usually manages to stow away in a compartment built for the purpose. The inspiration: pack the paintings in garment bags. Well, we managed to fill up a couple of them to the brim, and stoked up our courage to get them aboard. While the Lady Editor diverted the attention of the stewardesses and officials with naive questions concerning whether the wings would stay on the aircraft or not, the Mr. Editor moved swiftly up the aisles, bearing the heavy and rigid bags. It must be confessed that once or twice in his headlong flight he bumped into other passengers, so if you hear any rumors to the effect that a couple of people are traveling by air today who apparently still wear armor, you'll get the message—it was us.

There were four points at which the deception might have been detected, but thanks to the duplicity of the Lady Editor and the muscle of the Mr. Editor, the paintings made it all the way, and the people who were bumped by the garment bags will never be the same again.

Once we were in Stockbridge, Norman Rockwell—who does everything with characteristic care and thoroughness—wanted to view the competing paintings in the proper light, so they were taken over to his studio promptly. The light was just right, and the great painter examined these hopefuls with all the seriousness he might lend to a scrutiny of a new addition to the Louvre. His decisions were positive. Bob Howe's work won hands down. Rockwell stated flatly that he was way out ahead of others. But the judge was interested in the work of all. The second-place winner, by Gene L. Boyer, caused him to remark on the texture and treatment of the leaves, as reminiscent of Wyeth.

But Robert Charles Howe had won. His reward was something he may not have envisioned in his wildest dreams. His self-portrait appears on the cover of this issue of the Post, and now he is under contract to the magazine as one of its cherished illustrators and cover artists, so that his career is actively launched and you will be seeing his work again in the future. He is also wading into a highly challenging project—a contemporary version of that famous graphic concept of American masculinity. The Arrow Collar Man. This is the image which in one case reflected the swooned-over profile of John Barrymore, and adorned the bedroom mirrors of millions of sighing damsels in a more serene age. But it also has its particular challenge artistically to Bob Howe, since it was the creation of that fine artist, J. C. Leyendecker, who in turn was the idol of Norman Rockwell. And so now it is only chronologically appropriate that the baton and the brush should be passed on to Bob for him to have a try at that classic profile. His 1973 Arrow Shirt Man (the detachable collar went out with the klaxon and Billy B. Van's Pine Tree Soap) is scheduled for a debut in our very next issue. Norman Rockwell views the cycle beginning again, reminiscent of his own career, and remarks that while he wishes the young artist well, the boy will succeed very much on the strength of his own talents. Time will show their emerging forms. One thing is sure—his inspiration will not flag, and his growth has already commenced. There will be trials, but Bob will meet them.

Bob Howe has quiet wells deep in him where the real answer lies. When he first decided he was painting well enough to actually merit signing a canvas, he did so with his full name, Robert Charles Howe, the "Charles" being in there for a favorite uncle who had died young. Since signing canvases might well become a lifelong habit, George asked if he had thought over the matter of signing his entire name.

"Yes," said Bob. "I thought that if things worked out for me, this way Uncle Charles might be able to live a little more after all."

So, Uncle Charles, there you are on the cover of The Saturday Evening Post. And the chances are, you're going to be there again.

THE GUARDSMAN AND HIS JOB

Mr. ROTH. Mr. President, in a recent issue of the Wilmington Morning Journal there appeared an article by columnist Bill Frank on the excellent job which Col. Albert A. Poppiti has done in Delaware to promote employer statements of support for the National Guard.

These statements of support are intended to draw the employer's attention to the responsibilities of the guardsman to his country and community and insure that he will not be penalized in any way in his employment for the time which he must take to fulfill his Guard obligations. I am a signatory of one of these statements which Senator THURMOND distributed to Members of the Senate.

As I recently stated in a speech in Milford, Del., I believe that we should give more attention to the National Guard and Reserves as a means of maintaining a high quality defense establishment at a reasonable cost. For this reason, the efforts of Colonel Poppiti and many others to see that the Guardsman will not be discriminated against in terms of career opportunities, promotions in his job, or vacation time are extremely important. These efforts help maintain a strong National Guard and hence a strong United States.

I ask unanimous consent that Bill Frank's article on Colonel Poppiti be printed in the RECORD.

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

THE GUARDSMAN AND HIS JOB

(By Bill Frank)

The volunteer citizen-soldier is a part of the American tradition.

This applies to the citizen volunteers in all segments of the nation's armed forces.

It also is part of the Delaware tradition as symbolized by the rifleman on the state's coat of arms.

But what about the attitude of the citizen-soldier's employer?

This is the crux of the Employers' Support Week which starts next Monday. A week to encourage employers to support employes who participate in the National Guard or other reserve units of the nation's armed forces.

Interestingly enough, the Du Pont Co. in Wilmington was one of the first employers in these parts who gave special consideration to its men in the Delaware National Guard.

50 years ago, the Du Pont Co. established a policy that any employe who signed up with the National Guard would not be deprived of his regular vacation period if he spent two weeks training with the Guard.

In many ways this was advanced thinking and it is now part of the employment practices of hundreds of American corporations and businesses.

But a lot more employers are yet to be enlisted in this cause to insure the establishment of a viable reserve military force as part of the volunteer armed units of the nation.

About a year ago, a national campaign was started by the National Committee for Employers Support of the Guard and Reserve, headed by James M. Roche, former chairman of the board of General Motors.

Here in Delaware, Col. Albert A. Poppitti (Delaware Air National Guard retired) spearheaded the movement.

The aim was to get employers, large and small, to sign a statement of support, recognizing the National Guard and the other reserve units "as essential to the strength of our nation and maintenance of world peace."

But there had always been a problem.

Many employes, although anxious to join the Guard or other *reserves*, were worried about their employment status, vacations and career opportunities.

They asked such questions as: "Suppose I am called away for training and suppose I am summoned into a tour of active duty, what happens to my job? What happens to my chances of promotion?

And until the Roche committee on a national level, and the efforts of Poppitti on the Delaware scale, I don't think too many employers gave those points much consideration.

How, however, many employers, particularly state, county and municipal governments, have come to realize that the military reserves are *vital to* the safety of our communities, as well as that of the nation.

What the Roche committee says is simply this:

"An employer's statement of support does not require any employe to join the National Guard or any reserve.

"But it does mean that an employer says to his employes that they will not suffer any job hardship because of service in the National Guard or reserve."

In other words the Roche committee is not asking employers to become recruiting agents, but rather to treat employes who do join up with consideration and justice.

The response in many parts of the nation has been most unusual. Roche says some employers are even going so far as to make up the pay differentials. Hence, in the event that an employe is called up for Guard training, his company will make good any salary losses he may experience.

In the event that any employers are inclined to give the Roche committee their serious consideration, may I remind them that there is a whale of a difference between a National Guardsman of 50 or 75 years ago and one of today?

The Guardsman of today, at least in Delaware, is no longer the haphazardly trained militiaman of generations ago.

He is trained under rigid federal standards and, if necessary, it would not be too difficult for even an average Guardsman to step into the active military ranks and do the job the active soldier is required to do. This also applies to the Air Guard, the Navy, Coast Guard and Marine reserves.

I witnessed phases of this several years ago when I accompanied the 261st U.S. Strategic Communications unit of the Delaware Army National Guard to Germany.

The regulars there said, "Hey—the Guard is coming."

That was not in derision, but in glee. It meant that the regulars could go off on leave while the Guardsmen took over their jobs.

And in case you didn't know, scores of Delaware Air National Guard personnel are just as qualified right now as regulars in the U.S. Air Force.

To sum it all up, Employer Support Week is intended to establish a strong relationship between the business and industrial community and the volunteer citizen-military.

PUBLIC SERVICE EMPLOYMENT

Mr. KENNEDY. Mr. President, I testified last week before the HEW Appropriations Subcommittee of the Senate Appropriations Committee on the need for an immediate increase in public service employment funds during the current fiscal year.

A cosponsorship letter was circulated by myself and Senators CRANSTON, JAVITS, NELSON, MONDALE, HART, and BAYH for our proposal to amend the second supplemental appropriations bill for fiscal year 1974 to include an additional $350 million in public service employment funds for the remainder of the fiscal year. This would raise the level of jobs back to the level during the initial operating period of the Emergency Employment Act.

The amendment would create an additional 197,000 jobs to those now planned by the administration. Other Senators joining us now in recommending this amendment to the Appropriations Committee are Senators FULBRIGHT, CASE, MOSS, WILLIAMS, METCALF, HATFIELD, STEVENSON, HATHAWAY, CLARK, TUNNEY, HUMPHREY, BURDICK, and GRAVEL.

The AFL–CIO, the League of Cities and U.S. Conference of Mayors, and representatives of the Governors' Conference have endorsed our proposal.

I ask unanimous consent that my testimony be printed in the RECORD.

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

TESTIMONY BY SENATOR EDWARD M. KENNEDY

Mr. Chairman: For myself, for Senator Cranston, Senator Javits, Senator Nelson, Senator Mondale, Senator Percy, Senator Hart and Senator Bayh, let me express our appreciation to you for the opportunity to present our views. We have joined to make a plea to the Committee for an emergency increase of $350 million in the level of appropriations during the next three months for public service jobs.

The situation as it stands today is as follows:

First, there is an unemployment rate of 5.2 percent, representing more than 4.7 million Americans without work. It is an unacceptable level of unemployment that bears witness not only to the crisis in energy but to the crisis in economic policymaking that has characterized this Administration. That figure, I might add, reflects only the official level of unemployment and does not reveal the number of Americans who are able to find only part-time jobs, or those whose full-time jobs do not permit them to live above the poverty line.

Second, we have seen the promise and the success of the public service employment program which operated across the country under the Emergency Employment Act of 1971. Yet today, fewer than 80,000 jobs are filled under this program, a pale reflection of the program at its height, when some 230,000 jobs were being funded in communities throughout the land. The jobs in hospitals and schools, on police forces and fire departments, on highway and transit crews, pollution control, park maintenance and rural development—these jobs dispelled the make-work myth. They were vitually needed by their communities and they represented a wise public investment not only in public needs but in human beings.

In Massachusetts, our experience was overwhelmingly positive. Nearly all of the 339 towns and cities within the state participated in the program, in addition to the state itself. Not only were some 7,300 individuals provided job opportunities, but nearly 40% of that total were subsequently hired as full-time employees. In town after town, they worked in law enforcement, in education, in transportation and public works, in health and hospitals, in parks and recreation and in providing social services.

I cannot conceive of a program which met with such overwhelming public approval and acceptance. I might add that both the Governor's office and the mayor of Boston have informed me that it is their view that funds utilizing the delivery system of EEA could be used immediately.

A still unreleased Labor Department study shows these nation-wide results—Administrative costs were only 1.9 percent, meaning that approximately 98% of all funds went to the jobs themselves. Vietnam-era veterans comprised 37 percent of all participants; 41 percent were minority group members, 14 percent were former welfare recipients.

A still unreleased Labor Department study shows these nationwide results: Administrative costs were only 1.9 percent, meaning that approximately 98% of all funds went to the jobs themselves. Vietnam-era veterans comprised 37 percent of all participants; 41 percent were minority group members, 14 percent were former welfare recipients. One half of all participants went directly to unsubsidized public or private employment. Within a year of leaving the program 82 percent of all participants were employed. Six months after leaving the program, former participants were earning 51% more than they had prior to the EEA experience. For blacks, youths under 22 and welfare recipients those average income increases were 63 percent, 90 percent and over 100 percent respectively.

The EEA represented the Congress putting action in place of the Administration anti-welfare rhetoric. Instead of ordering men and women to leave the welfare rolls when there were no jobs, we provided the jobs so that those who were able to work had a chance to leave the welfare roll and become contributing members of society. In fact, some 23,000 welfare recipients became income earners in the first year of the EEA. I might add that the number of applicants far out-distanced the number of job slots available.

Third, we have a new Comprehensive Employment and Training Act (CETA) which was signed into law on December 28, 1973. Yet, I have here regulations issued on March 19, 1974, which are yet to take effect. These represent the sixth draft, I believe, of proposed regulations and even these are still subject to comment until May 4. Clearly, the prime sponsorship system established under the new law is not going to be in operation from some time. In fact, it is extremely doubtful whether the new delivery system—particularly for Title I—can be operative for at least three months.

Thus, we are faced with a critically high level of unemployment, a proven program in the EEA, and a new, untested and complicated delivery system in which the bugs are still to be discovered—let alone to be removed. In this situation, we are suggesting an emergency relief measure, most properly the subject of a Supplemental Appropriations Bill, and one which the new manpower law itself authorizes.

Under Section 3(a), of CETA, a special transition authority is granted the Secretary to obligate, prior to July 1, 1974, funds appropriated by the Congress to provide continued assistance for public service employment, utilizing the already proven delivery system of the Emergency Employment Act of 1971.

We are proposing that this provision be implemented for the next three-month period so that vitally needed funds are pumped into the hands of the jobless and the economy at the moment when both require help—not months too late.

Calculated on a three-month basis, this would lift the levels of directly funded public service jobs by 197,000; 140,000 new jobs under Section 5 and 57,000 new positions under Section 6. Naturally we hope at least this level would be maintained through continued funding under CETA in Fiscal 1975. By then hopefully, CETA will be fully operational. Our request for funding would in addition to the $250 million for Title II under CETA proposed by the Administration. I would note that the Administration Title II request, besides being limited in its immediate applicability because of the time necessary to establish the appropriate delivery system, also is restricted to communities of over 6½ percent. Yet another 49 areas had unemployment rates between 4.5 percent and 6½ percent. All of those areas would be unable to receive any funds for public service jobs under the Administration request. If one were to look at the Title I request of the Administration, the $1.5 billion requested is sufficient only to maintain the manpower training program level of the previous year, with no additional funds that can be used for public service employment.

If this Committee desires to see funds carried to the states and communities for public service employment immediately upon passage of this Supplemental Appropriations Bill, then our amendment is the best vehicle and perhaps the only vehicle that can do the job.

Mr. Chairman, the level of jobs we are suggesting is not exorbitant. It is a level that represents less than five percent of the total men and women unemployed.

It represents a position that is supported not only by the League of Cities and the Conference of Mayors but by the Governors Conference, as well as the AF–CIO.

Before concluding, I would like to add a brief commentary on the measure we are proposing in the context of the Supplemental Bill and the Administration requests.

As much as in any overall budgetary evaluation, the Supplemental Appropriations Bill represents a decision on priorities. It involves a determination based on the competing demands for federal dollars.

In that determination, I believe that our request can be funded without in any way breaking the budget.

Let me note that the Administration has put forward a $6.2 billion supplemental budget request for the Department of Defense alone. Their request includes permission to spend $474 million more in military aid for South Vietnam.

When I look at the lines stretching through the employment offices throughout my states, where 220,000 persons are unemployed where the unemployment rate is now at 7.7 percent, even under the new Labor Department rules, then I think our request is even conservative. We are requesting only $350 million. The Administration is requesting $474 million for guns for Saigon.

I cannot help but believe that the national interest would be better served if the $350 million we requested were subtracted from the $474 million in the military aid request for South Vietnam. I might add that I doubt the necessity or desirability of approving even the remainder.

We believe the additional funds which would be added under our proposal for this fiscal year can be found within the existing budgetary spending levels. Expenditures for public service employment will result in savings in welfare payments and unemployment insurance and increase tax revenues of 40 cents for every dollar spent. In addition, based upon Bureau of Labor Statistics data, it has been estimated that for every 10 public service jobs created, four private sector jobs will be created immediately and that eventually, over the next 18 to 24 months, another six will be generated from the Gross National Product increase resulting from those 14 jobs. In terms of job creation and economic stimulus, it is a bigger bang for the buck than virtually any other program.

The second concluding point I would urge on my colleagues represents my own view of the direction this nation must move if it is to fulfill a wide range of aspirations awakened in part by our own rhetoric and by the rhetoric of those who have gone before us.

In America today, the 4.7 million unemployed and the more than 25 million poor are being denied the promise of justice. When FDR called forth a vision of this country in which there would be full freedom, his vision included freedom from the chains of economic despotism. He looked out upon a nation in which a third of the people were ill-housed, ill-fed and ill-cared for. And he laid out the challenge to end those conditions.

The goals he set forth still appear in the distance, still all too real for millions of Americans. There must be a major expansion in public services, an expansion in which the federal government plays a continuing role, if we are to achieve those goals.

Enlarging the public services made available to the citizens of this country—in combating a host of public ills, from inadequate housing to inadequate medical care—represents the direction we should be marking out for the future. That direction can be tied through public service employment to helping set a course toward full employment, where those able to work and wanting to work have decent, well-paying and important job opportunities available to them.

The measure we are suggesting today will not miraculously carry us to that goal, or to achieving the liberation Franklin Roosevelt desired; but it will be a step closer to those objectives.

I hope that the Committee will accept our suggested amendment.

WASHINGTON, D.C., *March 26, 1974.*

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.:

The AFL–CIO strongly supports the emergency public service employment amendment sponsored by a bi-partisan group of Senators. The $350 million provided by this amendment is vitally necessary during the current fiscal year. The growing unemployment crisis makes adoption of this amendment a necessity.

ANDREW J. BIEMILLER,
Director, Department of Legislation, AFL–CIO.

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS,
March 28, 1974.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: We strongly support your efforts, and those of your colleagues, to increase the supplemental appropriations for public service jobs. As Mayor Uhlman of Seattle, Washington, said in testimony before the Senate Appropriations Subcommittee on Labor and Health, Education and Welfare, "There is little question that the energy crisis is . . . resulting in massive unemployment throughout the country." As the Mayor indicated in that testimony, in Seattle alone some 50,000 persons are unemployed, and this does not even take into account the impact of the energy crisis. St. Louis has reported energy-related unemployment of almost 7,000 persons in the last few months. Flint, Michigan, reports a 14 percent unemployment rate in February, or some 22,000 persons. Los Angeles projects energy-related unemployment will reach 25,000 by this summer.

The Administration's supplemental appropriation request for public service employment is an inadequate response to such increases in unemployment. The jobs, approximately 35,000, created will not even replace the employment opportunities being abolished under the phase out of the Public Employment Program (PEP).

Local and state government demonstrate, in the conduct of PEP, the ability to place over 150,000 unemployed in productive public service jobs—jobs which not only provided needed unemployment but also met critical public service needs of our communities. Every evaluation and study of PEP has documented the constructive results of the program.

In our support of your efforts, we would, however, urge you to consider the fact that an increase in FY 1974 supplemental appropriation in the manner proposed will not be possible in FY 1975. The problem of unemployment will, however, remain. Consequently, we believe the consideration must be given, on a priority basis, to legislation for FY 1975 and the future which would authorize funds to create public service jobs. Such legislation should be independent of Title II of CETA since that Act and Title were not designed to meet unemployment problems such as those created by the energy crisis.

Sincerely,

ALLEN E. PRITCHARD, JR.,
Executive Vice President,
National League of Cities.
JOHN J. GUNTHER,
Executive Director,
U.S. Conference of Mayors.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. HUDDLESTON). Morning business is now closed.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the unfinished business, S. 3044, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 3044) to amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment (No. 1141, as modified) of the Senator from Alabama (Mr. ALLEN), on which there will be 1 hour of debate.

Mr. ALLEN. Mr. President, I ask unanimous consent to yield 10 minutes to the distinguished senior Senator from Delaware (Mr. ROTH) with the time to be charged equally between the two sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROTH. Mr. President, I thank the Senator from Alabama for his courtesy.

Mr. President, I had intended to call up an amendment, but have determined not to do so. However, I do wish to discuss the reasons why I do not intend to call up further amendments from my campaign reform package.

Mr. President, the amendment I had intended to call up is an important element of my package of campaign reform proposals. The amendment would require the Federal Communications Commission to develop regulations requiring each television station to make available, without charge, a limited amount of television time to candidates for Federal office. My amendment would permit each candidate to gain exposure through the television medium and it will prohibit most candidates from purchasing any other television time in addition to that provided by the stations without charge.

Although I believe that the adoption of my amendment is crucial to the passage of true campaign reform legislation, I will refrain from calling it up and asking for a vote because, apparently, the Senate will not have the opportunity to seriously consider any campaign reform proposals which are alternatives to "public financing."

This fact is evident because of the results of two Senate votes conducted last week on amendments to the Federal Election Campaign Act. On one vote, my amendment to allow all congressional candidates to send—without postage—two mass mailings to each of their constituents was tabled without a vote being taken on its merits. On the second vote, the Senate defeated the Baker amendment—No. 1134—after objections were made that, as a tax-related amend-

ment, it should not be considered by the Senate, for it would be subject to a point of order in the House of Representatives.

This latter vote—in which the Senate defeated Senator BAKER's amendment to substitute the public financing provisions of the pending bill with a plan to finance future campaigns with a 100-percent tax credit for a contribution up to $50 on a single, or $100 on a joint return—has indicated that supporters of campaign reform who favor the tax credit approach to campaign financing are placed on the horns of a dilemma. Since many constitutional authorities are convinced that any tax-related measure must originate in the House, those of us who support the tax credit approach are barred from presenting the Senate with a viable alternative to public financing until the House has considered this proposal or it can be attached by the Committee on Finance to an appropriate revenue bill from the House.

For this reason, I would prefer that a final vote on the pending bill be deferred until the parliamentary situation is such that the alternative approach can be considered, unless the tax credit approach can receive a serious debate, it will be evident that the Senate is faced with but one alternative. The public financing concept will have been steamrolled through the Senate.

It seems to me, Mr. President, that such a delay would allow the Senate to consider the pros and cons of both approaches to reform in campaign financing. Since the radical changes envisioned by the supporters of public financing bill will not take effect until the 1976 general election, I see no reason why a vote must be taken on this bill before alternative avenues of approach to campaign reform have been fully explored. The Senate has already passed several bills to reduce the influence of big money in political campaigns.

One bill would shorten the campaign period to approximately 8 weeks, thus reducing campaign costs. Another proposal, S. 372, places limits on campaign contributions and expenditures, establishes a Federal Election Commission, and strengthens the disclosure requirements for all candidates and their campaign committees.

I have supported each of these measures and I have urged the Senate to strengthen their provisions by adopting my "package" of reform proposals. Rather than go from one extreme—in which campaigns are financed by unrestricted private contributions—to another extreme—in which the Federal Government becomes directly involved in campaign financing—I would favor the implementation and enforcement of laws designed to shorten campaigns, restrict contributions and expenditures, and force all candidates to disclose the source of their campaign funds. Enforcement of these measures—together with the enactment of my package of reform proposals—should end many of the abuses of our political campaign process without creating any additional problems.

As I have stated on previous occasions, I am opposed to public financing at this time because I am convinced that it tends to emphasize, rather than deemphasize, the use of money in political campaigns. In addition, public financing may separate the candidate from his constituency. For, once a candidate learns that he can tap the Federal Treasury for his campaign funds, he may be encouraged to allow campaign consultants to manage his campaign through use of the latest Madison Avenue techniques, instead of carrying his campaign to the people directly through personal contact with prospective voters.

As an alternative to "public financing" I have sponsored legislation to allow each taxpayer to take a 50 percent tax credit for a political contribution of $150 by a single taxpayer or $300 on a joint return. I am convinced that the "tax credit" approach to campaign financing reform is a better alternative to "public financing" because it encourages every taxpayer to voluntarily contribute to the candidate of his or her choice. An expanded use of the present tax credit for political contributions should broaden the base of campaign contributors and relieve candidates for Federal office from the necessity of soliciting large donations from a few wealthy individuals or organizations.

Mr. President, my proposal (S. 3131) to finance political campaigns through an increase in the maximum tax credit allowed for political contributions is the key element in my "package" of campaign reform proposals. Since this proposal cannot be adequately considered until it has been attached to a House-passed bill, it is obvious that the Senate cannot engage in a serious debate of its provisions at this time. Moreover, the Senate has already tabled the second element of my campaign reform "package" which would have reduced campaign costs by permitting congressional candidates to make two mass mailings at Government expense.

Mr. President, I am committed to the passage of meaningful campaign reform legislation. I am also unwilling to further delay the work of the Senate. For, in addition to campaign reform many other important issues are demanding our attention. I intend, therefore, to vote in favor of closing the debate on S. 3044 in the hope that the Senate can move to a vote on the "public financing" bill.

I remain convinced, however, that my proposals—taken as a whole—would regulate the conduct of future campaigns without injecting an unwarranted infusion of Federal funds into the political campaign process. Until "public financing" becomes the "law of the land," I will continue to fight for enactment of my alternative proposals.

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

The PRESIDING OFFICER. Who yields time?

Mr. CLARK. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER (Mr. HATHAWAY). Without objection, it is so ordered, and the clerk will call the roll.

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

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

CELEBRATION OF 100TH ANNIVERSARY OF THE BIRTH OF HERBERT HOOVER

Mr. GOLDWATER. Mr. President, on April 1, I submitted a concurrent resolution calling for the celebration of the 100th anniversary of the birth of Herbert Hoover on August 10 of this year in the town of West Branch, Iowa. I know that many Members of this body, regardless of party affiliation, hold the memory of this great man in high regard; and in testimony of this fact, I am delighted to announce that 25 Senators already have contacted me wishing to cosponsor the resolution. I will ask that a list of these sponsors appear at the end of my remarks.

Mr. President, Herbert Hoover is known for his many careers, as mining engineer, humanitarian, President, statesman, and author. In his lifetime, he has done some very important things for his country and the world. His relief activities are unparalleled.

His humanitarian career began in 1900 when he directed the food relief for victims of the Boxer Rebellion; then in 1914 he organized the American Relief Committee, and, as chairman, expedited the return of 120,000 U.S. citizens who were stranded in Europe at the outbreak of World War I. Later that year, with Belgium and northern France occupied by the Germans, he directed the relief of 10 million persons in the area who had faced starvation. In 4 years of war he got a billion dollars worth of food to those people. Once we entered the war, Hoover was appointed U.S. food administrator by President Wilson and pioneered methods of mobilizing food resources in wartime. After the Armistice he was appointed Director General of Relief and Reconstruction of Europe and supervised the distribution of $3.3 billion of food and clothing to millions of cold and hungry persons in 30 countries.

In 1921, Hoover helped obtain relief to the starving masses in Russia; and in 1927, when the Mississippi Valley had its worst flood in the memory of man, Hoover successfully undertook the job of moving a million and a half Americans to safety.

His humane activities continued in 1946 when he was appointed coordinator of Food Supply for World Famine by President Truman. In that capacity, Hoover traveled 35,000 miles to 22 countries threatened with famine and as a result of his recommendations, the United States shipped more than 6 million tons of bread grains to the people of the hungry nations.

His Government career, after 7 years of service as Secretary of Commerce and 4 years as President of the United States, was capped by distinguished service, while in his seventies, as head of the two Hoover Commissions for organizing the executive branch of government. The two "Hoover Plans" made objective and nonpartisan recommendations, more than half of which were adopted, for economy and efficiency of Government operations.

Mr. President, this brief résumé of events in the life of Herbert Hoover conveys some of the reasons why I feel so deeply that we should honor his memory by providing for appropriate ceremonies commemorating the 100th anniversary of his birth.

Mr. President, I ask unanimous consent that a list of the sponsors of Senate Concurrent Resolution 79 be printed in the RECORD:

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

SPONSORS OF S. CON. RES. 79

Mr. Goldwater, Mr. Bennett, Mr. Buckley, Mr. Dole, Mr. Domenici, Mr. Dominick, Mr. Eastland, Mr. Fannin, Mr. Griffin, Mr. Gurney, Mr. Hansen, Mr. Hatfield, and Mr. Hughes.

Mr. Case, Mr. Clark, Mr. Cotton, Mr. Javits, Mr. McClellan, Mr. Randolph, Mr. Scott, Mr. Stafford, Mr. Stevenson, Mr. Taft, Mr. Tower, Mr. Tunney, and Mr. Weiker.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

The Senate continued with the consideration of the bill (S. 3044) to amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns.

Mr. ALLEN. I yield myself 6 minutes.

Mr. President, this amendment is in truth a campaign reform amendment—certainly, insofar as the pending measure is concerned—because it would accomplish a 20-percent overall cut in the permissible amounts that could be spent by a candidate for the House or the Senate or the presidential nomination or the general election—an overall cut of 20 percent in the permissible amounts that could be expended.

The one exception is where a minimum is provided for a small State. There would be no change in that.

This would be accomplished by changing two figures in the bill, one being a provision that in general elections, there may be spent 15 cents per person of voting age in the political subdivision from which the candidate is running, and 10 cents in primary elections.

This little amendment would save the Federal Treasury, save the taxpayers of the country, upwards of $60 million every 4 years. We talk about campaign reform, cutting down on the amount of expenditures. Public financing does not accomplish that. This amendment is an effort to reduce the overall cost of elections.

The Senator from Alabama has already tried to add amendments cutting the amount of individual contributions. The first amendment was to cut the amount that could be contributed in a Presidential election to $250, and in House and Senate races to $100, the theory being that that is all the Treasury would match and that, therefore, there should not be any contribution over that. That amendment was turned down.

Then the Senator from Alabama offered another amendment which would raise those figures a great deal, to provide a $2,000 contribution permitted in Presidential races, a $1,000 contribution in the House and the Senate. That amendment was voted down by the Senate.

That leads the Senator from Alabama to the inescapable conclusion that the proponents of this bill, this public financing measure, are not interested in campaign reform. What they are interested in, particularly in the primaries, is providing campaign expenses for themselves. They want the best of two worlds. They want contributions permitted up to $3,000 per person, $6,000 per couple. They want those contributions, and then they want a matching system, too. So they do not want reform. They want public subsidy added to the amount garnered from the private sector.

The Senator from Alabama has tried to knock out the campaign subsidy provision, but a majority in the Senate, possibly even a two-thirds majority, wants to see their primary campaigns financed up to one-half, wants to see their general election campaigns financed 100 percent.

This little amendment is just a drop in the bucket. It would save approximately $50 million or $60 million every 4 years. But it would be a step in the right direction. It would cut down on the amount of Federal subsidy to the candidates for Federal offices. In the campaigns for the Presidential nomination, it would accomplish a considerable reduction.

Whereas now, Mr. President, the bill would permit subsidies of up to $7.5 million to the various candidates for the Presidential nomination of the two parties, this amendment would cut those subsidies to approximately $5.7 million. That is a pretty good little subsidy—$5.7 million to subsidize 15 or 20 candidates for the Presidential nomination. I believe they could skimp along on that. I believe that the Senators and the Members of the House who are going to run for the Presidential nomination could get by on a subsidy of $5.7 million.

I see the distinguished Senator from California (Mr. CRANSTON) entering the Chamber. This would not cut the subsidy of the Senator from California, because it does not apply to the upcoming election, but it would cut down on the subsidy allowed a candidate of a major party for the Senate in California from $2,121,000 to a mere $1,697,000. As soon as he got nominated by one of the two major parties, he would go to the Treasury and pick up a check for $1,697,000 to run his senatorial race.

Mr. President, it seems to the Senator from Alabama that this is not hitting the politicians of the country too heavily, to cut down on the overall expenditures on which the subsidy is based—to cut down on overall expenditures.

I am hopeful that the Senate will agree to this amendment. I might say that the amendment was originally reduced to cut the 15 cents per person of voting age to 10 cents, which would have been a one-third reduction from what is provided in the bill; and in the primaries, from 10 cents per person of voting age to 5 cents.

When the Senator from Alabama explained his amendment on the floor, the distinguished manager of the bill stated that if the change was made to 12 cents per person of voting age in general elections and to 8 cents per person of voting age in primaries, he would support the amendment. So I am hopeful that the Senate will follow the lead of the distinguished manager of the bill and accept the amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. I yield 3 minutes to the Senator from Iowa.

Mr. CLARK. Mr. President, the amendment offered by the distinguished Senator from Alabama (Mr. ALLEN) certainly has the appearance of being an easy answer to the campaign funding abuses of the past 2 years; but in my judgment, it is an answer in appearance only, not in substance.

We all agree on the need to eliminate the influence of "big money" in the political process. So, the argument goes, we simply should drastically curtail campaign expenditures, or at least curtail them beyond the present bill. It is a remedy that everybody can understand, and I think it has great appeal: Just cut the amount a candidate can spend, and everything will be all right.

But while this amendment may be an easy answer to one problem, it only opens up another series of problems. By reducing the spending limits, this amendment would erode what little competition still exists in the political process. As we have seen, incumbent Congressmen and Senators are reelected—95 percent of the time in the past few years—largely because they have been able to outspend their challengers on the average of 2 to 1. S. 3044 with its public financing provisions, will diminish the fund-raising advantage incumbents now enjoy.

But the amendment now before the Senate would make it even more difficult to beat incumbent office holders, despite public financing. With all the advantages inherent in incumbency—the frank, media access, for example—challengers must be able to spend enough money to become known. Senator ALLEN's proposal—8 cents a voter in the primary and 12 cents in the general election—would be totally insufficient.

I think the Committee on Rules and Administration gave careful consideration to this matter and arrived at as equitable a figure as could be found.

Mr. President, I spent $251,000 in my general election campaign against an incumbent Senator. Only two other challengers, my good friend from Colorado (Mr. HASKELL), and the Presiding Officer (Mr. HATHAWAY) spent less money in a successful race against an incumbent.

But my opponent in 1978 would be able to spend even less than that should this amendment be accepted. With only 12 cents a voter, it would be nearly impossible for any challenger to present his case to the people.

The American political system desperately needs more competition for public office, not less. I urge my colleagues to join me in defeating this amendment.

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

Mr. CANNON. Mr. President, I have mixed emotions about the amendment. As the Senator from Alabama pointed out earlier, I did say if he changed his figures from 10 cents in the general election to 12 cents and from 5 cents in the primary to 8 cents, I would vote for that and I intend to vote for it. I am not sure where the correct balance is as to the formula. I do know that in some of the larger States under the formula we used it mounts up to a lot of money.

For example, in California, under the 15-cent provision in the general election, $2,122,154 could be spent. In the primary election in California the figure could be $1,414,300 under the bill as we reported it. Under the Senator's amendment those figures would become $1,697,160 in the general election and $1,131,440 in the primary. That still is a substantial amount of money and I am not prepared to say what is needed in the larger States. I know in some elections, as pointed out on the floor the other day, in the ten largest spending States in the last election, all would be reduced somewhat by the limits we had in the bill.

We have in the bill two provisions that would not be affected by the amendment. One of those provisions is that in the primary election a person could use his formula times the voting age population or the sum of $125,000, whichever was greater; and in the general election, the formula times the voting age population or the sum of $175,000, whichever was greater. So he arbitrarily arrives at a figure that the smaller States, that are small in population, but many of them small in area, such as my State, would be able to spend in both elections a sum of $300,000. If this formula that is proposed by the Senator from Alabama were adopted there would be more States that could be affected by that base level. In other words, most of the States would be cut below that base level and more would qualify under that base level formula than now qualify under the present formula that the Committee on Rules and Administration wrote into the bill.

As I say, I have sort of mixed emotions because I am not technically able to speak on this subject for those people who represent the larger States, States which require a lot more money from the standpoint of campaign financing. My distinguished colleague on the committee, the Senator from Kentucky (Mr. COOK) would be able to speak for his State.

The figure for Kentucky under the formula we had in the Senate bill would be $335,250 in the general election and $223,500 in the primary election. Those figures would be changed under the formula of the distinguished Senator from Alabama to $268,200 in the general election and $178,800 in the primary election. So I would have to look to my distinguished colleague from Kentucky on what should be done in his State. As far as I am concerned the floor we have put in for the small States is ample. I believe it perhaps could be cut somewhat. That has been suggested by a number of Senators; that we should go below that amount. I am willing to abide by that and I would support the floor.

So while I intend to vote for the amendment of the Senator from Alabama, I look to my colleagues who would be directly affected on this on what could be done in their particular States.

Mr. COOK. Mr. President, may I say to the Senator from Nevada that this is a situation that really applies itself to the large States in the Union and I am sorry Senators from those States are not here to speak to it.

I can say with all honesty to the Senator from Alabama that in my primary I did not spend $223,500 and did not spend $335,250 in my general election. I know that we probably spent more than $268,200, which is the 12-cent figure, and that was 5½ years ago.

I am not really sure until we get into a campaign whether we are going to get caught in inflation like everyone else.

I know I can speak without any hesitation at all that I was amazed to learn that when the next election came in my State, the cost for each candidate almost doubled the amount I had spent.

I think what does bother me is this: Let us take the 8 cents in the primary. Even if a candidate gets the bulk rate, I am not sure he could make mailings to all of his constituents under an 8-cent figure. We know that it now costs 10 cents for stamps. If one got the bulk rate, could he get envelopes, stamps, and enclosures and make up the difference in the apparent bulk rate of 7 or 7½ cents, with all printing costs or information costs, and make one mailing to constituents?

The answer is that it probably would be next to impossible to do.

I think we also have to be fair and honest and say it is probably impossible that we could make a mailing to all of our eligible voters as it is. I only hope that, if we are not successful with cloture this afternoon, what we are really not seeing is that the Senator from Alabama has decided to change the 15 and 10 to 8 and 12, if cloture is not available, we are going to have a whole series of amendments so that, instead of 8 and 12, it will be 7 and 11, and then 6 and 10, and then 5 and 9, and so on and so forth, in an effort, somehow or other, to keep the debate on this bill going longer and longer and longer, because I think that is really what we are discussing here.

We went over these figures in the Committee on Rules and Administration. We went over them quite extensively. If one believes this is the course to take and believes that we should take a try on this kind of financing, with which I have all kinds of problems in my own mind, I must say to my colleagues that, if in fact we are going to do it, and if it is successful, then I do not think its very import should destroy the system, because the funds expected and the figure allocated to the individual voter will result in an effective campaign not even being able to be waged, and we would find, as a result of our attempts to keep cutting the figures down and down and down, that we would have to repeal a law because, even though it was a good law, it could not accomplish the purpose of it.

Every Senator has to vote based on the population of his State and based on whether he can or cannot agree with respect to the figures as between 10 and 15 and 8 and 12 cents.

I might say for the Senator's benefit that I have just found out, and I think in fairness I should only say, that the bulk rate could be accomplished at 6.1 cents. For those who believe that between 6.1- and the 8-cent rate their entire campaign expenditures can be made in one mailing to all their constituents and nothing more—no radio, no television, no other campaign of any kind that costs funds—that his entire expenditure, all gasoline, all travel, and everything else, can be represented in the difference between 6.1 and 8 cents, if they want to make a mailing to all the constituents that are available in their States, then that is the decision each individual has to make. I do not think, within the framework of the bill, it is possible.

What we are, in effect, saying, is that "We are going to save you money," but in the effort to save them money, we are going to make it impossible to have a campaign which can be financed. In effect, we are going to give the people a campaign financing bill under which the candidates are going to cheat right from the beginning. I think the American people have sounded loud and clear that that is the very thing they want to get rid of.

It would be the Senator from Kentucky's hope that he could conduct a campaign with $335,000, but I think it is going to be very difficult, and one of the reasons it is going to be very difficult is the present status we have in the eyes of the American people. But I do not think we ought to do it in the course of saying, "Here, we are going to save you $60 million in 4 years," because we might find a pet project in Alabama in the form of public works which might be worth over $60 million, and nobody in the United States would know about it except the people of Alabama. Somehow or other, we have a habit of spending all the money the American people contribute in taxes. Unfortunately, we spend more.

The Senator from Kentucky is opposed to deficit spending, and has always voted against deficit spending. But if we put it in the 8 and 12 as opposed to 10 and 15 cents, in the light of the 8-cent cost, if this program is adopted could a candidate make even one general mailing to all of the eligible voters in his State? I think the answer would have to be "No." I do not think he could run a campaign.

So this Senator will vote against the amendment of the Senator from Alabama only with the understanding that it does not change the money on this list for the Commonwealth of Kentucky, and probably it would be difficult for the Senator from Kentucky to raise amounts of this kind, because I think it is going to be very difficult to raise campaign funds.

Mr. ALLEN. Mr. President, how much time remains to the Senator from Alabama?

The PRESIDING OFFICER. The Senator from Alabama has 16 minutes remaining.

Mr. ALLEN. I yield myself 6 minutes.

The PRESIDING OFFICER. The Senator is recognized for 6 minutes.

Mr. ALLEN. Mr. President, I have been somewhat mystified by the thrust of the argument of Senators supporting public financing. It does not seem to be part of their theory of what reform is to reduce the overall cost of campaigning. The word "restraint" on the part of candidates does not seem to be part of their vocabulary.

Mr. COOK. Mr. President, will the Senator yield for one slight suggestion?

Mr. ALLEN. I yield.

Mr. COOK. If the Senator takes campaign expenditures for the two Senators running for the last campaign in my State and the maximum on the list, it is about half or a little more than half that each candidate spent in that election.

Mr. ALLEN. I thank the Senator for his interruption and his comment.

Mr. COOK. I apologize.

Mr. ALLEN. I hope that the next time he will use his own time for making a comment.

The idea of restraint on the part of candidates has not seemed to enter into the thinking of those who are supposed to be for campaign reform. I submit that paying bills for campaigns out of the Public Treasury is not the Senator from Alabama's idea of campaign reform. Reducing the overall cost of elections, reducing the amount of individual contributions, and keeping them in the private sector is the idea of the Senator from Alabama as to what campaign reform is.

I want to commend the distinguished Senator from Maryland (Mr. MATHIAS), who is not here at this time. He has limited his contributions to $100. The Representative from Ohio, Mr. VANIK, states that he is not accepting contributions or making any expenditures.

So one ingredient that has not been mixed into this so-called campaign reform bill is the idea of restraint on the part of candidates.

Mr. President, the amendment offered by the Senator from Alabama would mix a little restraint—restraint in spending taxpayers' money—into the idea of campaign reform. But every time the Senator from Alabama tries to cut down on campaign expenditures, tries to cut down on the amount of individual contributions, he does not get any support from those who cry out for the need of campaign reform. They are opposed to it. They want what they can get out of the private sector in the primaries plus what they can get out of the Government. That is not campaign reform—that is just escalating the cost of campaigns.

Mr. President, the Senator from Kentucky is worried about inflationary costs of campaigns. Well, the drafters of this bill thought of that, too, and they wrote a little provision in here on page 17 of the bill that provides an escalator in the bill. It is reform. It is campaign reform. They wrote a little escalator clause that says that while the cost of campaigning goes up, in effect, the cost of the Government subsidy, the amount of the Government subsidy goes up. There it is in black and white. So the Senator from Kentucky need not worry about that.

Mr. President, apparently the so-called reformers—that is, the spenders of the funds from the Federal Treasury—are not willing to cut down on the amount of the Government contributions. The amount of the campaign contributions.

We passed a bill in July limiting the contributions to $3,000. That is too high. That is a big contribution, in the view of the Senator from Alabama. It permits two contributions, one by the man and one by the wife. That would be $6,000. That is a pretty big contribution. That is all this bill would do. We have already passed a bill such as that.

But it is not campaign reform to say that the American taxpayer has to pay the cost of the general election campaign of every Senator and every Member of the House of Representatives.

Nor is it reform to provide that the American taxpayer has got to pay up to $7.5 million—and this is something that the American public does not realize—for each candidate for the Presidential nomination of the two major parties. Fifteen or 20 or 25 people are going to be running for the Presidential nomination. This will match the contributions of the various candidates provided that they first get a campaign fund of $250,000 in small contributions. That would then match the contributions of all of them, including the $250,000, up to the point where the Government had paid the $7.5 million to each of the various candidates.

Mr. President, there are some 10 or 15 Senators who would not turn down a draft for the presidential nomination; and there are some Senators who would wage an active campaign.

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

Mr. ALLEN. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for an additional 2 minutes.

Mr. ALLEN. Mr. President, this subsidy program, this welfare program for the benefit of politicians, is not campaign reform. The Senator from Alabama is taking a bad bill and is trying to make the bill 20 percent less bad by reducing the overall campaign expenditures permitted under the law. That is what the amendment does. So we are going to see whether the reformers want reform or whether they want a Federal subsidy. It is as simple as that.

Mr. President, I reserve the remainder of my time. However, before doing so, I ask unanimous consent that a tabulation showing the amounts to the various States under the various formulae be printed in the RECORD.

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

PROPOSED CANDIDATE EXPENDITURE LIMITATIONS, U.S. POPULATION FIGURES AS OF JULY 1, 1973

Geographical areas	Voting age population—VAP (18 years and over)	S. 3044—10¢ per VAP in primary elections [1]	S. 3044—15¢ per VAP in general elections	5¢ per VAP in primary election [1]	10¢ per VAP in general election	8¢ per VAP in primary election [1]	12¢ per VAP in general election
United States—Primary [2]	143,403,000	$14,340,300	NA	$7,170,150	NA	$11,472,240	NA
United States—General [3]	141,656,000	NA	$21,248,400	NA	$14,165,600	NA	$16,998,720
Alabama	2,338,000	233,800	350,700	116,900	233,800	187,040	280,560
Alaska	200,000	20,000	30,000	10,000	20,000	16,000	24,000
Arizona	1,345,000	134,500	201,750	67,250	134,500	107,600	161,400
Arkansas	1,374,000	137,400	206,100	68,700	137,400	109,920	164,880
California	14,143,000	1,414,300	2,121,450	707,150	1,414,300	1,131,440	1,697,160
Colorado	1,631,000	163,100	244,650	81,550	163,100	130,480	195,720
Connecticut	2,101,000	210,100	315,150	105,050	210,100	168,080	252,120
Delaware	382,000	38,200	57,300	19,100	38,200	30,560	45,840
District of Columbia	529,000	52,900	79,350	26,450	52,900	42,320	63,480
Florida	5,427,000	542,700	814,050	271,350	542,700	434,160	651,240
Georgia	3,140,000	314,000	471,000	157,000	314,000	251,200	376,800
Hawaii	549,000	54,900	82,350	27,450	54,900	43,920	65,880
Idaho	501,000	50,100	75,150	25,050	50,100	40,080	60,120
Illinois	7,568,000	756,800	1,135,200	378,400	756,800	605,440	908,160
Indiana	3,530,000	353,300	529,500	176,500	353,000	282,400	423,600
Iowa	1,957,000	195,700	293,550	97,850	195,700	156,560	234,840
Kansas	1,570,000	157,000	235,500	78,500	157,000	125,600	188,400
Kentucky	2,235,000	223,500	335,250	111,750	223,500	178,800	268,200
Louisiana	2,399,000	239,900	359,850	119,950	239,900	191,920	287,880
Maine	689,000	68,900	103,350	34,450	68,900	55,120	82,680
Maryland	2,720,000	272,000	408,000	136,000	272,000	217,600	326,400
Massachusetts	4,006,000	400,600	600,900	200,300	400,600	320,480	480,720
Michigan	5,922,000	592,200	888,300	296,100	592,200	473,760	710,640
Minnesota	2,575,000	257,500	386,250	128,750	257,500	206,000	309,000
Mississippi	1,453,000	145,300	217,950	72,650	145,300	116,240	174,360
Missouri	3,251,000	325,100	487,650	162,550	325,100	260,080	390,120

Footnotes at end of table.

PROPOSED CANDIDATE EXPENDITURE LIMITATIONS, U.S. POPULATION FIGURES AS OF JULY 1, 1973—Continued

Geographical areas	Voting age population—VAP (18 years and over)	S. 3044—10¢ per VAP in primary elections [1]	S. 3044—15¢ per VAP in general elections	5¢ per VAP in primary election [1]	10¢ per VAP in general election	8¢ per VAP in primary election [1]	12¢ per VAP in general election
Montana	$474,000	$47,400	$71,100	$23,700	$47,400	$37,920	$56,880
Nebraska	1,042,000	104,200	156,300	52,100	104,200	83,360	125,040
Nevada	365,000	36,500	54,750	18,250	36,500	29,200	43,800
New Hampshire	531,000	53,100	79,650	26,550	53,100	42,480	63 720
New Jersey	5,030,000	503,000	754,500	251,500	503,000	402,400	603,600
New Mexico	691,000	69,100	103,650	34,550	69,100	55,280	82,920
New York	12,665,000	1,266,500	1,899,750	633,250	1,266,500	1,013,200	1,519,800
North Carolina	3,541,000	345,100	531,150	172,550	345,100	276,080	414,120
North Dakota	421,000	42,100	63,150	21,050	42,100	33,680	50,520
Ohio	7,175,000	717,500	1,076,250	358,750	717,500	574,000	861,000
Oklahoma	1,832,000	183,200	274,800	91,600	183,200	146,560	219,840
Oregon	1,532,000	153,200	229,800	76,600	153,200	122,560	183,840
Pennsylvania	8,240,000	824,000	1,236,000	412,000	824,000	659,200	998,800
Rhode Island	677,000	67,700	101,550	33,850	67,700	54,160	81,240
South Carolina	1,775,000	177,500	266,250	88,750	177,500	142,000	213,000
South Dakota	454,000	45,400	68,100	22,700	45,400	36,320	54,480
Tennessee	2,799,000	279,900	419,850	139,950	279,500	223,920	33-,880
Texas	7,785,000	778,500	1,167,750	389,250	778,500	622,800	934,200
Utah	715,000	71,500	107,250	35,750	71,500	57,200	85,800
Vermont	309,000	30,900	46,350	15,450	30,900	24,720	37,080
Virginia	3,243,000	324,300	486,450	162,150	324,300	259,440	389,160
Washington	2,329,000	232,900	349,350	116,450	232,900	186,320	279,480
West Virginia	1,228,000	122,800	184,200	61,400	122,800	98,240	147,360
Wisconsin	3,033,000	303,300	454,950	151,650	303,300	242,640	363,960
Wyoming	234,000	23,400	35,100	11,700	23,400	18,720	28,080
Outlying areas:							
Puerto Rico	1,651,000	165,100	247,650	82,550	165,100	132,080	198,120
Guam	52,000	5,200	7,800	2,600	5,200	4,160	6,240
Virginia Islands	44,000	4,400	6,600	2,200	4,400	3,520	5,280

[1] Presidential primary candidates may spend in any State twice the amount a candidate for Senate nomination may spend, subject to a national limit of 10¢ times total VAP in connection with campaign for presidential nomination.

[2] VAP for the primary election includes all geographical area populations because the outlying areas could participate in the presidential nominating process to the extent that they are permitted to send delegates to the national nominating conventions.

[3] VAP for the general election includes all geographical area populations except Puerto Rico, Guam, and the Virgin Islands because their residents are not permitted to vote in the presidential general election

Mr. COOK. Mr. President, may I say that I apologize to the Senator from Alabama for taking any of his time.

Mr. President, how much time have we remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 7 minutes remaining.

Mr. COOK. Mr. President, I would be perfectly willing to yield the entire 7 minutes to the Senator from Alabama, if he wishes to use that time along with his time, so that he will not feel that he was interrupted.

Other than that, we would be willing to yield back the time on this side. However, I would be willing to make it available to the Senator from Alabama, if he would wish to use it.

Mr. ALLEN. Mr. President, I would much prefer that the Senator from Kentucky use his time because I feel that the argument he is making on behalf of not reducing this subsidy is certainly having an adverse effect on his position. I hope that he will use the remainder of his 7 minutes.

Mr. President, I reserve the remainder of my time.

Mr. COOK. Mr. President, I think we have made our point. I yield back the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Alabama has 8 minutes remaining.

Mr. ALLEN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendments, en bloc, of the Senator from Alabama. 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 Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Iowa (Mr. HUGHES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), and the Senator from Wyoming (Mr. MCGEE), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), and the Senator from Hawaii (Mr. FONG), are necessarily absent.

I also announce that the Senator from Virginia (Mr. WILLIAM L. SCOTT), is absent on official business.

The result was announced—yeas 46, nays 43, as follows:

[No. 125 Leg.]

YEAS—46

Aiken	Ervin	Pearson
Allen	Fannin	Pell
Baker	Griffin	Proxmire
Bartlett	Hansen	Randolph
Bellmon	Hartke	Ribicoff
Bible	Helms	Roth
Brock	Hollings	Sparkman
Burdick	Hruska	Stafford
Byrd, Harry F., Jr.	McClellan	Stennis
	McIntyre	Stevenson
Byrd, Robert C.	Metzenbaum	Symington
Cannon	Moss	Taft
Chiles	Muskie	Talmadge
Cotton	Nelson	Thurmond
Curtis	Nunn	Weicker
Eagleton	Packwood	

NAYS—43

Abourezk	Goldwater	Magnuson
Bayh	Gravel	Mansfield
Beall	Gurney	Mathias
Brooke	Hart	McClure
Buckley	Haskell	McGovern
Case	Hatfield	Metcalf
Clark	Hathaway	Mondale
Cook	Huddleston	Montoya
Cranston	Humphrey	Pastore
Dole	Inouye	Percy
Domenici	Jackson	Schweiker
Dominick	Javits	Scott, Hugh
Eastland	Johnston	Stevens
Tower	Williams	
Tunney	Young	

NOT VOTING—11

Bennett	Fong	Long
Bentsen	Fulbright	McGee
Biden	Hughes	Scott, William L.
Church	Kennedy	

So Mr. ALLEN's amendment (No. 1141, as modified) was agreed to.

Mr. ALLEN. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. HELMS). Pursuant to the previous order, the Senator from Illinois (Mr. STEVENSON) is now recognized to call up an amendment.

Mr. SPARKMAN. Mr. President, will the Senator from Illinois yield to me briefly?

Mr. STEVENSON. I am glad to yield to the Senator from Alabama, reserving my right to the floor.

VISIT TO THE SENATE BY MEMBERS OF THE GERMAN BUNDESTAG

Mr. SPARKMAN. Mr. President, we are honored today to have visiting us eight members of the German Bundestag, headed by the President of the German Bundestag, Mrs. Annemarie Renger.

I understand that Mrs. Annemarie Renger is the only woman head of a parliament anywhere in the world, so I suppose we can all agree that women's lib has come to Germany first of all.

Will our distinguished guests who are now seated in the rear of the Chamber please rise when I call their names.

Mrs. Annemarie Renger, President of the German Bundestag. Hans Katzer, Hermann Hoecherl, Dr. Herbert Ehrenberg, Uwe Ronneburger, Hans-Jurgen

Wischnewski, Hermann Schmidt, Dr. Richard von Weizsacker. May I also present His Excellency Berndt von Staden, the Ambassador from the Federal Republic of Germany to the United States.

(Applause, Senators rising).

RECESS FOR 2 MINUTES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a 2-minute recess for the purpose of greeting our distinguished visitors, and that the distinguished Senator from Illinois (Mr. STEVENSON) retain his right to the floor.

There being no objection, at 2:06 p.m., the Senate took a recess until 2:08 p.m., whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. HELMS).

Mr. SPARKMAN. Mr. President, I ask unanimous consent to have printed in the RECORD short biographies of each one of our distinguished guests.

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

RENGER, ANNEMARIE (SPD)

President of the German Bundestag.
Social Democratic Party.
Born October 7, 1919.
Widow.
Employed in publishing business.
From 1945 to 1952, private secretary of Dr. Kurt Schumacher.
Member of Bundestag since 1953.
From 1959 to 1966, member of the Advisory Assembly of the European Council and the Assembly of the Western European Union.
Until April 1973, member of the Executive Committee of the Social Democratic Party and the Presidium.
Since December 13, 1972, President of the German Bundestag.
Member of the Executive Committee of the Party's representation in the Bundestag.
Vice President of the International Council of Social Democratic Women in the Socialist International.

KATZER, HANS (CDU)

Member of the German Bundestag.
Christian Democratic Party.
Born January 31, 1919.
Married.
Technical School (Textile Industry).
1950, Secretary General, since 1963 Chairman of the Social Committee of the Christian Democratic Workmen of Germany.
Deputy Chairman of the Christian Democratic Union of Germany.
Board member of Ruhrkohle AG.
Since 1957, member of the German Bundestag.
From 1965 to 1969, Federal Minister of Labour and Social Affairs.
Deputy Chairman of the Christian Democratic Party/Christian Social Union group in the Bundestag.
Regular member of the Committee for the Preservation of the Rights of the Parliamentary Representation according to Article 45 GG (Constitution) and of the Joint Committee according to Article 53A GG.

HOECHERL, HERMAN (CDU/CSU)

Member of the German Bundestag.
Christian Democratic Party/Christian Social Union.
Born March 31, 1912.
Married.
Lawyer.
Studied law in Berlin, Aix-en-Provence and Munich.
Member of the CSU Bavarian Executive Committee.
Member of the Advisory Council of the Bayerische Vereinsbank and of the Directorate of the Bayerische Treuhand AG.
Member of the German Bundestag since 1953.
1957–1961 Chairman of the CSU group in the Bavarian State Parliament and Deputy Chairman of the CDU/CSU Bundestag group.
1961 to 1965, Federal Minister of the Interior.
1965 to 1969, Federal Minister of Food, Agriculture and Forestry.
1969 to 1972, Deputy Chairman of the CSU group in the Bavarian State Parliament and Chairman of the Mediation Committee.
Since 1970, Chairman of the Committee Budget, Taxes, Money, and Credit of the CDU/CSU group.
Regular member of the Finance Committee.

DR. EHRENBERG, HERBERT (SPD)

Member of the German Bundestag.
Social Democratic Party.
Born December 21, 1926.
Married.
Political Economist, studied Sociology in Wilhelmshaven and Göttingen, Dr. rer. pol.
From 1964 to 1968, political-economic division at the General Board of the Industrial Trade Union (Construction Workers' Union).
Member of the Committee for Political Science with the SPD Executive Committee and member of the expanded Committee of the Society for Social Progress.
From May, 1968 to October 1969, Director of the sub-division Structural Policy in the Federal Ministry of Economics.
October 1969 to April 1971, Director of the Division Economic, Financial, and Social Policy in the Federal Chancellory.
May 1971, to December 1972, State Secretary at the Federal Ministry of Labour and Social Affairs.
Since December 1972, member of the German Bundestag.
Deputy Leader of the Bundestag group of the Party.
Deputy Chairman of the Economics Committee.

RONNEBURGER, UWE (FDP)

Member of the German Bundestag.
Free Democratic Party.
Born November 23, 1920.
Married.
Farmer.
Since 1970, Chairman of the FDP Party Schleswig-Holstein and member of the Executive Committee of the FDP.
1966 to 1972, member of the General Synod of the United Protestant-Lutheran Churches of Germany, since 1972, member of the Synod of the Lutheran Church of Germany.
Member of the German Bundestag since December 1972.
Deputy Chairman of the FDP group of the Bundestag.
Regular member of the Foreign Affairs Committee.
Regular member of the Committee of Food, Agriculture and Forestry.

WISCHENEWSKI, HANS-JÜRGEN (SPD)

Member of the German Bundestag.
Social Democratic Party.
Born July 24, 1922.
Married.
1953 to 1959, secretary at IG Metall.
1959 to 1961, Federal Chairman of the Young Socialists.
1968–1972, member of the Executive Committee of the Party.
Member of the German Society for Foreign Policy.
Since 1957, member of the German Bundestag.
From 1961 to 1965, member of the European Parliament.
From 1966 to 1968, Federal Minister for Economic Cooperation.
Member of the Executive Committee of the Party group in the Bundestag.
Regular member of the Foreign Policy Committee.
Regular member of the 1st Investigation Committee.
Deputy Chairman of Committee I for Foreign and Security Policy, Inter-German relations, Europe and Development Policy.

SCHMIDT (WURGENDORF), HERMANN (SPD)

Member of the German Bundestag.
Social Democratic Party.
Born February 6, 1917.
Married.
Manager, Colonel (res.).
From 1946, business manager of the "Westfälische Rundschau" in Siegen.
From 1948, temporarily municipal, magistrate, and district representative.
Since 1962, district president and in this capacity Chairman of the Board of Directors of the Transport Society South Westfalia.
1950–1961, member of the Parliament of Nordhein-Westfalen
Since 1961, member of the German Bundestag
Member of the European Council, of the Western European Union and of the North Atlantic Assembly.
From 1969–1972, Deputy Chairman of the Defense Committee.
Since February 1, 1973, Chairman of the Defense Committee.

DR. VON WEIZSÄCKER, RICHARD (CDU)

Member of the German Bundestag.
Christian Democratic Party.
Born April 15, 1920.
Married.
Lawyer.
Studied law in Oxford, Grenoble, and Göttingen.
Dr. jur., board member of several corporations.
1964–1970, President of the German Lutheran Convention.
Member of the Synod and the Council of the Lutheran Church in Germany.
Member of the Executive Committee and Chairman of the Commission on Rules of the Christian Democratic Party.
Member of the German Bundestag since 1969.
Deputy Chairman of the Christian Democratic Party/Christian Social Union group in the Bundestag.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

The Senate continued with the consideration of the bill (S. 3044) to amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns.

Mr. HART. Mr. President, I ask unanimous consent that during further consideration of the pending bill, Burton Wides of my office, be permitted the privilege of the floor.

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

Mr. STEVENSON. Mr. President, I send an unprinted amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENSON. 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 text of the amendment is as follows:

On page 10, beginning with line 17, strike out through line 6 on page 11, and insert in lieu thereof the following:

"(b)(1) Every eligible candidate who is nominated by a major party is entitled to payments for use in his general election campaign in an amount equal to the sum of—

"(A)(i) in the case of a candidate for election to the office of President, 40 percent of the amount of expenditures the candidate may make in connection with that campaign under section 504, and

"(ii) in the case of a candidate for election to the office of Senator or Representative, 25 percent of the amount of expenditures the candidate may make in connection with that campaign under section 504, and

"(B) the amount of contributions he and his authorized committees received for that campaign.

"(2) Every eligible candidate who is nominated by a minor party is entitled to payments for use in his general election campaign in an amount equal to the sum of—

"(A) an amount which bears the same ratio to the amount to which a major party candidate for election to the same office is entitled under paragraph (1)(A) as the total number of popular votes received by the candidate of that minor party for that office in the preceding general election bears to the average number of popular votes received by the candidates of major parties for that office in the preceding election, and

"(B) the amount of contributions he and his authorized committees received for that campaign.

On page 11, beginning with line 19, strike out through line 23 on page 12 and insert in lieu thereof the following: to the sum of—

"(i) an amount which bears the same ratio to the amount to which a major party candidate for election to the same office is entitled under paragraph (1)(A) as the number of popular votes received by that candidate (other than as the candidate of a major or minor party) in the preceding general election for that office bears to the average number of votes cast in the preceding general election for all major party candidates for that office, and

"(ii) the amount of contributions he and his authorized committee received for that campaign.

"(4) An eligible candidate who is the nominee of a minor party or whose eligibility is determined under section 502(d)(2) and who receives 5 percent or more of the total number of votes cast in an election, is entitled to receive payments under section 506 after the election for expenditures made or incurred in connection with his general election campaign in an amount equal to the sum of—

"(A) an amount which bears the same ratio to the amount to which a major party candidate for election to the same office is entitled under pararagraph (1)(A) as the number of popular votes received by that candidate in the election bears to the average number of votes cast for all major party candidates for that office in that election, and

"(B) the amount of contributions he and his authorized committees received for that campaign.

"(5) For purposes of this subsection—

"(A) in the case of a candidate for election to the office of President, no contribution from any person shall be taken into account to the extent that it exceeds $250 when added to the amount of all other contributions made by that person to or for the benefit of that candidate for his general election campaign; and

"(B) in the case of any other candidate for election to Federal office, no contribution from any person shall be taken into account to the extent that it exceeds $100 when added to the amount of all other contributions made by that person to or for the benefit of that candidate for his general election campaign.

"(6) No candidate may receive payments under paragraph (2)(B), 3(B)(ii), or (4)(B) in excess of an amount which bears the same ratio to one-half of the difference between the amount to which the candidate is entitled under paragraph (2)(A), (3)(B)(1), or (4)(A) (whichever is applicable) and the amount of expenditures the candidate may make in connection with his general election campaign under section 504 as the amount to which he is entitled under paragraph (2)(A), (3)(B)(i), or (4)(A) (whichever is applicable) bears to the amount to which a candidate for election to the same office is entitled under paragraph (1)(A).

On page 12, line 24, strike out "(5)" and insert in lieu thereof "(7)".

On page 78, after the matter below line 22, insert the following:

EXPENDITURE LIMITATIONS

SEC. 305. Effective on the day after the date of enactment of this act, section 615(a) of title 18, United States Code, is amended to read as follows:

"(a)(1) No individual may make a contribution to or for the benefit of a candidate for use in his primary election campaign, or for use in his general election campaign which, when added to the sum of all other contributions made by that individual for use in that primary or general election campaign, exceeds $3,000.

"(2) Notwithstanding the provisions of subsection (c)(3), no person (not an individual) may make a contribution to or for the benefit of a candidate for use in his campaigns for nomination and for election to Federal office which, when added to the sum of all other contributions made by that person for use in either or both of those campaigns, exceeds $6,000.".

Mr. STEVENSON. Mr. President, I offer this amendment on behalf of myself and Senators TAFT, DOMENICI, MONDALE, CRANSTON, HUMPHREY, and BEALL.

The purpose of public financing is to eliminate the large and potentially corrupting contributions of big money from our politics. This amendment would accomplish that purpose but it would not eliminate the innocent, small contributions which are a healthy form of participation in our political system.

This amendment would limit the campaign contributions of individuals to Federal campaigns to $3,000 in primaries and $3,000 in general election campaigns. In that respect, it does not alter the provisions of the bill reported by the Rules Committee.

It would also limit the contributions of committees to $6,000, which could be allocated between a general election campaign and a primary election campaign as the committee sees fit.

This amendment then establishes a system of partial public financing as opposed to the 100 percent public financing which is established in the bill reported by the Rules Committee. Instead of 100 percent public financing, congressional candidates would receive a front-end subsidy 25 percent of the expenditure limit applicable to congressional campaigns. In addition, private contributions of $100 or less would be matched with public funds on a dollar-for-dollar basis.

Presidential candidates would receive a 40-percent entitlement and matching funds for private contributions of $250 or less, again on a dollar-for-dollar basis. That means that congressional candidates could receive up to 62.5 percent and presidential candidates up to 75 percent of the respective expenditure limits from public sources, instead of 100 percent.

This amendment strikes a fair balance between those who want 100 percent and those who want nothing. It decreases the cost to the Treasury of the financing of campaigns for Federal office. If this amendment prevails, the amounts from the checkoff would be more likely to cover the total cost of public financing. It does not in any way affect the committee bill's treatment financing of primary election campaigns. It preserves the healthy and innocent participation of small contributors. It eliminates the dangerous participation that comes as a result of large contributions to campaigns for Federal office. It would more clearly be constitutional than any measure which effectively prohibited all public funds, no matter how small.

The prospect of waiting for the Treasury to send $950,000 to a candidate for the U.S. Senate in Illinois is offensive. It is offensive to me. It would be offensive, I daresay, to many members of the public, and it is dangerous. A candidate could then literally buy a campaign. Candidates ought to be under some compulsion to seek small contributions from the people, and the people ought to be permitted that form of political participation.

Mr. President, I ask unanimous consent that William Staszak of my staff be permitted the privilege of the floor during the consideration of this amendment.

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

Mr. STEVENSON. Mr. President, the distinguished Senator from Ohio (Mr. TAFT) and the distinguished Senator from New Mexico (Mr. DOMENICI) have worked long and hard on this proposal. It is a compromise. It is intended not only to eliminate the corrupt influence of large money in our politics but also is intended to end the debate which has swirled around this bill. It will not make everybody satisfied, but it does give us an opportunity to get an important job done and to get on with the rest of our business in the Senate. Senator DOMENICI and Senator TAFT have been my partners in this endeavor. They have worked at great length on it, and have done so very resourcefully.

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

Mr. STEVENSON. I yield to the Senator from Ohio (Mr. TAFT).

Mr. TAFT. Mr. President, I commend the Senator from Illinois for his initiative in this matter as well as the Senator from New Mexico (Mr. DOMENICI) and others who have agreed to cosponsor this amendment to the pending campaign reform bill. We hope it will serve as a basis for compromise on public financing and thus move the debate forward considerably.

The pending bill, without our proposed amendment, provides Federal matching payments for all contributions of $100 or less for primary election congressional candidates—$250 or less in the case of Presidential candidates—who collect certain minimum amounts of private funding on their own, and 100 percent public financing for the general election campaigns of major party candidates, up to overall spending limits. Limitations on private contributions would be $3,000 for individuals and $6,000 for any organization such as COPE or BIPAC.

By contrast, our amendment would restructure public financing for general elections, so that major party congressional candidates could receive 25 percent of the campaign spending limit in Federal funds upon their nomination with no matching required, and $1 of additional funding for each dollar collected in private contributions of $100 or less for congressional races. A similar arrangement, with a 40 percent downpayment and matching contributions up to $250, would be applied to Presidential general elections. As under the present bill, minor party candidates would operate under the same system but be eligible for proportionately less Federal funding in general elections, based upon their performance. Limitations on contributions for organizations would be lowered from $6,000 in primary and general elections separately to $6,000 total.

I believe that basic reforms in campaigns financing are essential so that our citizens will be certain that their Government is not being operated to satisfy the interests of the few large contributors, rather than the Nation as a whole. The most important step we can take in this direction is to place strict limitations on the amounts which any single individual or organization can contribute to a candidate. The bill before the Senate attempts to do this, but has been loopholed with an amendment allowing contributions of up to $6,000 form organizations.

The bill before us also provides public financing, in recognition that these limits in themselves will exacerbate the task of raising enough campaign funds for both incumbent and challenger to make their views known to the public. However, I am concerned that the bill will allow private contributions too high to eliminate the abuses it seeks to correct; allow more public financing than necessary for general elections; foster a mushrooming of wasteful campaign expenditures at taxpayers' expense and the proliferation of campaign expert firms which have grown up already to an alarming extent; and unnecessarily eliminate a meaningful role for small private contributions.

The system we are proposing would clamp down on the size of private contributions; provide full public financing for the crucial initial portion of campaign expenses but force heavy reliance upon small private contributions for remaining expenses; continue and increase the importance of the role of grass roots activities, and the small contributors involved, in campaign finance; and reduce Federal costs over the present bill by thousands of dollars for each campaign—in fact, so far as the Presidential and possibly even senatorial races are concerned, by millions of dollars.

I am hopeful that the merits of this particular public financing approach will appeal to both supporters and opponents of full public financing.

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

Mr. STEVENSON. Mr. President, I yield to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I do wish to commend the Senator from Illinois and the Senator from Ohio for the work they have done on this amendment. I have just a few thoughts to add to theirs.

First of all, I have supported the idea of public financing of Federal elections from the very beginning. But I have looked very carefully at what we were trying to do when we moved in the direction of public financing and found at first we were trying to get of the very large contributions that really or to the American people were having an inordinate effect on the political system. I think public financing would do that, and our amendment would do that, but no one who was a proponent of public financing, to my knowledge, has said there was anything wrong with a candidate for public office taking contributions from small contributors, indeed, in large number. In fact, many of those who have been proponents of public financing have been equally strong proponents for the involvement of the average citizen.

What concerns me about the bill without the amendment of the Senator from Illinois, the Senator from Ohio, me, and others, is that basically it is saying, "We do not want participation by the average citizen: $100, $200, $300, $500." It has been said here with regard to other bills before us that we frequently throw the baby out with the bathwater. In this instance, unless we not only permit small contributions but also encourage and entice them, we will, indeed, be doing that.

In campaigns across the country the average citizen has said, "I like that candidate. I want to give him a small contribution." Instead of that kind of contribution, which is basically at the heart of participation, and putting small money where the mouth is, and letting a citizen's personal endeavors in behalf of the candidate follow, we would eliminate that in the bill before the Senate, where candidates could, if they choose, get private contributions. But as a matter of fact there is no incentive or encouragement because if the candidate does not he will get a check from the Federal Government for 100 percent.

I believe there is nothing wrong with the $100 matching all the way up, with encouragement to get a $1,000 contribution, or up to $3,000. This would narrow and cut back on the effect that Federal tax dollars would have on the total amount to be used.

The same reasoning can be used with respect to Presidential campaigns. There is nothing miraculous about 25 and 40. To encourage the $100 and the $250 for Presidential races, minimizing the $6,000 contributions groups can give, leaving it at $6,000, but not permitting it in primary and general elections, and upping the individual to $3,000 is a significant stroke in the direction of individual citizen participation. But it eliminates the thing we started out to eliminate.

With reference to my campaign for the Senate, indeed, I had large contributors, but I believe my campaign stands in the State of New Mexico as a record for the number of small contributors that contributed to my campaign. For a small State like mine, it would approach 5,000 individual donors. We went out and asked them, and they, in turn, asked others, and from them came the nucleus of those who had a genuine interest, with small amounts of $100 to $150.

I truly do not want to be a part of eliminating that kind of participation which I think is salutory and has a good effect. I hope those who are genuinely interested in public financing will understand this is a genuine effort to start in a new direction where we have not had one, and start in a reasonable way for a reasonable amount of public money, and leave the ingredient of participation that comes from the contribution of many small Americans who still take politics and candidates seriously, and who would prefer to give their money, $100 or whatever, to their candidate and still make them feel it is important, and not say, "You do not have to contribute if you do not want to; we will get it all from the Treasury."

That is the answer we will get from other than those who do not want any public financing. That is what we will be saying to the smaller contributor. We will be saying, "You are not important because if you do not give, we will get it from the Treasury."

Those who favor this approach will understand it is possible to move from zero to 100 percent. The amendment of the Senator from Illinois, the Senator from Ohio, and the Senator from New Mexico would be a good and salutary start toward preservation of that which is good in the present system.

Mr. STEVENSON. Mr. President, I wish to commend the Senator from New Mexico for recognizing that it is possible to eliminate the large contributors from politics without eliminating small contributions. Far from being a source of corruption, the small contribution is a source of involvement by people in their politics.

The purpose of the amendment is to drive the big money, but not the people, out of our politics.

I wish to ask the Senator from New Mexico if he does not agree that to eliminate the $1 or $2 or $3 contributions from campaigns might very well be unconstitutional. It is not only that, but it seems to me there is a constitutional right of people to contribute in small

amounts to the candidates of their choice. Without some basis for saying, "No, it is wrong; it is unreasonable to make small contributions."—and—I see no basis for such an assertion—it is possible it could be held to be unconstitution to take that approach.

Mr. DOMENICI. My answer is in the affirmative. I think there are serious constitutional objections to a provision which would prohibit it. I think from a legal and practical point of view, if a citizen cannot contribute, regardless of whether he wants to contribute, small or large, it is both practical and unconstitutional.

There is evidence which would justify drawing the line somewhere, I think $3,000 and $6,000. Those are a matter of proper legislative judgment on the facts that have been developed in the history of this Nation, but to say, "One cannot give; we will take it all from the tax coffers" would place this matter in serious jeopardy.

Mr. STEVENSON. I thank the Senator.

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

Mr. STEVENSON. I yield to the distinguished senior Senator from Minnesota.

Mr. HUMPHREY. Junior now.

Mr. STEVENSON. Junior.

Mr. HUMPHREY. Mr. President, I have over the past few days been visiting from time to time with the distinguished Senator from Illinois (Mr. STEVENSON) about this amendment. Earlier today I talked with the Senator from New Mexico about it. I have been a strong proponent of what we call public financing of election campaigns, but I have been in this Body long enough to know when we are really trying to get results or whether we are just going to have an issue. I think the question before the Senate is, Do you want an issue or do you want an accomplishment? Do you want to make some progress or do you want to spin your wheels?

I would prefer to have 100-percent financing of Presidential elections particularly. While some say large contributions are a source of corruption, the fact is they are always a source of suspicion, and in the times in which we live, that sense of suspicion has been intensified.

Therefore, it is necessary for the Congress of the United States to reform the campaign election laws, to limit the size of contributions, to establish machinery that will supervise our elections fearlessly and honestly, and at the same time try to make use of our checkoff system, which we have already legislated, a checkoff fund or trust fund to which hundreds of thousands of taxpayers have already made payments, and to use that checkoff fund sensibly and honestly in the election campaign or in the campaign process.

So, Mr. President, I came to the conclusion that if you just want to talk campaign financing, then go the whole way and make Ivory soap seem to be contaminated and float right out of the stream of public life and private sensibility; but if you want to get some reform that will do the job that we need to do, namely, to limit the size of contributions, to have an accounting of every dollar that comes in as well as every dollar that is expended, to set limits on how much we can spend on a campaign per voter, and at the same time assure some private interest on the part of individuals in the campaign and election process, then we have to make some changes along the line of the amendment proposed by the Senator from Illinois and other Senators. I am very proud to be a cosponsor of the amendment.

I have talked with the Senator, as I said, a number of times, and last week indicated my desire to be associated with that amendment. I want to say great pressure has been brought on some of us not to be associated with it. Some people that are associated with what we call good government or clean government do not want me to go along with this proposal, but as I had to tell one of them, "I have to do the voting in the Chamber, and you are the very people who have told me we should not be influenced on the outside." So I am not going to be influenced. The only influence is going to come from the inside—what I know to be right. What I know to be right is what we are attempting to do here. We have to close this debate and get to voting some responsible, sensible campaign reforms that the American people want of us. We have the duty to accomplish it in this session of Congress.

Everyone knows the other body is not going to go along with some of the things we have voted for here, but I have said privately to some colleagues in this body that what we have been doing will not sell. It will not wash. It makes good headlines. It pleases people who say, "You are doing 100 percent. Perfect. You are good and pure." But it will not pass. Do we want to get results that will remedy the infection in our body politic, or do we just want to talk, talk, and talk, and have an issue to try to go out and prove that we were purer than the other fellow?

I think the proposal before us does the job that needs to be done. It will give us some results. It will permit both the sensible use of public financing on the one hand and include private small contributions on the other. If the American political process is going to be corrupted by $100 contributions, then we have already gone down the drain. It is not going to corrupt the American political process.

Further, I think we should know that public financing in other countries has not been on an individual basis. We ought to make the record quite clear on that. Public financing of campaigns in countries like Great Britain, the Federal Republic of Germany, and others, goes to political parties that are highly organized, disciplined party units under the parliamentary system. There are not many Senators who want public financing just coming to the political party. Many of us hope to run independently and hope that people from both parties will join in putting us in office.

So what we have before us, I think, is a reasonable adjustment and compromise. In this day and age anybody who says "compromise" may be condemned, but the whole system of this Government is based on intelligent compromise. That is the way we got our Constitution, and I am not going to be driven to the wall by somebody who says that if one compromises or if he trims down a little bit, somehow or other he has sold out. We are not selling out, but we are not going to permit people to buy in, either.

What we are doing is trying to do a job that needs to be done. We have been up this hill and down this hill a half a dozen times, and we have as yet very little to show for it. The chance is now before us to have something to deliver to the American people.

I would have hoped, as I said to the Senator from Illinois and to the Senator from New Mexico, that we might have had in the Presidential fund 50 percent public financing. I do not think there is anything particularly magical about 40 or 50 percent, but I would have thought it might have been a better figure. Be that as it may, the issue before the U.S. Senate is simply, Do you want to have a continuing issue on which there are no results, or do you want to have results and be able to build on that from practice and experience? I think we have the chance now to get results and to cleanse the stables of American politics and to get away from the demeaning and disgusting business of going out and raising millions of dollars of campaign funds from huge contributions and then having somebody point the finger at you and saying, "You are a crook or can't be trusted."

I think the Senate of the United States ought to face up to the fact that, whether big money is the source of corruption, it is the source of growing suspicion, and a big country like ours cannot live on suspicion and distrust. We have to implant into the system trust and confidence, and remove distrust and cynicism.

The amendment proposed by the Senator from Illinois—and I compliment him for his practicality—will remove doubt and suspicion and cynicism and it will put us on the high road to a cleaner system of politics that will involve both private and public financing and public participation.

Mr. CRANSTON. Mr. President, will the Senator yield

Mr. HUMPHREY. I yield.

Mr. CRANSTON. I want to say that the Senator from Minnesota has stated very, very eloquently the reasons for my supporting this bill and why it should be enacted.

In relation to the pending amendment, I would like to compliment the Senator from Illinois, the Senator from New Mexico, and the Senator from Ohio for coming up with a formula that I think deals with two very important aspects of the measure now before us in ways which I think had not been handled in the most appropriate way in the measure in its present form.

First, I am very concerned about the first amendment's right to express oneself not only by what one says, but by what one does. I fear 100 percent mandatory public financing would deny that right to individuals who wish to speak out

by making contributions—hopefully small contributions—which we will be moving to under this measure.

Second, I think it is very important to reduce the overall cost of public financing so that the measure cannot be subject to attacks that it is costing too much or that it is a raid on the Treasury. I do not believe that it is either of those two things, but I do believe that this amendment, by reducing the total cost of public financing, serves a valuable purpose in that respect, as well as contributing in other respects. For these reasons I am glad to join the Senator from Illinois (Mr. STEVENSON).

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

Mr. HUMPHREY. I yield.

Mr. ABOUREZK. By way of information, does the existing legislation require mandatory public financing? Is there not a provision that allows for small contributions to be raised?

Mr. HUMPHREY. Yes; in the congressional.

Mr. ABOUREZK. How about the Presidential?

Mr. HUMPHREY. One hundred percent.

Mr. ABOUREZK. It is optional, as I understand it.

Mr. HUMPHREY. Yes, optional. But this is mandatory. The subject matter of the Stevenson amendment is a mandatory provision. That is the difference.

Mr. ABOUREZK. But existing legislation does not prevent small contributions from being made?

Mr. HUMPHREY. The Senator is right in this instance. But in congressional elections, it is optional.

Mr. ABOUREZK. I wonder what all the fuss is about concerning small contributions being made under existing legislation. It seems to me that this amendment is being sold on the basis that people cannot contribute small amounts, and thereby take part in the public process. If what I read is correct—I wish the Senator from Illinois were in the Chamber—25 percent for congressional elections will be publicly financed and raised, and also be raised with small contributions.

Mr. HUMPHREY. For matching, 25 percent is the immediate amount one is entitled to, and the rest is under a matching formula.

Mr. ABOUREZK. What is it in the Presidential race?

Mr. HUMPHREY. The same thing. Forty percent is immediately public financing under the formula in the bill, and the balance, as I think the Senator from Ohio would tell the Senator, up to $250,000 is matching. In other words, if one gets $250,000 in contributions, he gets $250,000 in matching.

Mr. ABOUREZK. If one is a challenger in a race against an incumbent, he does not have access to the sources of contributions that many incumbents have, such as the various committees around the country—the labor committees, and so on. He has to have a very large mailing list in order to keep up with what the incumbent has already raised. Is that a correct statement?

Mr. HUMPHREY. The formula for the primaries remains the same as it is in the bill.

Mr. ABOUREZK. But it would be very tough for a challenger to raise the money under this provision.

Mr. HUMPHREY. I do not think it would be any tougher than it is now.

Mr. ABOUREZK. It would be a great deal easier if he had a mailing list, because the limit placed on contributions is much stricter than it is now.

Mr. HUMPHREY. I appreciate that the limit is $3,000 for an individual and $6,000 for a group contribution, whether one is an incumbent or a nonincumbent. Matching funds are exactly the same. If one is a challenger in a Senate race, it is $100 matching funds to $100—up to $100—but he gets 25 percent right off the top of the table, so to speak.

Mr. ABOUREZK. But an individual could count on only $200 in a congressional race.

Mr. HUMPHREY. The Senator is correct; whether he is an incumbent or a challenger.

Mr. ABOUREZK. If he is a challenger, he would not have access to those sources of money I have referred to. He would be out of luck, so to speak. If I might just say if I might offer an observation, that this is not an incumbent's amendment. But a challenger would have a difficult time raising money to challenge an incumbent.

Mr. HUMPHREY. Not one bit more.

An incumbent has some advantages, but he also has some disadvantages. There are the yea and nay votes. There are no "maybe" votes. If he is out in the countryside, he can say, "Yes, that is a reasonable position. I am sympathetic to that position." "But I do feel you have merit in your position."

But if one is an incumbent, they say "Thank you very much but you voted 'nay' or you voted 'yea'." There is not a great deal of advantage when in riding off on a white horse with a great big spear. When one is a challenger, he can always say "maybe." Gee, I have always wished that we had a vote, not "yea," or not "nay," but "maybe." Would I not be the happiest Senator?

Mr. ALLEN. Mr. President, I should like to ask the distinguished Senator from Minnesota a question. It looks as though, with the 25-percent financing, even in congressional races, and the matching thereafter to be a maximum there would be a matching of 62.5 percent in Federal funding.

Mr. HUMPHREY. That would be the maximum only.

Mr. ALLEN. Actually, that would be the maximum only, so what the minimum would be would be a sort of bargain basement 37.5 percent discount amendment to the American taxpayer. Is that about the size of the amendment?

Mr. HUMPHREY. That is good. I might say that in this time of inflation, that is a welcome discount.

Mr. ALLEN. The Senator is giving the American taxpayer a 30-percent discount in the bill.

Mr. HUMPHREY. He gets something else. The Senator has a way of capsulizing some of these issues. We are giving the taxpayer something else. We are giving him good, clean politics. We are removing the element of doubt and suspicion.

Mr. ALLEN. Does the Senator feel that candidates would be subject to improper influences during their campaigns?

Mr. HUMPHREY. I have never believed; but I will tell the Senator that a great many folks I know do believe that. I do not happen to believe it, but I believe the Senator from Alabama makes a valid point. But I wish I could convince everybody who writes to me.

Mr. ALLEN. The Senator said that in being for this amendment he had to resist certain entreaties and demands certain pressure groups that were demanding all or nothing, I believe the Senator said. I want to commend the distinguished Senator for not being completely in the pockets of those pressure groups.

Mr. HUMPHREY. I thank the Senator.

Mr. ALLEN. Some Senators are not quite as brave as the distinguished Senator from Minnesota.

Mr. HUMPHREY. Sometimes bravery is only rewarding this body by blows, injuries, and defeats. I have suffered a little of that in my life. One more will not hurt, so long as it is not final.

Mr. ABOUREZK. Mr. President, I think I have the floor.

Mr. HUMPHREY. Mr. President, I have the floor, but I shall yield the floor so that the Senator from South Dakota may continue with his argument in support of the amendment.

Mr. DOMENICI. Mr. President, will the Senator yield for an inquiry?

Mr. DOLE. Mr. President, a parliamentary inquiry. Has any time been set to vote on this amendment?

Mr. MANSFIELD. There is no time limitation on this amendment. I assume there will be plenty of time.

Mr. DOLE. Before the vote on cloture?

Mr. MANSFIELD. Before and after the vote on cloture.

Mr. ABOUREZK. Mr. President, I yield to the distinguished Senator from New Mexico.

Mr. DOMENICI. Mr. President, I should like to take a few moments to explore and to inquire about what the aspects are and whether the Senator from Alabama's 62.5 percent is indeed what would really happen.

First of all, there is an incentive to give some small contributions in the congressional races—$100 for small contributions. However, in congressional races one is entitled to receive contributions up to $3,000. However, of this amount, only $100 is matched, unless someone were to receive *his entire* campaign contributions in amounts of $100 or less. Then he would have less than 62.5 percent Federal tax dollars involved. If one went out and got $10, $15, or $20 thousand raised in small contributions of $100, only $100 of each would be credited to matching; $900 each would go in the campaign fund would be part of the total in arriving at that which he could spend. But to the extent it was in excess of $100, it would not be matching. So the idea is that 62.5 percent is the absolute

maximum. So there will be contributions in addition to the 62.5 percent.

The same reasoning applies to the Presidential campaign, $250 is matched. You can receive $3,000 contributions, but to the extent that you are successful in garnering contributions over $250 from private sources, all of that extra money is charged to your total allowable, but is not matched with Federal dollars.

I would also say to the Senator, who is wondering about incumbents and challengers, that in each of these cases the incumbent and the challenger would start with a 25-percent entitlement. The challenger today would have no certainty—I am speaking of today, without any public money—he would have no money to start his campaign, to do the things the Senator was speaking of, to get ready to go out and solicit contributions from the small contributor; but under this bill, he would start with one-fourth of that which he was entitled to, both to gear up for the campaign and to solicit large and small contributions looking toward his total amount, which is exactly the same for challenger and incumbent.

Mr. TAFT. Mr. President, will the Senator from South Dakota yield?

Mr. ABOUREZK. I yield.

Mr. TAFT. I would like to elaborate a little bit on a point made by the Senator from New Mexico. The Senator from South Dakota has expressed concern that the incumbent would automatically have access to more private financial support than challengers would have.

I point out that the matching factor of the $100 limitation would probably eliminate that. Any challenger who is to have a reasonable chance is going to be able to go out and get those contributions up to $100. That is the kind of contributions he can get. He might not have as much background and resources in getting larger contributions over that amount, and I think the Senator from South Dakota would be more properly concerned if we were matching gifts over $100. But with the $100 limitation or matching, it seems to me that there is not a very serious threat that any challenger with a reasonable chance of success is going to be put at practical disadvantage in relation to the incumbent insofar as that size of contribution is concerned.

Mr. ABOUREZK. Mr. President, I do not think in my State of South Dakota, for example, that there would be any difficulty for a challenger to raise the small amount necessary, but I wonder if the same is true for New York, Ohio, or any of the larger States. It seems to me that it would be extremely difficult to get that many small contributions in such States.

Mr. TAFT. We have all been challengers at times——

Mr. ABOUREZK. I was born an incumbent; I was never a challenger.

Mr. TAFT. I would think that, with the limitations introduced by the Senate, the amounts necessary for a reasonably financed campaign could be provided. In fact, that is about the kind of amount they could come up with.

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

Mr. ABOUREZK. I yield to the Senator from Iowa.

Mr. CLARK. Mr. President, I rise to oppose this amendment because I think it could mean the total destruction of what we have accomplished in public financing here in the last 10 days.

An amendment such as this ought not be taken lightly. It ought to be discussed at considerable length, because it flies in the face of the Rules Committee bill and the compromise worked out there.

We have heard about the necessity to compromise. That is exactly what this bill is—it is a compromise. No one is totally happy with it. But to compromise it further and further, and above all, not even to allow the option of public financing, really destroys the intent of the Rules Committee bill.

The committee spent a great deal of time considering the need for public financing and the best method to achieve it. The result, S. 3044, is an excellent bill which represents a balanced view and a considered view. This amendment would clearly undo the Rules Committee effort.

By passing this amendment, the Senate would be reversing many of the gains that it has made over these last 10 days. We cannot now suddenly change our minds about the alternative to total public financing—not on a few hours notice with a few minutes debate. The majority of the Members of the Senate clearly support public financing, and they have expressed that sentiment time after time.

Let us adopt cloture. Let us show the people we represent that we are committed to reforming a tired and treacherous system of private financing.

By agreeing to this amendment, we would be going back after we have accomplished so much, and saying, "We want more private money." That is particularly true in the Presidential race. Right now, the law says that the 1976 Presidential election will be totally financed by public funds. If we agree to this amendment, we will go back to a system——

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

Mr. CLARK. I yield.

Mr. TAFT. I would like to call to the attention of the Senator from Iowa what I think is a misunderstanding on the Senator's part.

The language of this amendment is not such that a candidate for Congress or the Presidency would be foresworn from deciding to take any public funds if he decides to do so. It just sets up a formula if he wishes to take up the public financing. If he desires, he would receive the public funds; there is no difference from the Rules Committee bill in that respect.

Mr. CLARK. No; I do not think there is no misunderstanding. The amendment would forbid any candidate from taking total public financing in any general election.

Mr. TAFT. The Senator is correct if that is his impression. I was afraid that the Senator was under the impression that there was not an alternative, because such an option does exist under the amendment.

Mr. CLARK. No; I understand that, and that a candidate, if he could raise the money on his own, could get up to 62.5 percent in the case of congressional elections or 75 percent in Presidential elections.

But the law already says that in the 1976 election there will be total public financing of the Presidential election. If we pass this amendment, we are going back and saying, "You must have private money, at least to the tune of 30 percent, in Presidential elections."

To insist on having greater private financing in elections is not a step in the right direction, especially not after what has happened in the last 18 months.

Mr. CRANSTON. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. CLARK. I yield.

Mr. CRANSTON. Mr. President, I ask unanimous consent, on behalf of the Senator from Minnesota (Mr. MONDALE), that Jim Verdier, of his staff, may have the privilege of the floor.

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

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

Mr. CLARK. I yield to the Senator from Kentucky.

Mr. COOK. My problem is the same as that of the Senator from Iowa and the Senator from South Dakota. I cannot figure out whether this amendment is fish or fowl.

I think we are debating whether we should have public financing. If so, let us vote that issue up or down, and let the country appreciate what we are doing. If Senators will pardon the use of an old country expression, this is like being a little bit pregnant; I cannot figure it out. This seems to be a method of trying to get cloture so that we could consider something like this, and after cloture is obtained, to almost emasculate the bill we have all worked on.

I have many problems about public financing, and the Senator from California says he has some problems with first amendment rights. But, Mr. President, the bill we debated, modified, adopted overwhelmingly, and sent over to the House last year took the first amendment and wrapped it around every tree and every telephone pole from precinct to precinct.

I must say that I agree wholeheartedly with the Senator from Iowa that what we are really saying now is, "Let us give ourselves some kind of mixed bag," and we are holding that mixed bag until after 4 o'clock to see what the result is. The beginning is rather frightening.

We are saying that somehow or other we are putting on a limitation, and a man can only get matching funds on $100 or less, and the President on $250 or less, after he has got so much money. All he has to say to people is, "Don't write me a check of over $250 or over $100; get all the kids and grandchildren

to write me checks for $100 each, so that we can get it matched," and the Federal Government can do it.

Several Senators addressed the Chair.

Mr. COOK. I yield to the Senator from Iowa, because we are going to quit at 3 o'clock. But I think when we take this up after the cloture vote at 4, regardless of the outcome of the cloture vote, we ought to decide whether we are going to join the Senator from Alabama (Mr. ALLEN) and say there shall not be any public financing in the United States, or say with the House of Repersentatives, "Let us try public financing and see whether it works." If it does not work, certainly Congress can change it. But let us not take some crazy amalgamation that no one of us can understand or comprehend and I doubt very seriously whether any American voter will comprehend.

I thank the Senator from Iowa.

CLOTURE

The PRESIDING OFFICER (Mr. HELMS). Under the previous order, the hour of 3 o'clock having arrived, the Senate will now proceed to debate the question on invoking cloture on S. 3044, with the time to be equally divided and controlled between the Senator from Alabama (Mr. ALLEN) and the Senator from Nevada (Mr. CANNON).

Who yields time?

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, I yield myself 1 minute from the time of the Senator from Nevada to ask, what is the parliamentary situation after the vote on cloture is concluded?

The PRESIDING OFFICER. It depends on the vote, but we return to the amendment of the Senator from Illinois (Mr. STEVENSON).

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of that vote, the distinguished Senator from Illinois (Mr. STEVENSON), the author of the amendment, be recognized.

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

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Massachusetts will state it.

Mr. KENNEDY. Is it in order for me to send an amendment to the desk to the amendment of the Senator from Illinois (Mr. STEVENSON)?

The PRESIDING OFFICER. Yes; if someone will yield to the Senator.

Mr. KENNEDY. Further, Mr. President, would the amendment to the amendment of the Senator from Illinois then be the pending business?

Mr. TAFT. Mr. President, a parliamentary inquiry——

Mr. KENNEDY. I send an amendment to the desk——

Mr. TAFT. Mr. President, the hour of 3 o'clock having arrived, not calling for a vote at this time, I would suggest that the action of the Senator from Massachusetts is not in order without a unanimous-consent request being granted.

The PRESIDING OFFICER. There is no order for a vote at this time, but for 1 hour of debate on the cloture motion, to be equally divided between the Senator from Alabama (Mr. ALLEN) and the Senator from Nevada (Mr. CANNON).

The clerk will state the amendment of the Senator from Massachusetts to the amendment of the Senator from Illinois.

The legislative clerk read as follows:

In the amendment proposed by Mr. Stevenson;

Amend subsection (b)(1), proposed to be inserted on page 10, beginning with line 17, to read as follows:

"(b)(1) Every eligible candidate who is nominated by a major party is entitled to payments for use in his general election campaign in an amount equal to—

"(A) in the case of a candidate for election to the office of President, 100 percent of the amount of expenditures the candidate may make in connection with that campaign under section 504, and

"(B) in the case of a candidate for election to the office of Senator or Representative, the sum of—(i) 25 percent of the amount of expenditures the candidate may make in connection with that campaign under section 504, and

"(ii) the amount of contributions he and his authorized committees received for that campaign."

At the end of paragraph (6) in such subsection, insert "or (B)" before the period.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 6 minutes.

Mr. ALLEN. Mr. President, it is quite obvious that cloture should not be invoked on this bill. The very pendency of the amendment of the Senator from Illinois (Mr. STEVENSON), joined in by the distinguished Senator from Minnesota (Mr. HUMPHREY), shows clearly that there is no strong unanimity of opinion as to the bill the Senate should agree upon. For the first time, this monolithic bloc of Senators who are determined to get public financing has shown some signs of breaking up, so that the issues can be determined on their merits.

Earlier today, the Senate reduced the amount of permissible contributions in a Federal election—that is, House and Senate, Presidential nomination, or Presidential general election, by 20 percent.

Now, Mr. President, this amendment of the distinguished Senator from Illinois and the distinguished Senator from Minnesota would give a further potential 37.5-percent reduction in the Federal subsidy in congressional races, and a 30-percent potential reduction of the Federal subsidy in Presidential races.

So, Mr. President, for the first time, amendments are coming in that are being considered on their merits and not in the rush pell mell to ram this public subsidy, this taxpayers' subsidy bill, through the Senate.

Well, Mr. President, if the Senate will vote to allow this debate to continue, it may well be that we will end up with a fairly decent campaign reform measure.

The pending bill, S. 3044, is not campaign reform, that is, that aspect of it having to do with the Federal subsidy is not. Is it campaign reform merely to say that we will turn this bill for the campaigns of Members of the House and Senate and the Presidential nomination and the general election campaign over to the American taxpayers?

That is changing the system, Mr. President, but it is hardly reform.

Reform would be to cut down on the amount of the overall expenditures, to cut down on the amount of individual contributions.

Mr. President, the Senator from Alabama has been trying day by day to get the overall permissible expenses reduced. That was accomplished today. The Senator from Alabama has an amendment that he will put in—already filed at the desk—seeking to reduce the amount of individual contributions in the various races.

So, Mr. President, with the discount bill of the distinguished Senators, giving this further reduction in the amount of the Federal subsidy pending, the Senator from Alabama believes that it would be a great mistake to cut off debate when we are now having an exchange of ideas and not just voting by bloc.

One of my distinguished friends in the Senate, in voting for the amendment cutting the permissible expenditures by 20 percent, indicated that possibly that was the first time in 5 years he had voted for an amendment which had been proposed by the Senator from Alabama. But it is indicative of the fact that Senators are beginning, for the first time, to determine these amendments and these measures on their merits.

If we will fail to vote cloture—if we will vote against cloture this time—it is hoped that the distinguished majority leader will set the bill aside.

It would be the better part of wisdom, since dire predictions have been made on the floor of the Senate as to what the House will do, to wait until the House acts on S. 372, which is pending in the House now and does not provide for a single penny of Federal subsidy. The House may want to go along with that.

Why does the Senate want to change its position? It was against a Federal subsidy by a record vote in the Senate back in July when we passed S. 372.

So, let us see what action the House takes on S. 372. Let us see what action they take, if any, on public financing. But financing by the taxpayers of this Nation and paying up to $7.5 million for each candidate for the Presidential nomination of the two major parties—and that is what the bill would permit—that is not campaign reform, in the view of the Senator from Alabama.

So, Mr. President, I hope that upwards of 33, 34, or 35 Senators will vote against invoking cloture so that we can get down to debating *some* of the issues on their merits, which apparently Senators are more willing to do, at this time, than ever before during this debate.

Mr. President, I feel that this statement of mine may not do the amendment a great deal of good, but the amendment offered by the distinguished Senators from Illinois and Minnesota is a good amendment and moves in the right direction of eliminating Federal subsidies. It does not eliminate enough. It eliminates 37.5 percent in congres-

sional races in general elections and 30 percent in Presidential elections, which is a step in the right direction.

If we stay here a few more days and debate this issue we may eliminate public financing altogether.

Mr. President, I reserve the remainder of my time.

Mr. COOK. Mr. President, having been on the floor a good deal in the course of these debates, I would hope that the Senator from Alabama would not take offense if I said that when he says we are now voting on the merits, I think maybe in some instances we are not voting on the merits, but voting on exhaustion.

I stand here, on this side of the aisle, as a member of the Republican Party, and I hear the Senator from Alabama say that it is going to cost the taxpayers of the United States $7.5 million to help finance Presidential campaigns.

We should remind the Senator—and we have all been reminded of it very much—that we in the U.S. Senate have already appropriated almost $6 or $7 million of the taxpayers' funds to the Watergate Special Investigating Committee. The House has given itself a million dollars or more and will give itself more. I suppose the Federal court system will spend a few million dollars in impaneling grand juries and bringing in indictments. That will all be spent, and it will all be taxpayers' money, and it will be done to seek a remedy for what occurred as a result of the Committee to Reelect the President.

Some other cases have been brought up of some gentleman on the other side of the aisle who received funds in that campaign during 1972 who either failed to report them or took some other action—perhaps some paid them back or something or other.

But I have to say to the Senator from Alabama that when we speak of how much money we are going to save the taxpayer, the best analysis we have to make is the analysis of the system as we look at it today. We have seen some remarkable people in the United States, very fine businessmen, who, by reason of some degree of sweet persuasion on the part of some people in the political system, made corporate contributions. They have been fined; their corporations have been fined. Yet, we have not stopped that. Probably, in the long run we have an opportunity to save the American taxpayers much money.

As I say, I am a strange person to stand here and talk this way, because I have very serious reservations about this. But I believe that we can try it; and if it does not work, we can get rid of it. That is the legisaltive process; that is the way we function in this country.

When a few problems occurred with daylight saving time, it did not take very long for enthusiastic supporters of daylight saving time to come to the floor with support for getting rid of daylight saving time. I expect that we will do that in short fashion, and we will realize that we have made mistakes.

So I say to my colleagues that we see here an opportunity to try something different. We see an opportunity that some people in the Nation like and that some dislike. Some people are violently opposed to it.

With all due respect to the Senator from Illinois, the amendment that will be pending at 4:10 or 4:15 is another effort to mollify a proposal that I know some of the supporters do not really enthusiastically feel ought to be a part of the law; but they feel it is a way to compromise. I doubt seriously that those amendments have all the meritorious effect to which the Senator from Alabama alluded.

The Senator from Alabama just said that he was delighted, for example, that the amendment was before the Senate, because it was a way to save money and it was a way to change the basic formula of the bill, which he does not like. But I have a notion that even if the amendment by the distinguished Senator from Illinois (Mr. STEVENSON) and Senator HUMPHREY, Senator DOMENICI, Senator TAFT, Senator CRANSTON, Senator BEALL, and Senator MONDALE is adopted, the Senator from Alabama will not vote for this bill on final passage. So it is slight praise for the amendment, in all fairness.

I am going to vote to end debate, because I think we ought to get on with the legislative schedule. What really bothers me, may I say to the Senator from Alabama, is that we have already sent one bill over to the House of Representatives, and the bill is lifeless; and I am afraid that if we send this bill over, it also will be lifeless. To that extent, I think that the pressure by the people of the United States should not particularly be on us but should be on the Members of the House of Representatives to do something in regard to campaign reform.

We have talked here on many occasions about these elections, and it has been my contention that the first thing we should do and the first thing the House should do is to pass the bill we sent them to reduce the time for campaigning. If, in fact, we established our primaries in August, established our national conventions in the first week in September, we would not bore the American people totally and completely to death by campaigning for a year or two.

When we talk about how much money it costs to run for office in California and New York, I am of the opinion that if we are talking about a million dollars in a primary, there is no way that one could spend a million dollars if his campaign for the primary were 8 weeks long. It would be the last week of August, the 4 weeks of September, and the 4 weeks in October. That would be 9 weeks, basically. I do not see how tremendous sums of money could be spent. I do not see how candidates in my State, for example, could spend $900,000 or more, as they did the last time they ran, if they were campaigning for 9 weeks. It is easy to spend that much when you have a primary in May and all of a sudden you are off and running. Some States have primaries in January.

Part of reform really is to eliminate the necessity for long campaigns. We have that proposal in the House, and we cannot get anywhere with it.

I voted to end debate before. I will vote to end debate again today, because I am afraid that what ultimately will be a result of this continuation, what we will really wind up with, is an emasculation of the matter, something no candidate in the United States will be able to live with, whether incumbent or challenger. We will wind up with an abomination. If a challenger really wants to be a sound challenger, the first thing he will have to do will be to get an office full of lawyers and CPA's and have them on duty at all times. He will have to have somebody who does absolutely nothing but live with a timetable as to when and how much he has to report and to whom he has to report. All this will be mixed in at the same time with whether this is entitled to a Federal matching fund or whether this is not entitled to a Federal matching fund; whether he made his last report so that he can get his next report; so he can get his contribution based on what he has collected in the last month.

In that whole conglomeration, I think the American people will not be able to view a campaign but will be able to view candidates who are spending all their time seeing whether or not they are abiding by the law.

Therefore, I believe we ought to end debate and send some kind of bill to the House, so that the American people can have an understanding that we can bring things to a conclusion; that we do not act on exhaustion but in fact on merit; and I have a notion that exhaustion prevails at this time.

Mr. President, I yield such time to the Senator from Kansas as he may desire.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Kentucky and share his view that it is time the Senate went on to something else. When we consider that we spent a number of days on whether we should have a pay raise and have spent more than 2 weeks on whether the Treasury should finance our campaigns—both of which measures I opposed—I think that it is time we went on to something else.

I am against public financing. But I am also against spending the rest of this month on this legislation, so I intend to vote for cloture as I did previously.

Also I would suggest with reference to the timing of this bill and the proper procedure for considering legislation in the Senate that this bill is before the Senate at the wrong time. I recall the opening statement of the Senator from North Carolina (Mr. ERVIN) and the Senator from Tennessee (Mr. BAKER) on the first day of the Watergate hearings on May 17, 1973. The distinguished Senator from North Carolina said:

> Of necessity the committee's report will reflect the considered judgment of the committee on whatever new legislation is needed to help safeguard the electoral process.

The distinguished Senator from Tennessee said:

> This committee was created by the Senate to—find as many of the facts, the circumstances and the relationships as we could, to assemble those facts into a coherent and intelligible presentation and to make recommendations to the Congress for any changes in statute law or the basic charter document

of the United States that may seem indicated.

The Watergate Committee was charged with the job of advising the Senate on campaign reform legislation. The committee's report is not due until May 28, and the deadline may be extended if there are other areas to investigate. But the thrust of Senate Resolution 60, at least as the Senator from Kansas viewed it, was to delve into the election of 1972, let the chips fall where they may, and then come forward with a report and recommendations for legislation to be passed by Congress based on that report.

It seems to me that the legislation before us is premature. The amendment just offered by a group of distinguished Senators seems to indicate a lack of any strong feeling for public financing. But as much as I oppose the concept I believe it should be disposed of, because there is much more to do in this session. I believe the people in my State would like me to come home during the Easter recess and talk about something other than how much tax money the Senate has been able to get of the public Treasury for its campaign, or if we have been able to procure a pay raise, and things of that kind. They are more concerned about taxes, gasoline, inflation, and the possibility of impeachment than the financing of our campaigns.

Having said that, I shall vote to shut off debate and thereafter offer a substitute to the pending legislation. The junior Senator from Kansas believes that if we give the legislation passed in 1971 a little time, if we make full disclosure of our contributions and expenditures and strengthen other features of the present law there will be great and constructive change in the American political system.

I have great faith in Members of Congress in both parties, in their integrity, honesty, and character, and I do not believe we purify politics by placing it in the public Treasury.

Mr. COOK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 16 minutes remaining.

Mr. COOK. Mr. President, I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. CLARK. Mr. President, on February 1 of this year the distinguished majority leader (Mr. MANSFIELD) said:

> We shall not finally come to grips with the problem except as we are prepared to pay for the public business of elections with public funds.

Mr. President, it has been 18 months, now, since a small group of men broke into the Democratic Party's national headquarters setting in motion what has become the most serious and devastating episode of political scandal and corruption in this country's history. Since that day in June, the revelations and criminal charges have not stopped—bribery, perjury, illegal wiretapping, burglary, and a score of illegal campaign contributions. Through the efforts of the Special Prosecutors' Office, the Senate Select Committee, Judge Sirica, and the grand juries and now the House Judiciary Committee, everyone knows just how widespread the disease has been. The evidence is not all in, of course, and the investigations and trials will continue. But the people of this country have heard enough and seen enough to expect that something be done to change the political practices that allowed this to flourish. They expect a significant change and they expect the Congress to make it, if only because the administration certainly is not going to lead the reform effort.

A few weeks ago, we listened to the President's reflections on the state of the Union. It was ironic that he would ignore one of this country's most critical problems: the public's widespread, growing distrust for public officials and Government. It is not enough to proclaim: "One year of Watergate is enough," and then to say that we should end the investigations before they are complete; and to "get on with the business of the country" is to say that trying to prevent political corruption is not the country's business. Unfortunately, it is very much a part of it.

Like political corruption, the liabilities of a political system like ours—based on private financing—are not limited to the executive branch. The impact of the private dollar on the legislative process has been pervasive, and there probably is not a single Member of the U.S. Congress who has not felt it or wished that it might be changed.

Many people across this country, feel disillusioned, frustrated, and angry. They are upset about the energy situation and the high profits of the oil companies, but they become even angrier when they learn that oil companies financed a significant part of the President's reelection campaign. As a result, people do not trust the administration—or Congress, for that matter—and they do not believe that the Federal Government can even deal with the energy emergency, the inflationary economy, and any number of problems that face the Nation today.

They strongly suspect that Government's principal interest is not their interest. And that suspicion is gradually becoming disdain and apathy. Already this country has the lowest voter participation of any country. The events of the last year have had their strongest impact upon young people, and I am terribly afraid that unless we move decisively to improve the political process, to make it more responsive, more and more young people are going to stay away from Government and public service. If they do stay, if they do decide that the political process is simply not worth the effort, what is this country going to be like 20 years from now?

At the heart of that public distrust is a fundamental suspicion of the political process that provides for the election of public officials heavily dependent on private contributions. "You don't get something for nothing," as the saying goes, and too many people have applied it to Government.

Mr. President, late in December, the Senate recognized the problems of the present system and came very close to passing a limited public financing proposal, one advanced by Senator KENNEDY and Senator HUGH SCOTT of Pennsylvania, with the support of a number of Senators who have introduced their own public financing legislation.

If the need for public financing was well-established then, it is even more so now. This is a new year, and it presents new opportunities for improving the political process that has been so crippled over the last 18 months. If we do not take advantage of the opportunity, the result may be even more tragic than the legacy of Watergate. In just a few minutes, Mr. President, the Senate will have yet another opportunity to change and improve the political process.

We have been debating S. 3044 and the concept of public financing for Presidential and congressional elections for more than a week now. A majority of the Senate supports the bill and the concept. It is time to end the debate, adopt cloture, and pass this historic legislation.

Mr. COOK. Mr. President, I yield 5 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am extremely hopeful that the Senate will end this debate and permit the Members of this body to act on the committee bill and the amendments at the desk. A thoughtful, constructive, and imaginative proposal for clean and honest government has come from the Committee on Rules and Administration. It has the substantial support of Members on both sides of the aisle, Democrat and Republican alike, and it deserves to go forward to a final vote.

This issue has been amply debated. The fundamental issue goes back to the discussions and debates which took place here in 1966 and 1967, again in 1970 and 1971, and once again last year as an amendment to the Debt Ceiling Act.

There are no new issues to be discussed. There may be some variations in the formulas or changes in the percentages, and so forth, but there are no new issues to be further debated or discussed. The Committee on Rules and Administration acted in a responsible way in considering all the various alternatives. They provided remarkable flexibility in the construction of this legislation. Those seeking public office may take advantage of the public financing provisions, or they may reject them, rely on private financing for their campaigns.

The bill provides this flexibility. It provides an element of voluntarism for Members of the Senate or the House, and for challengers. The public will understand if candidates choose one form or the other. It does not force anyone to adopt any particular method of financing his campaign.

Above all, the bill provides a significant legislative answer that we in Congress can make to the Watergate tragedy. It has been said of our political system that it is the best system that money can buy. That is a tragic indictment of a system that has served this country well for 200 years. I think any of us who have run for public office understand the sinister forces at work in the field of campaign contributions.

So, Mr. President, I am hopeful that the Senate will act this afternoon. As I mentioned, this issue has been debated. I think it is to the credit of the members of the Committee on Rules and Administration that there is strong support for it by Democrat and Republican alike. It is really the best opportunity we have to try to restore some degree of confidence on the part of the American people in the election system.

The proposal has been criticized on the ground that it is going to cost millions of dollars, $90 million a year and $360 million over a 4-year period. That price tag is a bargain. It is the equivalent of only one-tenth of 1 cent a gallon of gas. That is all the American public pays.

The committee bill makes sense. I believe it would be the soundest investment of taxpayers' funds that Government can make. I think we have the responsibility to act on this proposal this afternoon. The debate has really been completed. It is high time to move ahead and end the debate.

Mr. COOK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOK. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. COOK. I reserve the remainder of my time.

Mr. ALLEN. Mr. President, the Senator from Kentucky, in starting his remarks a moment ago, said that the Senator from Alabama had said this measure would cost the Treasury $7.5 million in the Presidential race. Well, either the Senator has not listened to what the Senator from Alabama has said, or he is not familiar with the contents of the bill, but what the bill will do is provide up to $7.5 million for each person who seeks the Presidential nomination of either of the major parties and who is able to get a starting fund of $250,000 in contributions of $250 or less. Actually, there are some 8 or 10 potential candidates for the Presidency here in the Halls of Congress. So really, to get the figures of what the Presidential nomination contest would run, it could run up to $75 million or $100 million, because Senators can rest assured that there will be a whole lot of special interest groups espousing the candidacies of various people, because it would take just a campaign fund of $250,000 to start getting one's hand in the Public Treasury.

The Senator from Kentucky also talked about a lot of people being in court, convicted, one thing and another, in connection with Watergate, and that this bill is necessary to cure the evils of Watergate. Well, the way to do that is not to put one's hand in the public Treasury, but the way to do that is to cut down on the amount of authorized expenditures and cut down on the amount of permissible contributions. The Senator from Alabama has been trying to do that all along, but without the help of the distinguished Senator from Kentucky, who has been voting against these amendments.

The Senator from Alabama tried to get an amendment adopted that would have cut contributions down to $250 in Presidential races and $100 in House and Senate races, but with little help from those who say they are for reform. I submit it is not reform just to turn the bill for political campaigns over to the American taxpayers. What would constitute reform would be to cut down on the amount of overall contributions, to cut down drastically on the amount of individual contributions, provide for strict disclosure and reporting of all contributions and expenditures, and set up an independent election committee.

We passed such a bill and sent it over to the House last year, without the benefit of any public funds. I would feel that if we would stand firm on that theory of campaign reform, we would eventually get a bill.

I want to appeal now to the distinguished sponsors of the pending Stevenson amendment, Senators STEVENSON, HUMPHREY, DOMENICI, TAFT, CRANSTON, MONDALE, and BEALL. If these Senators expect to get the amendment that they have at the desk given any consideration with any chance of adopting it, then it would serve them in good stead to vote against applying cloture, because once cloture is agreed to, the great steamroller will bowl over this amendment, and they would end up with no amendment whatsoever. If the Senator from Illinois would vote against cloture, he would be in a commanding position to insist on the adoption of his amendment, and I submit that suggestion to the distinguished Senator from Illinois and his colleagues.

I was interested, too, Mr. President, in the remarks of the distinguished Senator from Minnesota (Mr. HUMPHREY), who talked about all this pressure from pressure groups that he was receiving by reason of being for this 37.5 percent discount amendment that he and Mr. STEVENSON have put in, because it would reduce potentially the Federal subsidy in congressional races, House and Senate, by 37.5 percent, and 30 percent in Presidential elections.

So apparently there are great pressure groups at work in behalf of public financing, and I think we know who those groups are. I see them in consultation with Members of the Senate from time to time. They have not consulted with the Senator from Alabama. However, there are great pressure groups involved here, as indicated by the statement of the distinguished Senator from Minnesota.

I would like to see the Stevenson-Humphrey-et al. amendment adopted, but we are not going to get it adopted if cloture is invoked. If cloture is not invoked, I think they can be sure that those who are for Federal subsidies would agree to adding the amendment. I think if the Senator is serious and is not just making a play on this amendment, but wants to get it adopted, he will vote against applying cloture, because before the debate was over, he would be able to get his amendment agreed to.

The distinguished Senator from Kansas says he is against a public subsidy bill, but is for cloture. Well, if there ever was a non sequitur uttered on the floor here, that is it, because if a person is really against public financing, he would vote against cloture, because I have a feeling that the majority leader, if we were able to defeat cloture today, would not bring it up more than one more time. So the way to defeat it, I would say to the distinguished Senator from Kansas (Mr. DOLE), would be to vote against cloture. Then we will get on to something else earlier than if cloture were invoked.

The distinguished Senator from Kansas said—and this is what I really planned to say—that the Senate had spent quite a lot of time in considering pay raises for Senators.

The Senator from Alabama voted against the pay raises for the Senate 5 years ago and also voted against a pay raise for the Senate this year. However, the strong force of public opinion is what caused the Senate to vote against that pay raise. It was a modest pay raise—something like $2,500 a year. It was the first pay raise in more than 5 years. However, the Senate, sensing the wishes and views of their constituents, voted against that pay raise and turned thumbs down on it.

If the people disapprove of a raise of $2,500 for the Senators, what will they think about the provision of the distinguished Senator from California which provides for subsidizing the Senate race in his State, subsidizing each candidate for the Senate in a general election by $2,121,000?

So if the people disapprove of a $2,500 pay raise for the Senate, the distinguished Senator from California (Mr. CRANSTON) would not be covered by that law since it was passed during the term in which he was serving office.

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

Mr. ALLEN. I yield.

Mr. CANNON. Mr. President, I think the Senator from Alabama ought to recognize that his amendment was adopted. So the figure for California would not be $2,121,000. It would be $1,697,000 for the general election, in light of the Senator's own amendment.

Mr. ALLEN. I thank the Senator. The Senator from Alabama was so surprised that his amendment was adopted that he did not charge his memory with the figures.

So the Senator from California under the amendment of the Senator from Alabama would have to struggle along with a subsidy and a check for $1,697,000 just as soon as he became a nominee. That is what he would have to struggle along with under the amendment offered by the Senator from Alabama.

If the public does not approve of a $2,500 pay raise for the Senate, what is the public going to think of subsidizing a public campaign for the Senate in the amount of $1.697 million. I do not think that they will approve of it.

So if we are going to shake together a bill—and it looks as though there is some chance of getting a better bill, because we have lopped 25 percent off the public expenses earlier, and the distinguished Senator from Illinois has an amendment that would chop off up to 37.5 percent of the Federal subsidy in congressional

races, and up to 30 percent in Presidential races—maybe if the debate is allowed to continue a few more days we might be able to get an amendment through to withdraw 100 percent of the Federal subsidy.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 2 minutes.

Mr. COOK. Mr. President, first let me say that I was aware of the $1.7 million for one candidate. In fact, I used it in terms of one candidate.

The Senator asks about the cost to the public. But what amazes me, when we talk about this, is that the public does not understand what is in the bill. It gives the public the impression that the minute one becomes a candidate they will write a check for $1,700,000, and they will write it automatically.

If the Senator reads the bill, there is quite a procedure that one has to go through. There is quite an accounting to go through. He is not immediately able to put $1,697,000 in his pocket and say, "All right. Now I am a candidate for the general election."

I must say in all fairness that we should at least equate the bill with reality. We did not work in the Rules Committee on the bill and, as a matter of fact, the Senator from Alabama worked hard along with us, hard and arduously along with us. He has worked hard all along.

There is no question about how the Senator feels. And I must say that I respect him for how he does feel. I must say that we have been on the bill now for 2 weeks. And I am rather chagrined that the Senate of the United States must spend that much time on a bill that deals with the electoral process in the United States with regard to presidential candidacies and Senate and House candidacies. However, I do know one thing.

The Senator says that we could chop at this thing, that we are getting closer to it, and that we are getting smaller contributions and trying to get the candidates to get smaller contributions.

May I remind the Senator how we tried to get away from the tremendous subsidies to the great big farms in the United States and said that there would be a limit on the amount of subsidies that a man could get. However, a man could divide up a great big farm, and instead of getting $100,000, for one big farm, he could get subsidies for a lot of little farms.

How many times have we done that in the past? Now, we say that we are trying to help the American taxpayer and see to it that no one can get over $100.

How do we resolve that problem?

Somebody told me one time that he did not have trouble about getting the money for a campaign.

Somebody told me one time that he was never able to find out how many campaign checks he had given. He would say, "How much do you want," and he went through checkbook after checkbook after checkbook writing check after check after check.

The ability to control this is the honesty of the man himself. Is the man going to be an honest candidate for public office, or is he not. That is the determination the individual makes.

Are the people that contribute to him going to be honest about the contributions they give?

I think that is a determination each individual must make for himself. I do not think it can be made in any other way. We have tried. There is over-reaction in this bill but over-reaction is better than no bill at all.

The reason that we have a bill considered in one branch and then in the other branch is so that the over-reactions can be ironed out.

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

Mr. ALLEN. Mr. President, has all time expired?

The PRESIDING OFFICER. The Senator from Kentucky has 2 minutes remaining.

Mr. COOK. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. If no time is yielded, time will run equally against each side.

Mr. ALLEN. Mr. President, how much time remains to me?

The PRESIDING OFFICER. The Senator from Alabama has 10 minutes remaining.

Mr. ALLEN. Mr. President, on July 30 of last year, the Senate passed by a vote of 82 to 8 S. 372. That bill provided a $3,000 limitation on contributions. It provided that no contributions in cash could exceed $50. It provided the same limitations that this bill formerly provided on the amount that could be expended; namely, 15 cents per person of voting age in the general election and 10 cents in the primary election.

During the course of the passage of that bill here in the Senate, an amendment was offered providing for public financing, and that amendment was defeated by, I believe, a vote of 52 to 40.

That bill is still pending in the House of Representatives, and before it is even acted on by the House, we have before us now S. 3044, which changes the entire thrust of the so-called campaign reform legislation. Whereas the bill that we passed last year, that is now pending in the House of Representatives, provided for financing in the private sector, the bill before us provides for public financing.

Mr. President public financing, letting the taxpayers pay the bill, requires a taxpayer to support a candidate with whose views and with whose philosophy he disagrees. Mr. President, we already have public financing in a sense. We have the checkoff. That is available for Presidential elections right now, and they say there is enough in the fund, or will be by 1976, to finance the campaigns of the major parties and of the minor parties.

Mr. President, the committee bill does not apply to Members of the House of Representatives and the Senate in the 1974 elections. It does not go into effect until the 1976 elections. So what is the hurry about the bill? Why ram it through the Senate now? Why not lay it aside and get on to other measures?

Mr. President, we have the checkoff. We have a system—and all the taxpayers, I am sure, are familiar with this, having been working on their tax returns in recent days and weeks—of credits or deductions available for campaign contributions, I believe a $12.50 credit for a single person or $25 for a couple, an absolute credit, and this bill originally provided for doubling that amount. That bill will be coming back from the House of Representatives before long. And on the matter of deductions, it provides $50 for a political contribution made by a single person or a $100 deduction for a couple.

So we already have public financing of elections, one big difference being that the taxpayer can make his contribution under those systems, either the credit or the deduction, to a candidate of his choice. But that is not provided for in the 100 percent public financing as provided by the pending bill.

Mr. President, we do not need any more public financing than we already have. I believe it would be the better part of wisdom for us to wait until the House of Representatives passes something, because we have heard time and time again that the House may not approve this measure, or may not take it, that it may get tied up over there.

What is the hurry? It does not apply until the 1976 elections. Let us see what the House does with S. 372. Let us see what the House initiates on its own, and then possibly we will be in less of a legislative jam when such a bill comes to the Senate.

Mr. President, there is no grand rush about passing this legislation. I am hopeful that cloture will not be invoked, so that we can give serious consideration to the Stevenson-Humphrey-Cranston et al. amendment, which does provide for a possible reduction of 37.5 percent in House and Senate races, a reduction in the public subsidy of up to 37.5 percent, or up to 30 percent in Presidential elections.

If we do not invoke cloture, we will have an opportunity to consider that amendment. If cloture is invoked, the amendment will be steamrollered, with no chance of passage whatsoever, and in my judgment some of the sponsors of the amendment possibly might not even vote for it when the pressures that the Senator from Minnesota was talking about are applied to them. Mark the word of the Senator from Alabama that some of the sponsors may well vote against their own amendment.

Mr. President, the fallacy of this bill is that here is a bill providing for paying for elections out of the taxpayers' pockets, and it is posing as reform legislation when in fact it is not. It is just taxpayer-financed elections, pure and simple. It is not campaign reform. It is campaign reform in that it changes the law, but it is not campaign reform, and there is quite a distinction.

Mr. President, those who have spon-

sored this raid on the taxpayers' pocketbooks have not been interested in cutting down the overall campaign expenditures, save the distinguished Senator from Nevada, who did support that amendment. They have not been interested in reducing the individual contributions, because they had opportunity after opportunity to cut down those figures, and the Senator from Alabama has another amendment pending that will be considered whether cloture is invoked or not, which would cut contributions in Presidential races from a maximum of $3,000 down to $2,500, and in House and Senate races from $3,000 down to $1,250. Perhaps that would suit the tastes of a majority of the Members of the Senate. We have tried cutting them down to $250 in Presidential races and $100 in congressional races, and that failed. We then tried——

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. CANNON. Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes.

Mr. CANNON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CANNON. If the remaining time is yielded back now, does the quorum call commence immediately?

The PRESIDING OFFICER. The quorum call is supposed to begin at the hour set.

Mr. CANNON. At the hour set?

The PRESIDING OFFICER. With 1 minute to go.

Mr. CANNON. A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CANNON. If time is yielded back, what happens in the interim of 1 minute before the hour stated?

The PRESIDING OFFICER. The rules prescribe that at the set hour, the Chair must instruct the clerk to call the roll.

Mr. CANNON. Mr. President, I hope the cloture motion will be sustained, and that cloture will be invoked. We have been on this bill for a considerable period of time. We have had a test vote on almost every conceivable issue that I can think of in connection with the matter. We certainly have had every opportunity to debate every conceivable issue in connection with this matter.

OTHER PEOPLE'S MONEY

Mr. INOUYE. Mr. President, in my more than 20 years in politics I have learned a thing or two about campaign financing. My knowledge has been acquired in several capacities—as a candidate, a fund raiser, and most recently, a member of an investigating panel looking to campaign finance practices. My knowledge leads to an inescapable conclusion—our present system of financing our elections is unfair, undemocratic and unacceptable.

As a candidate I have run for elective office seven times. By the grace of God and the good graces of the voters of Hawaii, I have been successful in each election. Because I am not a man of independent wealth, in each election I have had to rely on other people's money to finance my campaign efforts. As the chairman of the Democratic Senatorial Campaign Committee in 1970, I learned the importance of other people's money in all senatorial and congressional campaigns. And during the Watergate hearings we all learned that other people's money fueled the campaigns of the various Democratic candidates for the Presidential nomination. It provided the Committee to Re-Elect the President the wherewithal to present Richard Nixon to the American electorate in the manner he wished to be presented. CREEP also used other people's money to create a string of scandals unprecedented in American political history.

The high cost of campaigning has escalated in the last two decades at a more rapid rate than the cost of living. Today a competitive campaign for a House seat can cost each side well over $100,000, while a Senate contest can cost each campaigner a minimum of $250,000 even in a relatively small State. And as the Senate Watergate panel discovered over $100 million was spent in the Presidential campaign of 1972.

Television, radio, direct mail, telephoning, printed pamphlets, newspaper advertising, transportation, and other essential means of modern communication used to present a candidate to the voting public are very expensive. Somebody must pay these campaign bills. The trend throughout the 20th century has been toward other people's money, that is small numbers of large contributors paying these bills. The damage to our democracy that the reliance on large contributors in elections has caused is plain for all to see.

The American people have never been more alienated from their political system than they are today. A smaller percentage of our people go to the polls than in any other industrial democracy. The decline of people willing to identify themselves with either of our major parties has been striking. The majority of American men and women hold politics and politicians in low esteem. Politics is very much a dirty word in today's lexicon and the belief that all politicians are corrupt is dangerously widespread.

We politicians did not need Watergate and the Agnew tragedy to learn that something was rotten in Washington. We have been aware of that for some time, but most of us have preferred to close our eyes to the campaign financing practices which have shamed our once honorable profession and—yes, let us face it—corrupted our system.

Let us look at how the reliance on other people's money to finance our campaigns has—and by its nature must—corrupt our present political process.

Since the Tillman Act of 1907, there have been limitations on the sources of campaign contributions. The Corrupt Practices Act of 1910 first required candidates for Federal office to report on campaign income and expenditures. Yet, in every election year candidates for Federal office have avoided, circumvented, and occasionally evaded just about every State and national law that regulates the political fund-raising process. The techniques of avoidance may be complex, but they are well known. Secret conduits, spurious committees, and other forms of deceit and subterfuge come into existence to assure candidates the money needed to reach the voters. Honest men, with the best intentions, unwittingly take money from sources that are proscribed against giving it. It comes in prohibited quantities and much, if not most, of it goes unreported and even unrecorded.

A recent New York Times editorial succinctly stated the dilemma of our present system.

> Try as they may to conduct these political fund-raising activities at arm's length and to develop multiple sources of support to lessen their dependence on a single interest group, politicians of necessity are constantly enchaining themselves in dependent financial relationships and potential conflicts of interest.

Senator RUSSELL LONG put it more bluntly when he said:

> The distinction between a campaign contribution and a bribe is almost a hairline's difference. You can hardly tell one from the other.

Every elected official should understand the truth in that statement.

In a democracy, the illusion of corruption is as damaging to the fabric of freedom as actual corruption. During the Watergate hearings, I heard witness upon witness testify that donations were made to President Nixon's campaign because the contributor feared governmental reprisals or desired governmental favors. Even if these expectations were unfounded, a system which leads contributors to act in response to such expectations must also lead the public to believe that the relationship between campaign cash and governmental decisions is real.

Before my participation on the Watergate Committee, I was not fully convinced that a shift from reliance on private money to public money was the proper direction for our electoral system. I have spent many long hours reading thousands of pages of committee documents, executive session transcripts, academic treatises on this subject. I sat through days of public hearings listening to the tragic details of the campaign practices of 1972. During these past several months I have become convinced of the wisdom of the call for public financing of elections.

The Select Committee as a whole has not yet considered or expressed itself on legislative recommendations. But full Senate consideration of the Federal Election Campaign Act Amendments of 1973 and 1974 has forced each member of the committee to take a public stand on the questions of election reform. As my votes on these bills have shown, when the full committee writes its report, I will strongly recommend public financing of elections as a necessary element of any new system of campaign regulations. The facts of Watergate as I interpret them and the facts of political life in America today lead to that conclusion.

I cannot accept the argument that public financing will discourage, if not prohibit, the individual exercise of the first amendment right of freedom of

political expression. A system of matching small private contributions with public money will, in fact, encourage political expression from the millions of Americans who do not now participate. A tax checkoff system, as proposed in the legislation now before the Senate, will not force any taxpayer to contribute to campaigns. It will, however, encourage the taxpayer to choose to participate in this essential part of the political process.

Further, I do not believe that public financing creates additional advantages for incumbents. The advantages we incumbents have are already overwhelming. We have paid staffs and offices, free use of the mails, frequent access to our constituents through the news media, and entree to the campaign coffers of special-interest groups. The ability of incumbents to retain their seats indicates strongly that challengers often cannot get enough money to finance effective campaigns. Over the past 30 years incumbent Representatives have won reelection in over 90 percent of their campaigns, while incumbent Senators have over an 85-percent reelection rate. In 1972 congressional incumbents were on the average able to raise twice as much campaign money as challengers. Public financing may help to redress that balance by making access to large contributors less of a controlling factor in elections.

The argument that public financing will place an additional burden on the already heavily burdened taxayer does not sway me. The taxpayer is now paying for our system of campaign financing every time he goes to the station, the supermarket, the drugstore, and every year as he fills out his tax form. Tax loopholes were not written into our laws by accident. The special interests have not underwritten campaign costs out of any sense of charity. And each time a change of legislative language, or a preferential amendment, or a pork barrel bill or a "Christmas Tree Act" passes through the Congress, the taxpayer unknowingly and unwillingly contributes to our present system of campaign finance. Public financing will let the taxpayer know what he is paying. With that knowledge he can decide if he is getting his money's worth.

The ideal democratic electoral system is easy to envision. It should be fair, open, competitive, clean, and above board. It should build support for our political institutions and respect for the political process. But the design of laws which will make the ideal into a reality is complex, if not impossible.

Watergate has opened our eyes to the cancer that is growing on our political system. We need drastic surgery to stem that cancer. Watergate has given us the impetus and the opportunity to try a drastic cure. In 1907 President Theodore Roosevelt first called for public financing of campaigns. It is time to heed that call. We may not create a panacea, but we can begin to restore our political health.

Mr. NUNN. Mr. President, the revelations of Watergate and similar political abuses of the recent past have both shocked and angered the American people. They demand reform, and indeed, reform we must have.

In times such as these, however, history has shown that our Nation must avoid making the remedy worse than the disease. I fear that a lasting tragedy of the Watergate era could be the well intentioned but misconceived concept of public financing of Federal elections as contained in S. 3044. It would be a sad irony indeed to see a national disgrace serve as the catalyst for establishing an ill-conceived election process.

I oppose the so-called public financing provisions in the pending bill. This concept, while perhaps having a superficial appeal to some, would be unacceptable to the American taxpayer. It should be noted that public financing will not necessarily end campaign abuses. Funding is only one aspect to the campaign process. Money raised from private sources should not be necessarily suspect. Even under the public financing proposal, private funds will continue to be utilized.

Mr. President, I wish to commend the distinguished Senator from Alabama (Mr. ALLEN) for his wisdom and tenacity in opposing the public financing provisions as contained in S. 3044. His careful analysis of these provisions has been of great benefit to me and other Members in considering this legislation.

What is needed to help correct the abuses of the Watergate era is reform and strengthening of the laws that govern the procedural conduct of campaigns. What is needed is the imposition of reasonable limitations on individual contributions, and greater incentives for voters to voluntarily make such contributions. I cosponsored the amendment offered by Senators ERVIN and BAKER to provide such an incentive through a $100 tax credit on an individual return, or $200 on a joint return. Unfortunately, the Senate rejected this amendment.

The most acceptable form of financing is that which consists of funding campaigns by small voluntary individual contributions from a broad cross section of the public. This, I submit, is what Congress should be working toward. It is public financing in the true and finest sense of the term. The income tax checkoff system for financing Presidential elections is one approach to such grassroots support. Only 3.1 percent of the taxpayers submitting returns in 1972 chose to exercise this procedure. Thus, only $3.9 million was designated for election financing. However, early returns for 1973 indicate that a much higher percentage of tax returns are utilizing the checkoff. If this trend continues, the system will go far to financing Presidential elections in 1976.

Positive reform, together with strict enforcement and full public disclosure, can do much to end the past abuses of fundraising through big contributors and special interests. We have not yet tried such tough regulation.

It should be noted that 1972 was the first year we required public disclosure at the Federal level. Many persons also overlook the fact that most of the campaign abuses in the 1972 election took place prior to the April 7, 1972, effective date for public disclosure.

Furthermore, many of the improprieties such as corporate contributions, were in violation of existing law.

However, last July the Senate passed S. 372 which provides strict limits on campaign expenditures and contributions, while leaving the financing of Federal elections in the private sector.

An individual could give no more than $3,000 to a congressional or Presidential candidate in an election, or more than $25,000 to all candidates and committees in 1 year.

Senate candidates would be limited to 10 cents per eligible voter up to a ceiling of $125,000 in primary elections and 15 cents and a $175,000 ceiling in the general election. House candidates would be subject to similar limitations with a ceiling of $90,000 during primary and general elections.

That measure contained other restrictions such as prohibiting cash contributions over $50 and restricting the use of the frank in mass campaign mailings.

I believe that it would be wise to wait until the House acts on S. 372 before rushing ahead with public financing. If that measure is enacted into law, it will provide meaningful reform. After we have experience under its provisions, then we might find it prudent to tighten the election laws still further. I deem it inappropriate to make such a drastic change in our electoral process as that entailed in public financing without first attempting to correct past abuses through the reasonable procedures contained in S. 372.

Mr. President, it is most enlightening to note that of the seven members of the Watergate Committee, five, including my distinguished colleague from the State of Georgia (Mr. TALMADGE), are opposed to this bill's public financing provisions. This committee has labored long and hard over many months to investigate campaign abuses and to determine how to reform our electoral process to prevent future improprieties. The Watergate report is scheduled to be filed in the near future. However, the proponents of public financing refuse to defer action until after this body has had an opportunity to study the report's recommendations. All too well do they realize that the report will not favor their view; all too glibly do they dismiss the wise counsel of the committee's majority; and all too readily do they seek to expend the taxpayer's dollars.

I want to point out that not one abuse would be prevented in the upcoming 1974 election by the pending bill since its provisions are not effective until the 1976 election.

We have all of 1974 and 1975 to draft additional campaign reform legislation if it is needed. Yet, the proponents of S. 3044 urge that we rush through this proposal. Why? Because they wish to take advantage of the emotional tide that has arisen over Watergate.

Mr. President, meaningful campaign reform should stand or fall on its own merits detached from the emotional sway of Watergate.

I oppose the unnecessary and unwise public financing provisions in this legislation.

Mr. MATHIAS. Mr. President, as we continue to debate the merits of public financing and other proposals to reform our electoral system, I think it is appropriate to note that the General Assembly of Maryland, which just this week completed its 1974 session, enacted a State election reform measure. Although different in its final version than the various individual bills that were introduced, the Maryland legislation does include the concept of public financing for general elections, in addition to a number of other features, many of them similar to the proposals we are considering here. Needless to say, there was extensive debate in the legislature, as well as general public discussion, about election reform. Full hearings were held, at which all shades of opinion were expressed. One of the most succinct statements against public financing of elections was submitted to the Judicial Proceedings Committee of the Maryland Senate by Ray Gill, a columnist for a number of Maryland weekly newspapers, and a long-time observer of government and politics in our State. I disagree with Mr. Gill on the subject of public financing of elections.

But his statement is a clear expression of a point of view that must be taken into account here, as it was in Maryland. Because it is vitally important that all sides of the issue be fully explored, I ask, Mr. President, that Mr. Gill's statement be inserted in the RECORD.

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

STATEMENT BY RAY GILL

Common Cause and other reform organizations have made a great issue of how special interests influence the course of government by contributing to the election campaigns of candidates for public offices.

And God knows, we have seen enough evidence of abuses of the system within the past year.

The problem is that everybody has become so obsessed with the liabilities of our free political and economic system that nobody seems to remember the assets.

I am convinced that the greatest danger we face arises from the hysterical mania for reform, agitated by many well-meaning people and some whose motives are only dimly perceived.

At the congressional level and here in Annapolis, the craze to perfect the system threatens to strangle political liberty. The worst lunge in that direction would be public financing of election compaigns.

The citizen's right to contribute or not to contribute would be abolished. The cash for electoral candidates would be forcibly taken from him by taxation.

The citizen would also lose any choice in the matter of which candidates get his money. The funds would go to a pool for distribution to candidates according to some formula that would ignore the preferences of the taxpayer.

The dollars would be distributed to candidates hostile to the taxpayer's own political beliefs, as well as those he might favor.

I am convinced that would be unconstitutional and, if it is not, then it surely ought to be.

The courts of our land have repeatedly held that it is unconstitutional to prohibit the expression of any idea.

I daresay it is just as unconstitutional to compel a citizen to support candidates whose ideology is contrary to his own, but that's what would happen under this pernicious legislation.

If public financing of presidential elections ever comes to pass, for example, imagine the chagrin of a black taxpayer when he realizes that some of his tax dollars have been pumped into the campaign of George Wallace.

At the congressional level, I would surely be pained to have even one dime of my hard-earned cash going to Bella Abzug or Parren Mitchell.

And I can think of quite a few state legislators whom I would hate to support, including those who would vote for a bill such as this.

Instead of being obsessed with the scandals that have erupted lately, having been exposed and prosecuted by due process of law, I urge you to consider the cause of individual liberty.

Perhaps we all need reminding that government is the historic enemy of freedom, and its growing power in this nation is something we should not ignore.

Within the past 40 years, laws, rules, regulations, guidelines, plans and bureaucratic decisions of government have increasingly invaded every aspect of life.

The economic power of government has grown to the point at which it consumes nearly 30 percent of the gross national product of the nation.

There are strong political forces that want government to assume more and more power over our lives, to tax more and spend more, to satisfy every human want and need, to plan your neighborhood, to practice sociology on your children, to regulate us all toward some concept of what society ought to be.

These organizations are well-organized and well-financed nationally. Their members relentlessly campaign for more and larger government programs and for candidates who will support their goals. And they are quick to denounce their opposition as "special interests."

But I would hate to think of a government in which those special interests were not represented.

I believe it is fortunate that business and labor contribute money to the election campaigns of candidates of their choice. So do countless individual citizens who perceive certain candidates to be representatives of their interests.

The economic power in elections is currently dispersed, as it ought to be, among a multitude of interests. A government elected thusly will try to balance and accommodate the interests at work in a free society.

The balance of interests checks the power of government, restrains it from committing excesses in any direction, and preserves freedom.

But public financing of election campaigns would eliminate important restraints on government and erode freedom.

I would also ask you to remember that the people are already taxed more than enough to support the galaxy of public services and attendant bureaucracies that have grown so vastly in recent times.

We might argue about the cost and necessity of some of those services, but at least the goal is service.

I wonder how you're going to convince the taxpayer that your election campaigns are public services for which he must be forced to pay.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. HELMS). All time for debate having expired and the hour of 4 o'clock having arrived, the clerk will report the cloture motion.

The assistant legislative clerk read the cloture motion, as follows:

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the pending bill S. 3044, a bill to amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns.

John O. Pastore.
Harrison A. Williams, Jr.
Clifford P. Case.
Abraham Ribicoff.
Thomas F. Eagleton.
Joseph R. Biden.
Alan Cranston.
Birch Bayh.
Dick Clark.
Frank Church.
Quentin N. Burdick.
James Abourezk.
Gale W. McGee.
Edmund S. Muskie.
Philip A. Hart.
Edward M. Kennedy.
Floyd K. Haskell.
Howard M. Metzenbaum.
Jacob K. Javits.
Marlow W. Cook.
Edward W. Brooke.
Ted Stevens.
Joseph M. Montoya.
Hugh Scott.
Richard S. Schweiker.
Henry M. Jackson.
Hubert H. Humphrey.

CALL OF THE ROLL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair directs that the clerk call the roll to ascertain the presence of a quorum.

The second assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 126 Leg.]

Abourezk	Ervin	Metzenbaum
Aiken	Fannin	Mondale
Allen	Fulbright	Montoya
Baker	Goldwater	Moss
Bartlett	Gravel	Muskie
Bayh	Griffin	Nelson
Beall	Gurney	Nunn
Bellmon	Hansen	Packwood
Bennett	Hart	Pastore
Bentsen	Hartke	Pearson
Bible	Haskell	Pell
Biden	Hatfield	Percy
Brock	Hathaway	Proxmire
Brooke	Helms	Randolph
Buckley	Hollings	Ribicoff
Burdick	Hruska	Roth
Byrd, Harry F., Jr.	Huddleston	Schweiker
	Hughes	Scott, Hugh
Byrd, Robert C.	Humphrey	Sparkman
Cannon	Inouye	Stafford
Case	Jackson	Stennis
Chiles	Javits	Stevens
Clark	Johnston	Stevenson
Cook	Kennedy	Symington
Cotton	Magnuson	Taft
Cranston	Mansfield	Talmadge
Curtis	Mathias	Thurmond
Dole	McClellan	Tower
Domenici	McClure	Tunney
Dominick	McGovern	Weicker
Eagleton	McIntyre	Williams
Eastland	Metcalf	Young

The PRESIDING OFFICER. A quorum is present.

The question before the Senate is: Is it the sense of the Senate that debate

on S. 3044, a bill to amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate, so that Senators who are following the count may hear all the responses?

The PRESIDING OFFICER. The Senator's suggestion is in order. The Senate will be in order. The Chair solicits the cooperation of all Senators.

The clerk will proceed.

Mr. ROBERT C. BYRD. Mr. President, we do not have the kind of order that will allow Senators to hear the responses.

The PRESIDING OFFICER. All Senators will take their seats. The clerk will not proceed until the Senators are in their seats or in the cloakroom.

The clerk will proceed.

The assistant legislative clerk called the roll.

Mr. BIBLE (when his name was called). On this vote I have a pair with the Senator from Wyoming (Mr. McGEE) and the Senator from Idaho (Mr. CHURCH). If I were permitted to vote, I would vote "nay." If they were present, they would vote "yea." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Louisiana (Mr. LONG), and the Senator from Wyoming (Mr. McGEE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG) is necessarily absent.

I also announce that the Senator from Virginia (Mr. WILLIAM L. SCOTT) is absent on official business.

I further announce that, if present and voting, the Senator from Hawaii (Mr. FONG) would vote "nay."

The yeas and nays resulted—yeas 64, nays 30, as follows:

[No. 127 Leg.]

YEAS—64

Abourezk	Haskell	Nelson
Aiken	Hatfield	Packwood
Bayh	Hathaway	Pastore
Beall	Huddleston	Pearson
Bentsen	Hughes	Pell
Biden	Humphrey	Percy
Brooke	Inouye	Proxmire
Burdick	Jackson	Randolph
Byrd, Robert C.	Javits	Ribicoff
Cannon	Johnston	Roth
Case	Kennedy	Schweiker
Chiles	Magnuson	Scott, Hugh
Clark	Mansfield	Stafford
Cook	Mathias	Stevens
Cranston	McGovern	Stevenson
Dole	McIntyre	Symington
Domenici	Metcalf	Tunney
Eagleton	Metzenbaum	Weicker
Fulbright	Mondale	Williams
Gravel	Montoya	Young
Hart	Moss	
Hartke	Muskie	

NAYS—30

Allen	Dominick	McClellan
Baker	Eastland	McClure
Bartlett	Ervin	Nunn
Bellmon	Fannin	Sparkman
Bennett	Goldwater	Stennis
Brock	Griffin	Taft
Buckley	Gurney	Talmadge
Byrd, Harry F., Jr.	Hansen	Thurmond
	Helms	Tower
Cotton	Hollings	
Curtis	Hruska	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Bible, against.

NOT VOTING—5

Church	Long	Scott, William L.
Fong	McGee	

The PRESIDING OFFICER. On this vote there are 64 yeas and 30 nays. Two-thirds of the Senators present and voting having voted in the affirmative, the cloture motion is agreed to. [Applause.]

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate and in the galleries.

The PRESIDING OFFICER. The Senate will be in order.

ORDER OF BUSINESS

Mr. HUGH SCOTT. Mr. President, I rise to ask the distinguished majority leader if he will give us the schedule for the remainder of the day and perhaps he can give us the prognosis from now until the scheduled Easter hiatus.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I am very happy to respond to the distinguished Republican leader, and state that we will go as long today as there are amendments available.

ORDER FOR ADJOURNMENT UNTIL 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 o'clock tomorrow morning.

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

PROGRAM

Mr. MANSFIELD. Mr. President, it is anticipated that the tornado disaster relief bill, which I understand was reported by the Committee on Public Works, will be taken up tomorrow after the conclusion of the pending business. There will be one or two other items which will be relatively noncontroversial. It is expected that the Senate, in line with the House action, will recess at the end of business Thursday rather than at the end of business Friday, as in the original schedule.

Mr. HUGH SCOTT. I understand a couple of the energy bills are on the way out or are out of committee. If so, I assume they will be brought up as soon as possible after the Easter recess.

Mr. MANSFIELD. After the no-fault insurance bill, which will be the next major item of business, has been disposed of—and it will be very controversial and debate well may be extended—generally speaking, that bill will be followed by the education bill, which likewise will be subject to extended debate.

Mr. HUGH SCOTT. We all hope that debate on the no-fault insurance bill will leave each of us with no fault personally.

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

Mr. MANSFIELD. I yield.

Mr. MAGNUSON. Does the majority leader suggest that we lay down the no-fault bill before we quit?

Mr. MANSFIELD. Yes, and that it be the pending business.

Mr. MAGNUSON. And that it be the pending business when we return. Obviously, we could not have votes on it between now and Thursday.

Mr. MANSFIELD. That is correct; and may I say, following the suggestions made by the distinguished Senator from Washington, who is the chairman of the Committee on Commerce and who will be the manager of the bill.

Mr. MAGNUSON. And that would mean that after the recess, no-fault would be the pending order of business?

Mr. MANSFIELD. Yes.

Mr. MAGNUSON. It might be superseded by two or three matters, but it would be the pending order of business.

Mr. MANSFIELD. Yes; and as far as the military authorization bill is concerned, that will not be taken up until sometime after the recess.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

The Senate continued with the consideration of the bill (S. 3044) to amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns.

The PRESIDING OFFICER. The Chair inquires as to who yields time.

Mr. STEVENSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENSON. What is the pending business?

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Massachusetts to the amendment of the Senator from Illinois.

Mr. KENNEDY obtained the floor.

The PRESIDING OFFICER. The Senate will be in order. The Senate will be in order. The Senator cannot be heard.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand the parliamentary situation, I do have an amendment at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I would like to withdraw that amendment and reintroduce another amendment which is at the desk and which has some technical changes in it to conform more accurately with the legislation before us.

The PRESIDING OFFICER. The amendment will be withdrawn. The clerk will read the amendment now proposed.

The assistant legislative clerk proceeded to read Mr. KENNEDY's amendment to Mr. STEVENSON's amendment.

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

Mr. DOMINICK. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, what was the objection to?

The PRESIDING OFFICER. The Senator from Massachusetts requested unanimous consent that reading of the amendment be dispensed with. Objection was heard.

The clerk will read the amendment.

The assistant legislative clerk read the amendment to the amendment, as follows:

Strike the language proposed by Mr. STEVENSON by striking out subsection (b) (1) (A) (i) proposed to be inserted on page 10, beginning with line 17, and insert in lieu thereof the following:

"(b) (1) Every eligible candidate who is nominated by a major party is entitled to payments for use in his general election campaign in an amount equal to—

"(A) in the case of a candidate for election to the office of President, 100 percent of the amount of expenditures the candidate may make in connection with that campaign under section 504, and

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President. I will say, for the benefit of Members of the Senate, that this was an amendment which was introduced by myself, the minority leader (Mr. HUGH SCOTT), and Senators HART, SCHWEIKER, MATHIAS, and JAVITS. I do not intend to take very much time, but as a point of information for the membership, this amendment is to——

The PRESIDING OFFICER. The Senator will suspend. The Senate is not in order.

The Senator may proceed.

Mr. KENNEDY. This amendment would modify the Stevenson amendment to restore the provision in the bill reported out of the Committee on Rules and Administration for 100 percent public financing of general elections for the office of the President. The Stevenson amendment would cut this back to 40 percent public financing. This is an issue which has been debated and discussed since 1966. On many occasions over the past 8 years, the membership has voted on whether we want full public financing of Presidential elections. It is part of present law, the dollar checkoff we created in 1971. The Stevenson amendment would weaken the existing law and change significantly the bill which is before the Senate dealing with Presidential elections.

The issue on the Stevenson amendment is an issue which we have voted on before. We rejected the concept of partial public financing a week ago, and it was also defeated as an amendment that was proposed last fall.

The purpose and the thrust of my amendment is to preserve the features of existing law and the committee bill as they relate to Presidential elections. If this amendment is accepted to the Stevenson amendment, and if the Stevenson amendment is later accepted as amended, the Senate would preserve the provisions of current law which deal with the public funding of Presidential elections.

Financing of Presidential elections has really not been one of the principal issues debated or discussed on the committee bill. There has been general agreement in the Senate that the current law is adequate. It is one of the most essential parts of the whole campaign reform proposal, and I would hope that my amendment, which has the strong bipartisan support of many of those who have been working in this area, will be accepted. Certainly, we should not retreat from existing law.

I reserve the remainder of my time.

Mr. STEVENSON. Mr. President, the subject of this amendment has been fully debated, and I certainly do not intend to prolong the debate. This amendment raises a question which I think can be simply put. It is simply, why pay more when, for less, we can do a better job?

Whatever the formula, Presidential candidates are going to opt for public financing. This amendment would drive out every last nickel and dime of private money for those Presidential campaigns in which the candidate has opted for public financing. No individual could contribute any money to the candidate of his choice. He could not contribute $5. He could not contribute $500.

Many people feel seriously about their politics——

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will suspend until the Senate is in order. Staff members are solicited to cooperate.

The Senator may proceed.

Mr. STEVENSON. They feel very seriously about their election campaigns and feel seriously about their politics. They want to help. They want to be a part of their Government. They want to help candidates of their choice. They want to do so by giving small contributions. The Kennedy amendment says, "No." It says whether one wants to contribute $5 or $10, he cannot do it. It says by implication that the citizen might corrupt a candidate for the Presidency of the United States with a $5 or $10 contribution.

Mr. KENNEDY. Mr. President, will the Senator yield on my time?

Mr. STEVENSON. I yield.

Mr. KENNEDY. There is nothing in this amendment that would prohibit any individual who wanted to spend money on behalf of a candidate from taking out an advertisement or buying time on television or radio or sponsoring a program that would permit people to watch a candidate. He would be able to spend up to $1,000 for such purposes, regardless of the candidate's own spending limit.

My amendment does not eliminate this provision. What it does do is make full public financing available to a candidate. But an individual would be able to spend up to $1,000 of his own money on behalf of a candidate, independent of the candidate's own limit. That provision is preserved, and I think wisely so.

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

Mr. STEVENSON. I yield.

Mr. ABOUREZK. Did the Senator from Illinois say in his remarks that the bill as it is now written would remove every last nickel of private financing?

Mr. STEVENSON. In the case of every candidate who accepted the public funds made available by the bill, there could be no more private contributions.

As the Senator from Massachusetts has pointed out, a person acting independently of a candidate could spend up to $1,000 of his own money to express his views; he could not contribute $5 to a candidate of his own choice.

Mr. ABOUREZK. But the Presidential candidate could raise private financing for a candidate.

Mr. STEVENSON. That is true. The purpose of public financing is to prevent big, essentially corrupting contributions, not $5 contributions. It is the small contributions which are innocent, and that is a healthy form of political participation.

The amendment I have offered, unamended by the Senator from Massachusetts, would accomplish both objectives. It would eliminate from our politics the large contributions and would preserve the innocent, small contributions. It would decrease the cost to the Treasury of financing campaigns for the Presidency.

If the amendment offered by the Senator from Massachusetts had been in effect in 1972, President Nixon and the Committee to Re-Elect the President would have received $16 million from the U.S. Treasury. There is no necessity for that. It is offensive to the American public. It could be offensive to the Constitution.

Large contributions could be eliminated and small contributions preserved without the amendment of the Senator from Masaschusetts.

Mr. KENNEDY. Mr. President, the genius of the committee bill we are considering this afternoon is its complete flexibility. A candidate is not required to accept any public financing. If he wants to raise his funds from small, private contributions, he can do that. We do not have to change the existing legislation to accomplish the goal of the Senator from Illinois.

Many of the things that the Senator from Illinois advocates in terms of preserving small contributions are true. If an individual wants to go out and raise the money by $5 contributions, nothing in the committee bill would prevent that. But there is also nothing in it that would require him to raise private funds, if he preferred to finance his campaign from public funds.

Let me also point out that under the Senator's amendment, a candidate could still accept large contributions of $3,000 or $6,000. How many candidates relying on private funds will seek out the $250 donor for matching grants, when they can get funds at $6,000 a clip from an individual or a special interest group?

So, on the one hand, the Senator is putting a limit on what can be provided through public financing. On the other hand, he is not requiring a candidate to raise the money by small contributions.

It would still be possible for him to finance his campaign in $3,000 or $6,000 contributions. That is a large loophole. The lower we set the limit on public funds, the higher we make the incentive to rely on unduly large private contributions.

The bill before the Senate has been thought out in a responsible way. It seeks to provide flexibility for a candidate who wants partial public financing. He can say that he will take some public funds or all public funds, or no public funds. He has that flexibility. If he wants to raise his funds in small contributions, he can do that under the committee bill.

So I hope that at least the provision in current law which deals with Presidential elections will be retained and that we would not weaken it in the way suggested by the pending amendment.

Mr. President, I am ready for a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts to the amendment of the Senator from Illinois. 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 Idaho (Mr. CHURCH), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from Iowa (Mr. HUGHES), and the Senator from Ohio (Mr. METZENBAUM) are necessarily absent.

Mr. HUGH SCOTT. I announce that the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

I also announce that the Senator from Virginia (Mr. WILLIAM L. SCOTT) is absent on official business.

The result was announced—yeas 46, nays 45, as follows:

[No. 128 Leg.]

YEAS—46

Abourezk	Hartke	Packwood
Bayh	Haskell	Pastore
Bentsen	Huddleston	Pearson
Bible	Inouye	Pell
Biden	Jackson	Percy
Brooke	Javits	Proxmire
Burdick	Johnston	Randolph
Cannon	Kennedy	Ribicoff
Case	Magnuson	Schweiker
Chiles	Mathias	Scott, Hugh
Clark	McIntyre	Stafford
Cook	Metcalf	Symington
Eagleton	Montoya	Tunney
Fulbright	Moss	Williams
Gravel	Muskie	
Hart	Nelson	

NAYS—45

Aiken	Beall	Buckley
Allen	Bellmon	Byrd, Harry F., Jr.
Baker	Bennett	Byrd, Robert C.
Bartlett	Brock	
Cotton	Hathaway	Sparkman
Cranston	Helms	Stennis
Curtis	Hollings	Stevens
Dole	Hruska	Stevenson
Domenici	Humphrey	Taft
Dominick	Mansfield	Talmadge
Eastland	McClellan	Thurmond
Ervin	McClure	Tower
Fannin	McGovern	Weicker
Gurney	Mondale	Young
Hansen	Nunn	
Hatfield	Roth	

NOT VOTING—9

Church	Hughes	Scott, William L.
Fong	Long	
Goldwater	McGee	
Griffin	Metzenbaum	

So Mr. KENNEDY's amendment was agreed to.

Mr. KENNEDY. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois (Mr. STEVENSON), as amended.

Mr. KENNEDY. Mr. President, on behalf of Senators HUGH SCOTT, HART, SCHWEIKER, MATHIAS, and JAVITS, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HASKELL). The amendment will be stated.

The legislative clerk read as follows:

In the matter proposed to be inserted on page 10, strike out proposed subsection (b)(1)(A)(ii) and (b)(1)(B) and insert in lieu thereof the following:

"(B) in the case of a candidate for election to the office of Senator or Representative, the sum of ——

"(i) 50 percent of the amount of expenditures the candidate may make in connection with that campaign under section 504, and

"(ii) the amount of contribution he and his authorized committees received for that campaign."

At the end of paragraph (6) proposed on page 3, strike out "(1)(A)" and insert "(1)(A) or (B)".

Mr. KENNEDY. Mr. President, I yield myself such time as I may need.

The committee bill provides for full public financing for congressional elections. There is a feeling, and rightly so, that what is sauce for the goose is sauce for the gander. If we have full public financing for Presidential elections, as we already do, then we should have full public financing of congressional elections as well.

There has been extensive debate on public financing for congressional elections, both during the past few days as well as last fall, when a similar proposal was before the Senate.

Instead of full public funding for congressional elections, the Stevenson amendment allows only a 25-percent front end subsidy, plus matching grants of public funds for the remainder of a candidate's spending limit. If matching grants are fully used by a candidate, he would receive matching public funds equal to half of the remaining 75 percent of his expenses, or 37.5 percent. Thus, his total public funds would equal the initial 25 percent plus the matching 37.5 percent, or a total of 62.5 percent public funds.

My amendment would raise the initial front end subsidy to 50 percent, and allow matching for the remainder. Thus, my amendment put a substantial limit on public funds. It is a significant retreat compared to the committee, but it is offered in a spirit of compromise to try to reach a middle ground with the Senator from Illinois and others who prefer a mixed system of public funds and matching grants in general elections.

The amendment we are offering would allow a candidate to obtain 75 percent public financing for his campaign—50 percent from the front end subsidy, and 25 percent through matching.

Now, that may not sound very different from the amendment of the Senator from Illinois—75 percent versus 62.5 percent—but there is an important additional point. Those amounts of public funds will be reached, only by candidates who raise all their private money in contributions of $100 or less. Far more likely, many candidates will choose to go to the big contributors for private money, where funds can be raised at $6,000 a clip. So we may wind up with a situation where a candidate under the Stevenson amendment raises only 25 percent public funds, and gets all the rest from wealthy contributors or special interest groups. My amendment would at least raise this level to 50 percent, and that is an important difference.

This is a reasonable adjustment and compromise in this area. The sponsors are reluctant to make this adjustment, but we also recognize that this approach is likely to be more acceptable to the House.

Our amendment is offered as a reasonable compromise to those who believe we should put a limitation on what is available in public funds.

I would hope that the amendment would be accepted by the Senate.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. JAVITS. Mr. President, as a Senator who is very likely to be a candidate this year, I support and, indeed, I am one of the cosponsors of Senator KENNEDY's amendment, which I think is a fair compromise between the kind of informal vote of those who will support us financially, and Government financing. I was hostile to Government financing for years, as I saw many dangers in it. But in all the problems of legislation, we always have to trade off. We have to accept something we do not agree with in order to get the greater good.

The seamy record we have seen under the general heading of raising campaign funds, with all the very, very shocking immorality which it has engendered, I believe should have convinced us that the public financing route is the right one. I realize that we do not want to go at it all at once but, at the same time, to be practical about it, we have got to give the candidate the opportunity to use public financing effectively and not put him in the position where it does not

amount to using it effectively and being able to rely on it.

The virtue of the Kennedy amendment is that it is realistic. The 50-percent figure entitles a candidate to go with it and rely on it, whereas the 25-percent figure is too little and does not give the public financing concept a fair trial.

For all those reasons, Mr. President, I hope very much that the Senate will approve the amendment.

Mr. DOLE. Mr. President, I understood, during the debate we began here several weeks ago, that we were not going to be corrupted by accepting private funds. The prevailing view then was that we could not be trusted with private funds, that we, somehow, might be corrupted.

But now we are saying that if we accept 50 percent private and 50 percent public funds, there will be no problem.

I agree with the distinguished Senator from Alabama (Mr. ALLEN), even though I voted for cloture, that here we are either going to be financed publicly, or we should be financed privately 100 percent.

I do not know what merit there is in saying on the one hand that we are all subject to being corrupted because we accept private funds but, somehow that is all cured if half of it comes from the Public Treasury and half of it comes from someone else.

For the life of me, I cannot understand how this amendment makes anything better. It indicates that what we really want is public money. Fifty percent of public money will be all right if we can only get 50 percent out of the Public Treasury, that we are not concerned about being corrupted any more, that we are not concerned about where the contributions come from. We say, take 50 percent but do not take it all. I cannot understand that if we want to purify our political system we want to let the Federal Government pay for the campaigns.

Well, I hope it never happens. But, if we are going to purify our political system, let us go on as we have been going. Most of the men and women in this country in public office are men and women of integrity. They are not corrupted by private donations. With the law passed in 1971, there will be full disclosure of our contributions and expenditures.

I see no reason for this amendment, or any modification of it, or for any more discussion of the pending bill.

It seems to me that the American people would like us to give a little attention to their problems. We wasted 7 days trying to raise our own pay. Now we waste 3 weeks trying to get back into the public Treasury. We have not concerned ourselves with the American people for 30 days—and we are going to take a recess come this Thursday.

Mr. STEVENSON. Mr. President, there is very little difference between this amendment and the amendment I have proposed. It is a question of degree. The amendment offered by the Senator from Massachusetts would increase the maximum public share to 75 percent, while the amendment which I offered has a 62.5-percent maximum. If candidates can raise 100 percent of their funds privately—as they now do—they should be able to raise 37.5 percent from small contributions.

The amendment which I offered with the Senator from Ohio and the Senator from New Mexico and others would simply increase the degree of participation by citizens in the political process and decrease the burden on the public Treasury.

Mr. KENNEDY. Mr. President, the point remains that under the existing legislation, if an individual candidate finds the public financing sufficiently repugnant, he can go out and say, when he announces for public office, "I am not going to accept anything more than a dollar or more than $5," and run his campaign that way. Nothing requires him to take the public financing.

What we have done with this proposal is to say, with respect to those who feel that some limitation ought to be provided, that we set a 50-percent ceiling on the initial subsidy, and then allow matching up to the amount he is able to spend. I think that is a reasonable compromise.

I remind the Members of the Senate that this bill is going to go through many changes in the House and in the conference. The action by the Senate is going to be the high water mark in terms of the position Congress will take in this area. So I hope that when the bill goes to conference, our conferees will be given the strongest possible position to defend. I am hopeful that we will have a strong bill.

Under the limitation that has been suggested by the Senator from Illinois, you can get only 25 percent front end funding. True, you will be able to match up to 62 percent, if you raise private money in contributions of $100 or less. But you can also go out and raise the rest of your money in $6,000 campaign contributions. There is no requirement in the Stevenson amendment that you get it from the $100 contributor. The 25 percent front end money will become a drop on the bucket, the shadow of reform without the substances. After getting the front end money, you can take $6,000 contributing from special interest committees. You can take $3,000 contributions from wealthy individuals.

How much reform is that? A Senator or Congressman will represent the people 25 percent of the time, and the special interest groups the other 75 percent.

I think we are already achieving what the Senator from Illinois wants to achieve under the committee bill. There is no need for an arbitrary limitation as suggested by his amendment. I know that a number of Members feel strongly about it, however, and I think the 50-percent compromise we have offered is a constructive alternative.

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

Mr. KENNEDY. I yield.

Mr. STEVENSON. A candidate, in both cases, has the option of taking private financing, as opposed to public financing. The only difference is whether it is going to be 62 percent from public sources or 75 percent.

Mr. KENNEDY. That is true only if matching public funds are fully used. If they are not used at all, the difference is 50 percent versus 25 percent. I say to the Senator that I have offered an amendment which I think is a compromise between the committee bill and the position which has been proposed by the Senator from Illinois.

Let me point out that if the Senator from Ilinois or any other Member of Congress or any challenger wants to say, "I am going to run my campaign on $1 contributions or $5 contributions," he can do so. Yet, the Senator says that this is the goal of the Senator from Illinois. Also, if he says, "I will take 25 percent public and raise the rest on $5 campaign contributions," he can do that at the present time, under the committee bill.

The Senator is putting an arbitrary and a mandatory limitation on how much can be used in public funds. Under the goal of the Senator from Illinois, a candidate can say, "I want to take 25 percent public financing, and then I am going to take every bit of money I can get in $1 contributions." He would be able to do that under the Cannon proposal. Why does he want to make that mandatory for all candidates? Why does he want to drive candidates back into the arms of his contrbiutors?

It seems to me that the alternatives in the committee bill achieve the thrust of the Stevenson amendment. The proposal I have offered as a substitute conforms the Stevenson amendment more closely to the committee bill. It does not do it completely, but it does recognize that there are Members who want to put some limitation on public funds. I think it is a constructive middle ground between the Stevenson amendment and the committee bill.

Mr. HUMPHREY. Mr. President, so that we might simplify it, the real argument here is over one thing, and that is whether or not it will be 25 percent maximum that you can get from the public Treasury or 50 percent. There is nothing under the Kennedy amendment that would preclude somebody from taking 25 percent as the maximum amount of the public contribution, but it does leave what I say is a good deal of ambivalence as to what is going to happen. I think there ought to be standard rules.

Candidates ought to run on the basic issues of public policy. What you are going to find is that you are going to have your campaign on whether or not you are the dollar man or the public finance man, or whether or not you take 25 percent from the public Treasury or 50 percent from the public Treasury. In the meantime, the public will have no one talking about inflation or health or education. It will all be on whether or not you can be bought for 25 percent or 50 percent or not bought. All of that is just painting ourselves into a corner.

The real truth is that the problem of private financing is no accusation of corruption, which has been said here. Just

because somebody contributes does not prove you are corrupt. But it does lend itself to suspicion, doubt, and skepticism. It is my judgment that we ought to try to remove as much of that doubt as possible. We do that by putting severe limitations on the amount of a contribution. Anyone who can be bought for $3, ought to get out of here and not stand up and call himself a man or herself a woman—at least, at prices these days. [Laughter]

Mr. President, if anybody thinks that a $6,000 group contribution from a national committee or the labor movement or a Senate committee or the doctors, or whoever else it is, is something that will buy you, you ought to be ashamed even at the thought. I do not think that simply because somebody gets a contribution for $3,000 maximum, that proves ipso facto that you ought to spend several years in Sing Sing. We are just fooling around telling the public that is what happens.

What we have here on matching with Federal funds is that if one gets $100 in private money, he can get $100 matched. That is what is in this formula of either the proposal by the Senator from Massachusetts or the Senator from Illinois. The only argument is whether or not one ought to have 50-percent frontline financing. In other words, when one declares his candidacy, he walks over and says, "Give me 50 percent of everything I am entitled to under the formula in the bill." Or he can say, "I don't think I'll take 50 percent, because I hear that my opponent is going to take 50 percent. I'll take 45 percent. That makes me a 5-percent better guy than the other fellow."

The advantage of the Stevenson amendment is that it is 25 percent.

I hope that we will stop kicking the gong around, because that is what is bothering me. I joined in the Stevenson amendment for one reason. I want a bill, and I think we can get a good bill. I believe we ought to approach public financing.

I had very serious doubts about any limitations upon the Presidential campaigns. I felt that was one office where we might have full public financing, and I voted accordingly, except when I came here to try to find out how we can get a bill. The American people have a right to expect results of us and not just an issue—going around here trying to prove some of us are more pure than Ivory soap. There is not a saint in this audience; there has not been before and there will not be one. We have our fallibilities and our weaknesses. We are trying to find an antibiotic to do something about the political infection that has gripped this country. I happen to think Dr. Stevenson has a pretty good pill, a pretty good antibiotic. Now, we have other prescriptions coming to us. Either would suffice and I grant that. The difference is the amount in the public Treasury.

I do think the issue before the Senate is: Do we want performance or do we want rhetoric; do we want an issue or do we want a bill? I think I want a bill. I think it is time for the Congress of the United States to tell the American people we are capable of legislating something around here that will be passed, signed, and become law.

Mr. DOLE. Mr. President, I agree with the Senator from Minnesota. I think he has put his finger on the matter precisely when he said the important thing is disclosure and a limitation on contributions. We can have both without public financing.

The Senator from Minnesota underscored another point. Every Senator will be trotting around saying, "I did not take as much as he did from the Public Treasury. I raised my money." As I stated there will be T-shirts that will have printed on them, "Your tax dollar at work," and on the back there will be printed, "Total public financing."

I offered an amendment yesterday that should have been agreed to and that was that on every bumper sticker, emery board, political advertisement, there would be printed, "Paid for with public funds." We are always happy to say, "Printed at private expense" when we send out a newsletter. If we are going to take it out of the Treasury, why not take all of it out, and why just half? I am waiting for the Watergate Committee to make its recommendations. Those recommendations are due on May 28, and we are trying to find a way to get into the Treasury before the report. I recall what the Senator from North Carolina (Mr. ERVIN) and the Senator from Tennessee (Mr. BAKER) said when those hearings commenced last May.

One thing that both Senators underscored was the fact that legislative recommendations would be forthcoming. But we are too impatient. I do not believe we would lose much time waiting for the recommendations of that committee. They have heard hundreds of witnesses. They may have many good suggestions. But I think we should decide whether we want to be 100 percent Federal candidates, 50 percent, or 62½ percent, or disclose our contributions and limit expenditures, and let our campaigns be financed as they have been in the past.

Mr. STEVENSON. Mr. President, all I am trying to say in this amendment is that we must do something with respect to big contributions and corrupt contributions, but let us not pay a higher price than necessary.

I am a candidate for reelection in Illinois. Under my proposal I could, if my amendment were in effect, receive up to $550,000 from the U.S. Treasury. Under the Kennedy proposal I could receive up to $675,000. It is a difference of degree. I would not feel very good about accepting any money from the Treasury, but that is the price that has to be paid to get rid of the big contributions.

We do not have to go this high to get rid of the big contributions; certainly, we would not in Illinois. Mr. President, you would not have to pay that high a price at the risk of driving out a healthy form of political participation.

The issue is narrow in the case of this amendment. The issue was wider in the earlier amendment. It is a question of degree. The question has been debated. I think under the Kennedy amendment we would be paying more than is necessary. With all the resentment abroad in this country toward politics and politicians, far from eliminating suspicions and fears, we will increase them if we spend any more than necessary to eliminate the corrupting influence in our politics.

Mr. STEVENS. Mr. President, I have been impressed with the bipartisanship that has come out of the committee and with the way the Senator from Nevada has handled the bill. I have just arrived in the Chamber. Can the chairman of the committee tell us his point of view concerning the Kennedy amendment and the Stevenson amendment and what they would do to the bill that the committee brought to the floor?

Mr. CANNON. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. CANNON. Mr. President, first, I am sure the distinguished Senator from Illinois inadvertently used the figures as to what he would be entitled to, but he overlooked the fact that the Senator from Alabama had an earlier amendment adopted that reduces the earlier figure, so the Senator from Illinois may want to reduce his figure.

Mr. STEVENSON. I was assuming an expenditure unit of 12 cents per person of voting age.

Mr. CANNON. Mr. President, basically this boils down to the question of whether you desire or do not want private financing involved. I long felt we should go the private financing route. It was only recently that I changed my initial view after seeing the Watergate situation. I thought S. 372 with the amendment in the 1971 act would have been restrictive had they been complied with and we would not have found ourselves in this situation if the House had acted on S. 372.

We were faced with the problem of reporting a bill on the public financing issue. This we did attempt to do. We did leave the matching provision in the primary and if private financing is paid then this system is a little bit bad, because we permitted it in the primary races.

But on the other hand we have been accused of writing provisions here that make this an incumbent's bill. Frankly, I believe the amendment of the distinguished Senator from Massachusetts (Mr. KENNEDY) in this instance, if we are to go some other route, is more to the advantage of a challenger than an incumbent because a challenger is relatively unknown, and certainly less known than the incumbent, and in a primary he can go in and say, "I am entitled to up to 50 percent of the authorized limit," which would give him a leg up on the opportunity to start his campaign. Certainly, if a person can raise $1 they will get a matching dollar under the Kennedy amendment and the Stevenson amendment. So I think it is more or less an individual view as to whether one

thinks the person who wins in the primary should be able to go and say, "I would like to get 25 percent," or on the other hand, "I would like to get 50 percent." If he is going to get 50 percent, it favors the challenger rather than an incumbent.

My personal view, I think, is that I have a vote for the Kennedy amendment, although the committee has not taken a formal position on this situation.

Mr. KENNEDY. Mr. President, back in 1971, well before Watergate, we enacted 100 percent public financing for Presidential elections.

Then we had Watergate, and now we are being asked to move backward. We have enacted 100 percent public financing for the Executive, and now we are going to enact only 25 percent for Members of the House and the Senate. That is the effect of what the Stevenson amendment will do. How can we accept such a timid reform for Congress, when we already have such a strong reform for the Executive?

What my proposal would do would be to make it 50 percent for the Senate and House. I think we have a responsibility, now that we have taken a position on how we are going to handle national elections, to apply the same system as nearly as we can to Members of the Senate and the House. With the amendment I have offered, it would provide only 50 percent. That is a very significant step back from the committee bill. But I think it is a sound compromise and one which I hope will be accepted.

If we are going to go the route of compromise, I would hope we would be willing to go halfway as far as we have gone for the Presidency. One quarter of the way is too little.

Mr. STEVENS. Mr. President, I would like to ask the Senator from Massachusetts what the substitute does with regard to financing congressional campaigns in the primary. I have not seen the amendment.

Mr. KENNEDY. It has absolutely no effect whatsoever.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts (Mr. KENNEDY) to the amendment of the Senator from Illinois (Mr. STEVENSON), as amended. 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 Idaho (Mr. CHURCH), the Senator from Iowa (Mr. HUGHES), the Senator from Louisiana (Mr. LONG), the Senator from Ohio (Mr. METZENBAUM), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Wyoming (Mr. MCGEE), are necessarily absent.

Mr. HUGH SCOTT. I announce that the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

I also announce that the Senator from Virginia (Mr. WILLIAM L. SCOTT) is absent on official business.

The result was announced—yeas 44, nays 46, as follows:

[No. 129 Leg.]

YEAS—44

Abourezk	Haskell	Muskie
Bayh	Hathaway	Nelson
Bentsen	Huddleston	Pastore
Bible	Humphrey	Pell
Biden	Inouye	Percy
Brooke	Jackson	Proxmire
Burdick	Javits	Ribicoff
Cannon	Kennedy	Schweiker
Case	Magnuson	Scott, Hugh
Clark	Mathias	Stafford
Cranston	McIntyre	Stevens
Eagleton	Metcalf	Symington
Gravel	Mondale	Tunney
Hart	Montoya	Williams
Hartke	Moss	

NAYS—46

Aiken	Dole	McGovern
Allen	Domenici	Nunn
Baker	Dominick	Packwood
Bartlett	Eastland	Pearson
Beall	Ervin	Randolph
Bellmon	Fannin	Roth
Bennett	Gurney	Sparkman
Brock	Hansen	Stennis
Buckley	Hatfield	Stevenson
Byrd, Harry F., Jr.	Helms	Taft
	Hollings	Talmadge
Byrd, Robert C.	Hruska	Thurmond
Chiles	Johnston	Tower
Cook	Mansfield	Weicker
Cotton	McClellan	Young
Curtis	McClure	

NOT VOTING—10

Church	Griffin	Metzenbaum
Fong	Hughes	Scott, William L.
Fulbright	Long	
Goldwater	McGee	

So Mr. KENNEDY's amendment to Mr. STEVENSON's amendment, as amended, was rejected.

Mr. CANNON. Mr. President, I wish to point out briefly to the Senate what we have done. Then I shall move to lay the Stevenson amendment on the table.

The first Kennedy amendment amended the Stevenson amendment so that it went back to exactly the way the provision exists in the bill at present.

The second Kennedy amendment, which was just defeated, is a matter of quibbling over 25 or 50 percent, but would change the bill in that respect with respect to general elections.

In addition, the Stevenson amendment has in it, on the last page, page 4, subparagraph (2), a provision which would again change action that the Senate took the other day by a vote of 46 to 42. This would change the language back to what it was prior to that vote.

With that explanation, I think we have discussed the whole issue completely.

Mr. President, I move to lay the Stevenson amendment on the table, and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada (Mr. CANNON) to lay on the table the amendment of the Senator from Illinois (Mr. STEVENSON) as amended by the amendment of the Senator from Massachusetts (Mr. KENNEDY). 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 Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Iowa (Mr. HUGHES), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), and the Senator from Ohio (Mr. METZENBAUM) are necessarily absent.

Mr. HUGH SCOTT. I announce that the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Utah (Mr. BENNETT) are necessarily absent.

I also announce that the Senator from Virginia (Mr. WILLIAM L. SCOTT) is absent on official business.

The result was announced—yeas 66, nays 23, as follows:

[No. 130 Leg.]

YEAS—66

Abourezk	Fannin	Moss
Aiken	Gravel	Nelson
Baker	Gurney	Nunn
Bartlett	Hansen	Pastore
Bayh	Hart	Pearson
Bellmon	Hartke	Pell
Bentsen	Haskell	Percy
Bible	Hatfield	Proxmire
Biden	Hathaway	Randolph
Brock	Helms	Ribicoff
Brooke	Hruska	Schweiker
Buckley	Huddleston	Scott, Hugh
Burdick	Jackson	Stafford
Cannon	Javits	Stennis
Case	Johnston	Stevens
Clark	Kennedy	Symington
Cook	Magnuson	Talmadge
Cotton	Mathias	Thurmond
Curtis	McGovern	Tower
Dole	McIntyre	Tunney
Dominick	Metcalf	Williams
Eagleton	Montoya	Young

NAYS—23

Allen	Eastland	Mondale
Beall	Ervin	Muskie
Byrd, Harry F., Jr.	Hollings	Packwood
	Humphrey	Roth
Byrd, Robert C.	Inouye	Sparkman
Chiles	Mansfield	Stevenson
Cranston	McClellan	Taft
Domenici	McClure	Weicker

NOT VOTING—11

Bennett	Goldwater	McGee
Church	Griffin	Metzenbaum
Fong	Hughes	Scott, William L.
Fulbright	Long	

So the motion to lay on the table was agreed to.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

The Senate continued with the consideration of the bill (S. 3044) to amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns.

AMENDMENT NO. 1127

Mr. DOLE. Mr. President, I call up my amendment No. 1127 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Federal

Election Campaign Act Amendments of 1974".

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TITLE I—CHANGES IN COMMUNICATIONS ACT OF 1934

CAMPAIGN COMMUNICATIONS

SEC. 101. (a) Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting after "public office" in the first sentence thereof the following: ", other than Federal elective office (including the office of Vice President)".

(b) Section 315(b) of such Act (47 U.S.C. 315(b)) is amended by striking out "by any person" and inserting "by or on behalf of any person".

(c) Section 315(d) of such Act (47 U.S.C. 315(d)) is amended to read as follows:

"(d) If a State by law imposes a limitation upon the amount which a legally qualified candidate for nomination for election, or for election, to public office (other than Federal elective office) within that State may spend in connection with his campaign for such nomination or his campaign for election, then no station licensee may make any charge for the use of such station by or on behalf of such candidate unless such candidate (or a person specifically authorized in writing by him to do so) certifies to such licensee in writing that the payment of such charge will not violate that limitation.".

(d) Section 317 of such Act (47 U.S.C. 317), is amended by—

(1) striking out in paragraph (1) of subsection (a) "person: *Provided*, That" and inserting in lieu thereof the following: "person. If such matter is a political advertisement soliciting funds for a candidate or a political committee, there shall be announced at the time of such broadcast a statement that a copy of reports filed by that person with the Federal Election Commission is available from the Federal Election Commission, Washington, D.C., and the licensee shall not make any charge for any part of the costs of making the announcement. The term"; and

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

"(e) Each station licensee shall maintain a record of any political advertisement broadcast, together with the identification of the person who caused it to be broadcast, for a period of two years. The record shall be available for public inspection at reasonable hours.".

TITLE II—CRIMES RELATING TO ELECTIONS AND POLITICAL ACTIVITIES

CHANGES IN DEFINITIONS

SEC. 201. (a) Paragraph (a) of section 591 of title 18, United States Code, is amended by—

(1) inserting "or" before "(4)"; and

(2) striking out "and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States".

(b) Such section 591 is amended by striking out paragraph (d) and inserting in lieu thereof the following:

"(d) 'political committee' means—

"(1) any committee, club, association, or other group of persons which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000;

"(2) any national committee, association, or organization of a political party, any State affiliate or subsidiary of a national political party, and any State central committee of a political party; and

"(3) any committee, association, or organization engaged in the administration of a separate segregated fund described in section 610;".

(c) Such section 591 is amended by—

(1) inserting in paragraph (c)(1) after "subscription" the following: "(including any assessment, fee, or membership dues)";

(2) striking out in such paragraph "or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States" and inserting in lieu thereof the following: "or for the purpose of financing any operations of a political committee, or for the purpose of paying, at any time, any debt or obligation incurred by a candidate or a political committee in connection with any campaign for nomination for election, or for election, to Federal office"; and

(3) striking out subparagraph (2) of paragraph (e), and amending subparagraph (3) of such paragraph to read as follows:

"(2) funds received by a political committee which are transferred to that committee from another political committee;";

(4) redesignating subparagraphs (4) and (5) of paragraph (e) as paragraphs (3) and (4), respectively;

(d) Such section 591 is mended by striking out paragraph (f) and inserting in lieu thereof the following:

"(f) 'expenditure' means—

"(1) a purchase, payment, distribution, loan (except a loan of money by a National or State bank made in accordance with the applicable banking laws and regulations, and in the ordinary course of business), advance, deposit, or gift of money or anything of value, made for the purpose of—

"(A) influencing the nomination for election, or the election, of any person to Federal office, or to the office of Presidential and Vice-Presidential elector;

"(B) influencing the result of a primary election held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President;

"(C) financing any operations of a political committee; or

"(D) paying, at any time, any debt or obligation incurred by a candidate or a political committee in connection with any campaign for nomination for election, or for election, to Federal office; and

"(2) the transfer of funds by a political committee to another political committee; but

"(3) does not include the value of service rendered by individuals who volunteer to work without compensation on behalf of a candidate;".

(e) Such section 591 is amended by striking out "and" at the end of paragraph (g), striking out the "States." in paragraph (h) and inserting in lieu thereof "States;", and by adding at the end thereof the following new paragraphs:

"(i) 'political party' means any association, committee, or organization which nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of that association, committee, or organization; and

"(j) 'national committee' means the organization which, by virtue of the bylaws of the political party, is responsible for the day-to-day operation of that political party at the national level as determined by the Federal Election Commission under section 301(k) of the Federal Election Campaign Act of 1971.".

EXPENDITURE OF PERSONAL AND FAMILY FUNDS FOR FEDERAL CAMPAIGNS

SEC. 202. (a)(1) Subsection (a)(1) of section 608 of title 18, United States Code, is amended to read as follows:

"(a)(1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaigns for nomination for election, and for election, to Federal office in excess, in the aggregate during any calendar year, of—

"(A) $50,000, in the case of a candidate for the office of President or Vice President;

"(B) $35,000, in the case of a candidate for the office of Senator; or

"(C) $25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.".

(2) Subsection (a) of such section is amended by adding at the end thereof the following new paragraphs:

"(3) No candidate or his immediate family may make loans or advances from their personal funds in connection with his campaign for nomination for election, or election, to Federal office unless such loan or advance is evidenced by a written instrument fully disclosing the terms and conditions of such loan or advance.

"(4) For purposes of this subsection, any such loan or advance shall be included in computing the total amount of such expenditures only to the extent of the balance of such loan or advance outstanding and unpaid."

(b) Subsection (c) of such section is amended by striking out "$1,000" and inserting in lieu thereof "$25,000", and by striking out "one year" and inserting in lieu thereof "five years".

(c)(1) The caption of such section 608 is amended by adding at the end thereof the following: "out of candidates' personal and family funds".

(2) The table of sections for chapter 29 of title 18, United States Code, is amended by striking out the item relating to section 608 and inserting in lieu thereof the following:

"608. Limitations on contributions and expenditures out of candidates' personal and family funds.".

(d) Notwithstanding the provisions of section 608 of title 18, United States Code, it shall not be unlawful for any individual who, as of the date of enactment of this Act, has outstanding any debt or obligation incurred on his behalf by any political committee in connection with his campaigns prior to January 1, 1973, for nomination for election, and for election, to Federal office, to satisfy or discharge any such debt or obligation out of his own personal funds or the personal funds of his immediate family (as such term is defined in such section 608).

CONTRIBUTION TO COMMITTEES

SEC. 203. Chapter 29 of title 18, United States Code, is amended by inserting after section 608 the following new section:

"§ 609. Identification of donee

"No political committee, other than an authorized committee, may accept contributions from individual contributors unless such contributors designate in writing the name of the candidate or authorized committee to which the contribution shall be given.".

PROHIBITION OF CONTRIBUTIONS AND EXPENDITURES BY FOREIGN INDIVIDUALS

SEC. 204. Section 613 of title 18, United States Code, is amended—

(a) by adding to the section caption the following: "or drawn on foreign banks";

(b) by inserting immediately before "Whoever" at the beginning of the first paragraph the following: "(a)"; and

(c) by adding at the end thereof the following new subsection:

"(b) No person may make a contribution in the form of a written instrument drawn on a foreign bank. Violation of the provisions of this subsection is punishable by a fine not to exceed $5,000, imprisonment not to exceed five years, or both."

LIMITATIONS ON POLITICAL CONTRIBUTIONS; EMBEZZLEMENT OR CONVERSION OF CAMPAIGN FUNDS

SEC. 205. (a) Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

"§ 614. Limitations on contributions

"(a) During any calendar year—

"(1) no person may make a contribution to, or for the benefit of, a candidate for that candidate's campaign for nomination for election, or election, which, when added to the sum of all other contributions made by that person for that campaign, exceeds $3,000, or

"(2) no candidate may knowingly accept a contribution for his campaign from any person which, when added to the sum of all other contributions received from that person for that campaign, exceeded $3,000.

"(b) No candidate may knowingly accept a contribution for his campaign—

"(A) from any person who—

"(i) is not a citizen of the United States, and

"(ii) is not lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act; or

"(B) which is made in violation of section 613 of this title.

"(c) No officer or employee of a political committee or of a political party may knowingly accept any contribution made for the benefit or use of a candidate which that candidate could not accept under subsection (a) or (b).

"(d)(1) For purposes of the limitations contained in this section all contributions made by any person directly or indirectly to or for the benefit of a particular candidate, including contributions which are in any way earmarked, encumbered, or otherwise directed through an intermediary or conduit to that candidate, shall be treated as contributions from that person to that candidate.

"(2) Contributions made to, or for the benefit of, a candidate nominated by a political party for election to the office of Vice President shall be considered, for purposes of this section, to be made to, or for the benefit of, a candidate nominated by that party for election to the office of President.

"(e)(1) No individual may make a contribution during any calendar year which, when added to the sum of all other contributions made by that individual during that year, exceeds $25,000.

"(f) Violation of the provisions of this section is punishable by a fine of not to exceed $25,000, imprisonment for not to exceed five years, or both.

"§ 615. Form of contributions

"No person may make a contribution to, or for the benefit of, any candidate or political committee in excess, in the aggregate during any calendar year, of $50 unless such contribution is made by a written instrument identifying the person making the contribution. Violation of the provisions of this section is punishable by a fine of not to exceed $1,000, imprisonment for not to exceed one year, or both.

"§ 616. Embezzlement or conversion of political contributions

"(a) No candidate, officer, employee, or agent of a political committee, or person acting on behalf of any candidate or political committee, shall embezzle, knowingly convert to his own use or the use of another, or deposit in any place or in any manner except as authorized by law, any contributions or campaign funds entrusted to him or under his possession, custody, or control, or use any campaign funds to pay or defray the costs of attorney fees for the defense of any person or persons charged with the commission of a crime; or receive, conceal, or retain the same with intent to convert it to his personal use or gain, knowing it to have been embezzled or converted.

"(b) Violation of the provisions of this section is punishable by a fine of not more than $25,000, imprisonment for not more than ten years, or both; but if the value of such property does not exceed the sum of $100, the fine shall not exceed $1,000 and the imprisonment shall not exceed one year. Notwithstanding the provisions of this section, any surplus or unexpended campaign funds may be contributed to a National or State political party for political purposes, or to educational or charitable organizations, or may be preserved for use in future compaigns for elective office, or for any other lawful purpose.

"§ 617. Voting fraud.

"(a) No person shall in a Federal election—

"(1) cast, or attempt to cast, a ballot in the name of another person,

"(2) cast, or attempt to cast, a ballot if he is not qualified to vote,

"(3) forge or alter a ballot,

"(4) miscount votes,

"(5) tamper with a voting machine, or

"(6) commit any act (or fail to do anything required of him by law), with the intent of causing an inaccurate count of lawfully cast votes in any election.

"(b) A violation of the provisions of subsection (a) is punishable by a fine of not to exceed $100,000, imprisonment for not more than ten years, or both.

"§ 618. Prohibited campaign practices

"Whoever, knowingly, with intent to mislead voters in any primary, special, or general election or disrupt the campaign of a candidate for any political office—

"(1) conveys or causes to be conveyed false instructions to a campaign worker;

"(2) places false advertisements in communications media, as defined in section 102 of the Campaign Communications Reform Act (Public Law 92-225, 86 Stat. 3);

"(3) impedes or substructs the entry of any person lawfully entitled to attend a campaign gathering or event;

"(4) utters any false oral or written statement concerning any material fact about a candidate; or

"(5) orders goods or services on behalf of a candidate;

shall be fined not more than $10,000 or imprisoned not more than ten years, or both.".

(b) Section 591 of title 18, United States Code, is amended by striking out "and 611" and inserting in lieu thereof "611, 613, 614, 615, 616, 617, and 618.".

(c) The table of sections for chapter 29 of title 18, United States Code, is amended by striking out the item relating to section 613 and inserting in lieu thereof the following new items:

"613. Contributions by agents of foreign principals or drawn on foreign banks.
"614. Limitation on contributions.
"615. Form of contributions.
"616. Embezzlement or conversion of political contributions.
"617. Voting fraud.
"618. Prohibited campaign practices.".

TITLE III—CHANGES IN FEDERAL ELECTION CAMPAIGN ACT OF 1971

CHANGES IN DEFINITIONS FOR REPORTING AND DISCLOSURE

SEC. 301. (a) Section 301 of the Federal Election Campaign Act of 1971 (relating to definitions) is amended by—

(1) striking out ", and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States" in paragraph (a), and by inserting "and" before "(4)" in such paragraph;

(2) striking out paragraph (d) and inserting in lieu thereof the following:

"(d) 'political committee' means—

"(1) any committee, club, association, or other group of persons which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000;

"(2) any national committee, association, or organization of a political party, any State affiliate or subsidiary of a national political party, and any State central committee of a political party; and

"(3) any committee, association, or organization engaged in the administration of a separate segregated fund described in section 610 of title 18, United States Code;";

(3) inserting in paragraph (e)(1) after "subscription" the following: "(including any assessment, fee, or membership dues)";

(4) striking out in paragraph (e)(1) "or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States" and inserting in lieu thereof the following: "or for the purpose of financing any operations of a political committee (other than a payment made or an obligation incurred by a corporation or labor organization which, under the provisions of the last paragraph of section 610 of title 18, United States Code, does not constitute a contribution by that corporation or labor organization), or for the purpose of paying, at any time, any debt or obligation incurred by a candidate or a political committee in connection with any campaign for nomination for election, or for election, to Federal office";

(5) striking out subparagraph (2) or paragraph (e), and amending subparagraph (3) of such paragraph to read as follows:

"(3) funds received by a political committee which are transferred to that committee from another political committee;";

(6) redesignating subparagraphs (4) and (5) of paragraph (e) as paragraphs (3) and (4), respectively;

(7) striking out paragraph (f) and inserting in lieu thereof the following:

"(f) 'expenditure'—

"(1) means a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of—

"(A) influencing the nomination for election, or the election, of any person to Federal office, or to the office of Presidential and Vice-Presidential elector;

"(B) influencing the result of a primary election held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President;

"(C) financing any operations of a political committee; or

"(D) paying, at any time, any debt or obligation incurred by a candidate or a political committee in connection with any campaign for nomination for election, or for election, to Federal office; and

"(2) means the transfer of funds by a political committee to another political committee; but

"(3) does not include the value of services rendered by individuals who volunteer to work without compensation on behalf of a candidate."

(8) striking "and" at the end of paragraph (h);

(9) striking the period at the end of paragraph (i) and inserting in lieu thereof a semicolon; and

(10) adding at the end thereof the following new paragraphs:

"(j) 'identification' means—

"(1) in the case of an individual, his full name and the full address of his principal place of residence; and

"(2) in the case of any other person, the full name and address of that person;

"(k) 'national committee' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of that political party at the national level, as determined by the Commission; and

"(l) 'political party' means an association, committee, or organization which nominates a candidate for election to any Federal office, whose name appears on the election ballot as the candidate of that association, committee, or organization.".

(b)(1) Section 302(b) of such Act (relating to reports of contributions in excess of $10) is amended by striking ", the name and address (occupation and principal place of business, if any)" and inserting "of the contribution and the identification".

(2) Section 302(c) of such Act (relating to detailed accounts) is amended by striking "full name and mailing address (occupation and the principal place of business, if any)" in paragraphs (2) and (4) and inserting in each such paragraph "identification".

(3) Section 302(c) of such Act is further amended by striking the semicolon at the end of paragraph (2) and inserting "and, if a person's contributions aggregate more than $100, the account shall include occupation, and the principal place of business (if any);".

REGISTRATION OF CANDIDATES AND POLITICAL COMMITTEES

SEC. 302. (a) Section 303 of the Federal Election Campaign Act of 1971 (relating to registration of political committees; statements) is amended by redesignating subsections (a) through (d) as (b) through (e), respectively, and by inserting after "SEC. 303." the following new subsection (a):

"(a) Each candidate shall, within ten days after the date on which he has qualified under State law as a candidate, or on which he, or any person authorized by him to do so, has received a contribution or made an expenditure in connection with his campaign or for the purpose of preparing to undertake his campaign, file with the Commission a registration statement in such form as the Commission may prescribe. The statement shall include—

"(1) the identification of the candidate, and any individual, political committee, or other person he has authorized to receive contributions or make expenditures on his behalf in connection with his campaign;

"(2) the identification of his campaign depositories, together with the title and number of each account at each such depository which is to be used in connection with his campaign, any safety deposit box to be used in connection therewith, and the identification of each individual authorized by him to make any expenditure or withdrawal from such account or box; and

"(3) such additional relevant information as the Commission may require.".

(b) The first sentence of subsection (b) of such section (as redesignated by subsection (a) of this section) is amended to read as follows: "The treasurer of each political committee shall file with the Commission a statement of organization within ten days after the date on which the committee is organized.".

(c) The second sentence of such subsection (b) is amended by striking out "this Act" and inserting in lieu thereof the following: "The Federal Election Campaign Act Amendments of 1974".

(d) Subsection (c) of such section (as redesignated by subsection (a) of this section) is amended by—

(1) inserting "be in such form as the Commission shall prescribe, and shall" after "The statement of organization shall";

(2) striking out paragraph (3) and inserting in lieu thereof the following:

"(3) the geographic area or political jurisdiction within which the committee will operate, and a general description of the committee's authority and activities;"; and

(3) striking out paragraph (9) and inserting in lieu thereof the following:

"(9) the name and address of the campaign depositories used by that committee, together with the title and number of each account and safety deposit box used by that committee at each depository, and the identification of each individual authorized to make withdrawals or payments out of such account or box;".

(e) The caption of such section 303 is amended by inserting "CANDIDATES AND" after "REGISTRATION OF".

CHANGES IN REPORTING REQUIREMENTS

SEC. 303. (a) Section 304 of the Federal Election Campaign Act of 1971 (relating to reports by political committees and candidates) is amended by—

(1) inserting "(1)" after "(a)" in subsection (a);

(2) striking out "for election" each place it appears in the first sentence of subsection (a) and inserting in lieu in each such place "for nomination for election, or for election,";

(3) striking out the second sentence of subsection (a) and inserting in lieu thereof the following: "Such reports shall be filed on the tenth day of April, July, and October of each year, on the tenth day preceding an election, and on the last day of January of each year. Notwithstanding the preceding sentence, the reports required by that sentence to be filed during April, July, and October by or relating to a candidate during a year in which no Federal election is held in which he is a candidate, may be filed on the twentieth day of each month.";

(4) striking out everything after "filing" in the third sentence of subsection (a) and inserting in lieu thereof a period and the following: "If the person making any anonymous contribution is subsequently identified, the identification of the contributor shall be reported to the Commission within the reporting period within which he is identified."; and

(5) adding at the end of subsection (a) the following new paragraph:

"(2) Upon a request made by Presidential candidate or a political committee which operates in more than one State, or upon its own motion, the Commission may waive the reporting dates (other than January 31) set forth in paragraph (1), and require instead that such candidates or political committees file reports not less frequently than monthly. The Commission may not require a Presidential candidate or a political committee operating in more than one State to file more than eleven reports (not counting any report to be filed on January 31) during any calendar year. If the Commission acts on its own motion under this paragraph with respect to a candidate or a political committee, that candidate or committee may obtain judicial review in accordance with the provisions of chapter 7 of title 5, United States Code.".

(b)(1) Section 304(b) of such Act (relating to reports by political committees and candidates) is amended by striking "full name and mailing address (occupation and the principal place of business, if any)" in paragraphs (9) and (10) and inserting in lieu thereof in each such paragraph "identification".

(2) Subsection (b)(5) of such section 304 is amended by striking out "lender and endorsers" and inserting in lieu thereof "lender, endorsers, and guarantors".

(c) Subsection (b)(12) of such section is amended by inserting before the semicolon the following: ", together with a statement as to the circumstances and conditions under which any such debt or obligation is extinguished and the consideration therefor".

(d) Subsection (b) of such section is amended by—

(1) striking the "and" at the end of paragraph (12); and

(2) redesignating paragraph (13), as (14), and by inserting after paragraph (12) the following new paragraph:

"(13) such information as the Commission may require for the disclosure of the nature, amount, source, and designated re-

cipient of any earmarked, encumbered, or restricted contribution or other special fund; and".

(e) The first sentence of subsection (c) of such section is amended to read as follows: "The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, and during such additional periods of time as the Commission may require.".

(f) Such section 304 is amended by adding at the end thereof the following new subsections:

"(d) This section does not require a Member of Congress to report, as contributions received or as expenditures made, the value of photographic, matting, or recording services furnished to him before the first day of January of the year preceding the year in which his term of office expires if those services were furnished to him by the Senate Recording Studio, the House Recording Studio, or by any individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives and who furnishes such services as his primary duty as an employee of the Senate or House of Representatives, or if such services were paid for by the Republican or Democratic Senatorial Campaign Committee, the Democratic National Congressional Committee, or the National Republican Congressional Committee.

"(e) Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of $100 within a calendar year shall file with the Commission a statement containing the information required by this section. Statements required by this subsection shall be filed on the dates on which reports by political committees are filed but need not be cumulative.".

(g) The caption of such section 304 is amended to read as follows:

"REPORTS".

CAMPAIGN ADVERTISEMENTS

SEC. 304. Section 305 of the Federal Election Campaign Act of 1971 (relating to reports by others than political committees) is amended to read as follows:

"REQUIREMENTS RELATING TO CAMPAIGN ADVERTISING

"SEC. 305. (a) No person shall cause any political advertisement to be published unless he furnishes to the publisher of the advertisement his identification in writing, together with the identification of any person authorizing him to cause such publication.

"(b) Any published political advertisement shall contain a statement, in such form as the Commission may prescribe, of the identification of the person authorizing the publication of that advertisement.

"(c) Any published who publishes any political advertisement shall maintain such records as the Commission may prescribe for a period of two years after the date of publication setting forth such advertisement and any material relating to identification furnished to him in connection therewith, and shall permit the public to inspect and copy those records at reasonable hours.

"(d) To the extent that any person sells space in any newspaper or magazine to a candidate or his agent for Federal office, or nomination thereto, in connection with such candidate's campaign for nomination for, or election to, such office, the charges made for the use of such space in connection with his campaign shall not exceed the charges made for comparable use of such space for other purposes.

"(e) Any political committee shall include on the face or front page of all literature and advertisements soliciting contributions the following notice:

"'A copy of our report filed with the Federal Election Commission is available for purchase from the Federal Election Commission, Washington, D.C.'

"(f) As used in this section, the term—

"(1) 'political advertisement' means any matter advocating the election or defeat of any candidate but does not include any bona fide news story (including interviews, commentaries, or other words prepared for and published by any newspaper, magazine, or other periodical publication the publication of which work is not paid for by any candidate, political committee, or agent thereof); and

"(2) 'published' means publication in a newspaper, magazine, or other periodical publication, distribution of printed leaflets, pamphlets, or other documents, or display through the use of any outdoor advertising facility, and such other use of printed media as the Commission shall prescribe.".

WAIVER OF REPORTING REQUIREMENTS

SEC. 305. Section 306(c) of the Federal Election Campaign Act of 1971 (relating to formal requirements respecting reports and statements) is amended to read as follows:

"(c) The Commission may, by published regulation of general applicability, relieve—

"(1) any category of candidates of the obligation to comply personally with the requirements of subsections (a) through (e) of section 304, if it determines that such action will not have any adverse effect on the purposes of this title, and

"(2) any category of political committees of the obligation to comply with such section if such committees—

"(A) primarily support persons seeking State or local office, and

"(B) do not operate in more than one State or do not operate on a statewide basis.".

CONTRIBUTIONS IN THE NAME OF ANOTHER PERSON

SEC. 306. Section 310 of the Federal Election Campaign Act of 1971 (relating to prohibition of contributions in name of another) is redesignated as section 315 of such Act and amended by inserting after "another person", the first time it appears, the following: "or knowingly permit his name to be used to effect such a contribution".

ROLE OF POLITICAL PARTY ORGANIZATION IN PRESIDENTIAL CAMPAIGNS; USE OF EXCESS CAMPAIGN FUNDS; PENALTIES

SEC. 307. Title III of the Federal Election Campaign Act of 1971 is amended by striking out section 311 and by adding at the end of such title the following new sections:

"APPROVAL OF PRESIDENTIAL CAMPAIGN EXPENDITURES BY NATIONAL COMMITTEE

"SEC. 316. (a) No expenditure in excess of $1,000 shall be made by or on behalf of any candidate who has received the nomination of his party for President or Vice President unless such expenditure has been specifically approved by the chairman or treasurer of that political party's national committee or the designated representative of that national committee in the State where the funds are to be expended.

"(b) Each national committee approving expenditures under subsection (a) shall register under section 303 as a political committee and report each expenditure it approves as if it had made that expenditure, together with the identification of the person seeking approval and making the expenditure.

"(c) No political party shall have more than one national committee.

"USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES

"SEC. 317. Amounts received by a candidate as contributions that are in excess of any amount necessary to defray his campaign expenses (after the application of section 507(b)(1) of this Act), and any other amounts contributed to an individual for the purpose of supporting his activities as a holder of Federal office, may be used by that candidate or individual, as the case may be, to defray any ordinary and necessary expenses incurred by him in connection with his duties as a holder of Federal office, or may be contributed by him to any organization described in section 170(c) of the Internal Revenue Code of 1954. To the extent any such contribution, amount contributed, or expenditure thereof is not otherwise required to be disclosed under the provisions of this title, such contribution, amount contributed, or expenditure shall be fully disclosed in accordance with regulations promulgated by the Commission. The Commission is authorized to promulgate such regulations as may be necessary to carry out the provisions of this section.

"PENALTY FOR VIOLATIONS

"SEC. 318. (a) Violation of any provision of this title is a misdemeanor punishable by a fine of not more than $10,000, imprisonment for not more than one year, or both.

"(b) Violation of any provision of this title with knowledge or reason to know that the action committed or omitted is a violation of this title is punishable by a fine of not more than $10,000, imprisonment for not more than five years, or both.".

APPLICABLE STATE LAWS

SEC. 308. Section 403 of the Federal Election Campaign Act of 1971 is amended to read as follows:

"EFFECT ON STATE LAW

"SEC. 403. The provisions of this Act, and of regulations promulgated under this Act, preempt any provision of State law with respect to campaigns for nomination for election, or for election, to Federal office (as such term is defined in section 301(c)).".

TITLE IV—FEDERAL ELECTION COMMISSION

ESTABLISHMENT OF FEDERAL ELECTION COMMISSION; CENTRAL CAMPAIGN COMMITTEES; CAMPAIGN DEPOSITORIES

SEC. 401. (a) Title III of the Federal Election Campaign Act of 1971 (relating to disclosure of Federal campaign funds) is amended by redesignating section 308 as section 312, and by inserting after section 307 the following new sections:

"FEDERAL ELECTION COMMISSION

"SEC. 308. (a)(1) There is established, as an independent establishment of the executive branch of the Government of the United States, a commission to be known as the Federal Election Commission.

"(2) The Commission shall be composed of the Comptroller General, who shall serve without the right to vote, and seven members who shall be appointed by the President by and with the advice and consent of the Senate. Of the seven members—

"(A) two shall be chosen from among individuals recommended by the President pro tempore of the Senate, upon the recommendations of the majority leader of the Senate and the minority leader of the Senate; and

"(B) two shall be chosen from among individuals recommended by the Speaker of the House of Representatives, upon the recommendations of the majority leader of the House and the minority leader of the House. The two members appointed under subparagraph (A) shall not be affiliated with the same political party; nor shall the two members appointed under subparagraph (B). Of the members not appointed under such subparagraphs, not more than two shall be affiliated with the same political party.

"(3) Members of the Commission, other than the Comptroller General, shall serve for terms of seven years, except that, of the members first appointed—

"(A) one of the members not appointed under subparagraph (A) or (B) of paragraph (2) shall be appointed for a term ending on the April thirtieth first occurring more than six months after the date on which he is appointed;

"(B) one of the members appointed under paragraph (2)(A) shall be appointed for a term ending one year after the April thirtieth on which the term of the member referred to in subparagraph (A) of this paragraph ends;

"(C) one of the members appointed under paragraph (2)(B) shall be appointed for a term ending two years thereafter;

"(D) one of the members not appointed under subparagraph (A) or (B) of paragraph (2) shall be appointed for a term ending six years thereafter.

"(E) one of the members appointed under paragraph (2)(A) shall be appointed for a term ending four years thereafter;

"(F) one of the members appointed under paragraph (2)(B) shall be appointed for a term ending five years thereafter; and

"(G) one of the members not appointed under subparagraph (A) or (B) of paragraph (2) shall be appointed for a term ending six years thereafter.

"(4) Members shall be chosen on the basis of their maturity, experience, integrity, impartiality, and good judgment. A member may be reappointed to the Commission only once.

"(5) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he succeeds. Any vacancy occurring in the office of member of the Commission shall be filled in the manner in which that office was originally filled.

"(6) The Commission shall elect a Chairman and a Vice Chairman from among its members for a term of two years. The Chairman and the Vice Chairman shall not be affiliated with the same political party. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

"(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission. Four members of the Commission shall constitute a quorum.

"(c) The Commission shall have an official seal which shall be judicially noticed.

"(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the money it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

"(e) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers in any State.

"(f) The Commission shall appoint a General Counsel and an Executive Director to serve at the pleasure of the Commission. The General Counsel shall be the chief legal officer of the Commission. The Executive Director shall be responsible for the administrative operations of the Commission and shall perform such other duties as may be delegated or assigned to him from time to time by regulations or orders of the Commission. However, the Commission shall not delegate the making of regulations regarding elections to the Executive Director.

"(g) The Chairman of the Commission shall appoint and fix the compensation of such personnel as are necessary to fulfill the duties of the Commission in accordance with the provisions of title 5, United States Code.

"(h) The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

"(i) In carrying out its responsibilities under this title, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities, of the General Accounting Office and the Department of Justice. The Comptroller General and the Attorney General may make available to the Commission such personnel, facilities, and other assistance, with or without reimbursement, as the Commission may request.

"(j) The provisions of section 7324 of title 5, United States Code, shall apply to members of the Commission notwithstanding the provisions of subsection (d)(3) of such section.

"(k)(1) Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the Congress.

"(2) Whenever the Commission submits any legislative recommendations, or testimony, or comments on legislation requested by the Congress or by any Member of Congress to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress or to the Member requesting the same. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, or testimony, or comments on legislation, to any office or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

"POWERS OF COMMISSION

"SEC. 309. (a) The Commission has the power—

"(1) to require, by special or general orders, any person to submit in writing such reports and answers to questions as the Commission may prescribe; and such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine;

"(2) to administer oaths;

"(3) to require by subpena, signed by the Chairman or the Vice Chairman, the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

"(4) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (3) of this subsection;

"(5) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States;

"(6) to initiate (through civil proceedings for injunctive relief and through presentations to Federal grand juries), prosecute, defend, or appeal any civil or criminal action in the name of the Commission for the purpose of enforcing the proviisons of this Act and of sections 602, 608, 610, 611, 612, 613, 614, 615, 616, and 617 of title 18, United States Code, through its General Counsel;

"(7) to delegate any of its functions or powers, other than the power to issue subpenas under paragraph (3), to any officer or employee of the Commission; and

"(8) to make, amend, and repeal such rules, pursuant to the provisions of chapter 5 of title 5, United States Code, as are necessary to carry out the provisions of this Act.

"(b) Any United States district court within the jurisdiction of which any inquiry is carried on, may, upon petition by the Commission, in case of refusal to obey a subpena or order of the Commission issued under subsection (a) of this section, issue an order requiring compliance therewith. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

"(c) No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information at the request of the Commission.

"(d) Notwithstanding any other provision of law, the Commission shall be the primary civil and criminal enforcement agency for violations of the provisions of this Act, and of sections 602, 608, 610, 611, 612, 613, 614, 615, 616, and 617 of title 18, United States Code. Any violation of any such provision shall be prosecuted by the Attorney General or Department of Justice personnel only after consultation with, and with the consent of, the Commission.

"(e)(1) Any person who violates any provision of this Act or of section 602, 608, 610, 611, 612, 613, 614, 615, 616, or 617 of title 18, United States Code, may be assessed a civil penalty by the Commission under paragraph (2) of this subsection of not more than $10,000 for each such violation. Each occurrence of a violation of this Act and each day of noncompliance with a disclosure requirement of this title or an order of the Commission issued under this section shall constitute a separate offense. In determining the amount of the penalty the Commission shall consider the person's history of previous violations, the appropriateness of such penalty to the financial resources of the person charged, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance after notification of a violation.

"(2) A civil penalty shall be assessed by the Commission by order only after the person charged with a violation has been given an opportunity for a hearing and the Commission has determined, by decision incorporating its findings of fact therein, that a violation did occur, and the amount of the penalty. Any hearing under this section shall be of record and shall be held in accordance with chapter 5 of title 5, United States Code.

"(3) If the person against whom a civil penalty is assessed fails to pay the penalty, the Commission shall file a petition for enforcement of its order assessing the penalty in any appropriate district court of the United States. The petition shall designate the person against whom the order is sought to be enforced as the respondent. A copy of the petition shall forthwith be sent by registered or certified mail to the respondent and his attorney of record, and thereupon the Commission shall certify and file in such court the record upon which such order sought to be enforced was issued. The court shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order and decision of the Commission or it may remand the proceedings to the Commission for such further action as it may direct. The court may determine de novo all issues of law but the Commission's findings of fact, if supported by substantial evidence, shall be conclusive.

"(f) Upon application made by any individual holding Federal office, any candidate, or any political committee, the Commission, through its General Counsel, shall provide within a reasonable period of time an advisory opinion, with respect to any specific transaction or activity inquired of, as to whether such transaction or activity would constitute a violation of any provision of this Act or of any provision of title 18, United States Code, over which the Commission has primary jurisdiction under subsection (d).

"CENTRAL CAMPAIGN COMMITTEES

"SEC. 310. (a) Each candidate shall designate one political committee as his central campaign committee. A candidate for nomination for election, or for election, to the office of President, may also designate one political committee in each State in which he is a candidate as his State campaign commit-

tee for that State. The designation shall be made in writing, and a copy of the designation, together with such information as the Commission may require, shall be furnished to the Commission upon the designation of any such committee.

"(b) No political committee may be designated as the central campaign committee of more than one candidate. The central campaign committee, and each State campaign committee, designated by a candidate nominated by a political party for election to the office of President shall be the central campaign committee and the State campaign committee of the candidate nominated by that party for election to the office of Vice President.

"(c)(1) Any political committee authorized by a candidate to accept contributions or make expenditures in connection with his campaign for nomination for election, or for election, which is not a central campaign committee or a State campaign committee, shall furnish each report required of it under section 304 (other than reports required under section 311(b)) to that candidate's central campaign committee at the time it would, but for this subsection be required to furnish that report to the Commission. Any report properly furnished to a central campaign committee under this subsection shall be, for purposes of this title, held and considered to have been furnished to the Commission at the time at which it was furnished to such central campaign committee.

"(2) The Commission may, by regulation, require any political committee receiving contributions or making expenditures in a State on behalf of a candidate who, under subsection (a), has designated a State campaign committee for that State to furnish its reports to that State campaign committee instead of furnishing such reports to the central campaign committee of that candidate.

"(3) The Commission may require any political committee to furnish any report directly to the Commission.

"(d) Each political committee which is a central campaign committee or a State campaign committee shall receive all reports filed with or furnished to it by other political committees, and consolidate and furnish the reports to the Commission, together with its own reports and statements, in accordance with the provisions of this title and regulations prescribed by the Commission.

"CAMPAIGN DEPOSITORIES

"SEC. 311. (a)(1) Each candidate shall designate one or more National or State banks as his campaign depositories. The central campaign committee of that candidate, and any other political committee authorized by him to receive contributions or to make expenditures on his behalf, shall maintain a checking account at a depository so designated by the candidate and shall deposit any contributions received by that committee into that account. A candidate shall deposit any payment received by him under section 506 of this Act in the account maintained by his central campaign committee. No expenditure may be made by any such committee on behalf of a candidate or to influence his election except by check drawn on that account, other than petty cash expenditures as provided in subsection (b).

"(2) The treasurer of each political committee (other than a political committee authorized by a candidate to receive contributions or to make expenditures on his behalf) shall designate one or more National or State banks as campaign depositories of that committee, and shall maintain a checking account for that committee at each such depository. All contributions received by that committee shall be deposited in such an account. No expenditure may be made by that committee except by check drawn on that account, other than petty cash expenditures as provided in subsection (b).

"(b) A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 to any person in connection with a single purchase or transaction. A record of petty cash disbursements shall be kept in accordance with requirements established by the Commission, and such statements and reports thereof shall be furnished to the Commission as it may require.

"(c) A candidate for nomination for election, or for election, to the office of President may establish one such depository in each such State, which shall be considered by his State campaign committee for that State and any other political committee authorized by him to receive contributions or to make expenditures on his behalf in that State, under regulations prescribed by the Commission, as his single campaign depository. The campaign depository of the candidate of a political party for election to the office of Vice President shall be the campaign depository designated by the candidate of that party for election to the office of President.".

(b)(1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(60) Members (other than the Comptroller General), Federal Election Commission (7)."

(2) Section 5315 of such title is amended by adding at the end thereof the following new paragraphs:

"(98) General Counsel, Federal Election Commission.

"(99) Exectuive Director, Federal Election Commission."

(c) Until the appointment and qualification of all the members of the Federal Election Commission and its General Counsel and until the transfer provided for in this subsection, the Comptroller General, the Secretary of the Senate, and the Clerk of the House of Representatives shall continue to carry out their responsibilities under title I and title III of the Federal Election Campaign Act of 1971 as such titles existed on the day before the date of enactment of this Act. Upon the appointment of all members of the Commission and its General Counsel, the Comptroller General, the Secretary of the Senate, and the Clerk of the House of Representatives shall meet with the Commission and arrange for the transfer, within thirty days after the date on which all such members and the General Counsel are appointed, of all records, documents, memorandums, and other papers associated with carrying out their responsibilities under title I and title III of the Federal Election Campaign Act of 1971.

(d) Title III of the Federal Election Campaign Act of 1971 is amended by—

(1) amending section 301(g) (relating to definitions) to read as follows:

"(g) 'Commission' means the Federal Election Commission;";

(2) striking out "supervisory officer" in section 302(d) and inserting "Commission";

(3) striking out section 302(f) (relating to organization of political committees);

(4) amending section 303 (relating to registration of political committees; statements) by—

(A) striking out "supervisory officer" each time it appears therein and inserting "Commission"; and

(B) striking out "he" in the second sentence of subsection (b) of such section (as redesignated by section 203(a) of this Act) and inserting "it";

(5) amending section 304 (relating to reports by political committees and candidates) by—

(A) striking out "appropriate supervisory officer" and "him" in the first sentence thereof and inserting "Commission" and "it", respectively; and

(B) striking out "supervisory officer" where it appears in the third sentence of subsection (a) and in paragraphs (12) and (14) (as redesignated by section 204(d)(2) of this Act) of subsection (b), and inserting "Commission";

(6) striking out "supervisory officer" each place it appears in section 306 (relating to formal requirements respecting reports and statements) and inserting "Commission";

(7) striking out "Comptroller General of the United States" and "he" in section 307 (relating to reports on convention financing) and inserting "Federal Election Commission" and "it", respectively;

(8) striking out "SUPERVISORY OFFICER" in the caption of section 312 (as redesignated by subsection (a) of this section) (relating to duties of the supervisory officer) and inserting "COMMISSION";

(9) striking out "supervisory officer" in section 312(a) (as redesignated by subsection (a) of this section) the first time it appears and inserting "Commission";

(10) amending section 312(a) (as redesignated by subsection (a) of this section) by—

(A) striking out "him" in paragraph (1) and inserting "it";

(B) striking out "him" in paragraph (4) and inserting "it"; and

(C) striking out "he" each place it appears in paragraphs (7) and (9) and inserting "it";

(11) striking out "supervisory officer" in section 312(b) (as redesignated by subsection (a) of this subsection) and inserting "Commission";

(12) amending subsection (c) of section 312 (as redesignated by subsection (a) of this section) by—

(A) striking out "Comptroller General" each place it appears therein and inserting "Commission", and striking out "his" in the second sentence of such subsection and inserting "its"; and

(B) striking out the last sentence thereof; and

(13) amending subsection (d)(1) of section 312 (as redesignated by subsection (a) of this section) by—

(A) striking out "supervisory officer" each place it appears therein and inserting "Commission";

(B) striking out "he" the first place it appears in the second sentence of such section and inserting "it"; and

(C) striking out "the Attorney General on behalf of the United States" and inserting "the Commission".

INDEXING AND PUBLICATION OF REPORTS

SEC. 402. Section 312(a)(6) (as redesignated by this Act) of the Federal Election Campaign Act of 1971 (relating to duties of the supervisory officer) is amended to read as follows:

"(6) to compile and maintain a cumulative index listing all statements and reports filed with the Commission during each calendar year by political committees and candidates, which the Commission shall cause to be published in the Federal Register no less frequently than monthly during even-numbered years and quarterly in odd-numbered years and which shall be in such form and shall include such information as may be prescribed by the Commission to permit easy identification of each statement, report, candidate, and committee listed, at least as to their names, the dates of the statements and reports, and the number of pages in each, and the Commission shall make copies of statements and reports listed in the index available for sale, direct or by mail, at a price determined by the Commission to be reasonable to the purchaser;".

JUDICIAL REVIEW

SEC. 403. Title III of the Federal Election Campaign Act of 1971 is amended by inserting after section 312 (as redesignated by this Act) the following new section:

"JUDICIAL REVIEW

"SEC. 313. (a) Any agency action by the Commission made under the provisions of this Act shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court by any interested person. Any petition filed pursuant to this section shall be filed within thirty days after the agency action by the Commission for which review is sought.

"(b) The Commisison, the national committee of any political party, and individuals eligible to vote in an election for Federal office, are authorized to institute such actions, including actions for declaratory judgment or injunctive relief, as may be appropriate to implement any provisions of this Act.

"(c) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551 of title 5, United States Code, by the Commission.

FINANCIAL ASSISTANCE TO STATES TO PROMOTE COMPLIANCE

SEC. 404. Section 309 of the Federal Election Campaign Act of 1971 (relating to statements filed with State officers) is redesignated as section 314 of such Act and amended by—

(1) striking out "a supervisory officer" in subsection (a) and inserting in lieu thereof "the Commission";

(2) striking out "in which an expenditure is made by him or on his behalf" in subsection (a)(1) and inserting in lieu thereof the following: "in which he is a candidate or in which substantial expenditures are made by him or on his behalf"; and

(3) adding the following new subsection:

"(c) There is authorized to be appropriated to the Commission in each fiscal year the sum of $500,000, to be made available in such amounts as the Commission deems appropriate to the States for the purpose of assisting them in complying with their duties as set forth in this section.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 405. Title III of the Federal Election Campaign Act of 1971 is amended by adding at the end of such title the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 319. There are authorized to be appropriated to the Commission, for purpose of carrying out its functions under this title and under chapter 29 of title 18, United States Code, not to exceed $5,000,000 for the fiscal year ending June 30, 1974, and not to exceed $5,000,000 for each fiscal year thereafter.

TITLE V—DISCLOSURE OF FINANCIAL INTERESTS BY CERTAIN FEDERAL OFFICERS AND EMPLOYEES

FEDERAL EMPLOYEE FINANCIAL DISCLOSURE REQUIREMENTS

SEC. 501. (a) Any candidate of a political party in a general election for the office of a Member of Congress who, at the time he becomes a candidate, does not occupy any such office, shall file within one month after he becomes a candidate for such office, and each Member of Congress, each officer and employee of the United States (including any member of a uniformed service) who is compensated at a rate in excess of $25,000 per annum, any individual occupying the position of an officer or employee of the United States who performs duties of the type generally performed by an individual occupying grade GS–16 of the General Schedule or any higher grade or position (as determined by the Federal Election Commission regardless of the rate of compensation of such individual), the President, and the Vice President shall file annually, with the Commission a report containing a full and complete statement of—

(1) the amount and source of each item of income, each item of reimbursement for any expenditure, and each gift or aggregate of gifts from one source (other than gifts received from his spouse or any member of his immediate family) received by him or by him and his spouse jointly during the preceding calendar year which exceeds $100 in amount or value, including any fee or other honorarium received by him for or in connection with the preparation or delivery of any speech or address, attendance at any convention or other assembly of individuals, or the preparation of any article or other composition for publication, and the monetary value of subsistence, entertainment, travel, and other facilities received by him in kind;

(2) the identity of each asset held by him, or by him and his spouse jointly which has a value in excess of $1,000, and the amount of each liability owed by him or by him and his spouse jointly, which is in excess of $1,000 as of the close of the preceding calendar year;

(3) any transactions in securities of any business entity by him or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction during the preceding calendar year if the aggregate amount involved in transactions in the securities of such business entity exceeds $1,000 during such year;

(4) all transactions in commodities by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction during the preceding calendar year if the aggregate amount involved in such transactions exceeds $1,000; and

(5) any purchase or sale, other than the purchase or sale of his personal residence, of real property or any interest therein by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction, during the preceding calendar year if the value of property involved in such purchase or sale exceeds $1,000.

(b) Reports required by this section (other than reports so required by candidates of political parties) shall be filed not later than May 15 of each year. In the case of any person who ceases, prior to such date in any year, to occupy the office or position the occupancy of which imposes upon him the reporting requirements contained in subsection (a) shall file such report on the last day he occupies such office or position, or on such later date, not more than three months after such last day, as the Commission may prescribe.

(c) Reports required by this section shall be in such form and detail as the Commission may prescribe. The Commission may provide for the grouping of item of income, sources of income, assets, liabilites, dealings in securities or commodities, and purchases and sales of real property, when separate itemization is not feasible or is not necessary for an accurate disclosure of the income, net worth, dealing in securities and commodities, or purchases and sales of real property of any individual.

(d) Any person who willfully fails to file a report required by this section or who knowingly and willfully files a false report under this section, shall be fined $2,000, or imprisoned for not more than five years, or both.

(e) All reports filed under this section shall be maintained by the Commission as public records, which, under such reasonable regulations as it shall prescribe, shall be available for inspection by members of the public.

(f) For the purposes of any report required by this section, an individual shall be considered to have been President, Vice President, a Member of Congress, an officer or employee of the United States, or a member of a uniformed service, during any calendar year if he served in any such position for more than six months during such calendar year.

(g) As used in this section—

(1) The term "income" means gross income as defined in section 61 of the Internal Revenue Code of 1954.

(2) The term "security" means security as defined in section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b).

(3) The term "commodity" means commodity as defined in section 2 of the Commodity Exchange Act, as amended (7 U.S.C. 2).

(4) The term "transactions in securities or commodities" means any acquisition, holding, withholding, use, transfer, or other disposition involving any security or commodity.

(5) The term "Member of Congress" means a Senator, a Representative, a Resident Commissioner, or a Delegate.

(6) The term "officer" has the same meaning as in section 2104 of title 5, United States Code.

(7) The term "employee" has the same meaning as in section 2105 of such title.

(8) The term "uniformed service" means any of the Armed Forces, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration.

(9) The term "immediate family" means the child, parent, grandparent, brother, or sister of an individual, and the spouses of such person.

(h) Section 554 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) All written communications and memorandums stating the circumstances, source, and substance of all oral communications made to the agency, or any officer or employee thereof, with respect to any case which is subject to the provisions of this section by any person who is not an officer or employee of the agency shall be made a part of the public record of such case. This subsection shall not apply to communications to any officer, employee, or agent of the agency engaged in the performance of investigative or prosecuting functions for the agency with respect to such case."

(i) The first report required under this section shall be due on the fifteenth day of May occurring at least thirty days after the date of enactment.

TITLE VI—RELATED INTERNAL REVENUE CODE AMENDMENTS

INCREASE IN POLITICAL CONTRIBUTIONS CREDIT AND DEDUCTION

SEC. 601. (a) Section 41(b)(1) of the Internal Revenue Code of 1954 (relating to maximum credit for contributions to candidates for public office) is amended to read as follows:

"(1) MAXIMUM CREDIT.—The credit allowed by subsection (a) for a taxable year shall not exceed $25 ($50 in the case of a joint return under section 6013)."

(b) Section 218(b)(1) of the Internal Revenue Code of 1954 (relating to amount of deduction for contributions to candidates for public office) is amended to read as follows:

"(1) AMOUNT.—The deduction under subsection (a) shall not exceed $100 ($200 in the case of a joint return under section 6013)."

(c) The amendments made by subsections (a) and (b) shall apply with respect to any political contribution the payment of which is made after December 31, 1973.

REPEAL OF EXISTING PROVISIONS RELATING TO PRESIDENTIAL CAMPAIGN FINANCING

SEC. 502. (a) Part VIII of subchapter A of chapter 61 of the Internal Revenue Code of 1954 (relating to designation of income tax payments to the Presidential Election Campaign Fund) is repealed. Subtitle H of such Code (relating to financing of Presidential election campaigns) is repealed.

(b) The table of parts for subchapter A

of chapter 61 of such Code is amended to strike out the last item (relating to part VIII).

(c) The amendments made by this section take effect on the date of enactment of this Act.

GIFT TAX TREATMENT OF POLITICAL CONTRIBUTIONS

SEC. 603. (a) Section 2503(b) of the Internal Revenue Code of 1954 (relating to exclusions from gifts) is amended by adding at the end thereof the following new sentence: "Gifts made to different political committees which make expenditures (including transfers of funds and contributions by a committee) for the purpose of influencing the nomination or election of any candidate for elective office shall for purposes of this subsection be deemed to have been made to that candidate unless the donor establishes to the satisfaction of the Secretary or his delegate that—

"(1) at the time he made the gift he could not have been reasonably expected to know which candidate would benefit from his gift, and

"(2) at no time did he direct, request, or suggest to the committee, or to any person associated with that committee, that a particular candidate should receive any benefit from his gift."

(b) The amendment made by subsection (a) shall apply with respect to gifts made on or after the date of enactment.

TITLE VII—MISCELLANEOUS PROVISIONS

PRESIDENTIAL PREFERENCE PRIMARY ELECTIONS

SEC. 701. (a) Each State which conducts a Presidential preference primary election shall conduct that election only on a date occurring after the first day in May during any year in which the electors of the President and Vice President are appointed.

(b) For the purposes of this section, the term—

(1) "Presidential preference primary election" means an election conducted by a State, in whole or in part, for the purpose of—

(A) permitting the voters of that State to express their preferences for the nomination of candidates by political parties for election to the office of President, or

(B) choosing delegates to the national nominating conventions held by political parties for the purpose of nominating such candidates; and

(2) "State" means each of the several States of the United States and the District of Columbia.

CONGRESSIONAL PRIMARIES

SEC. 702. (a) If, under the law of any State, the candidate of a political party for election to the Senate or to the House of Representatives is determined by a primary election or by a convention conducted by that party, the primary election or convention shall not be held before the first Tuesday in August. If a subsequent, additional primary election is necessary to determine the nominee of any political party in a State, that additional election shall be held within thirty days after the date of the first such primary election.

(b) For purposes of this section—

(1) the term "State" means each of the several States of the United States, the Commonwealth of Puerto Rico, the territory of Guam, and the territory of the Virgin Islands; and

(2) a candidate for election as Resident Commissioner to the United States, in the case of the Commonwealth of Puerto Rico, or as Delegate to the House of Representatives, in the case of the territory of Guam or the territory of the Virgin Islands, is considered to be a candidate for election to the House of Representatives.

(c) Section 10(a)(3) of the District of Columbia Election Act (D.C. Code, sec. 1110 (a)(3)) is amended by striking out "the first Tuesday in May" and inserting in lieu thereof "the first Tuesday in August".

SUSPENSION OF FRANK FOR MASS MAILINGS IMMEDIATELY BEFORE ELECTIONS

SEC. 703. Notwithstanding any other provision of law, no Senator, Representative, Resident Commissioner, or Delegate shall make any mass mailing of a newsletter or mailing with a simplified form of address under the frank under section 3210 of title 39, United States Code, during the sixty days immediately preceding the date on which any election is held in which he is a candidate.

PROHIBITION OF FRANKED SOLICITATIONS

SEC. 704. No Senator, Representative, Resident Commissioner, or Delegate shall make any solicitation of funds by a mailing under the frank under section 3210 of title 39, United States Code.

Mr. MANSFIELD. Mr. President, my understanding is that this amendment is in the nature of a substitute to the pending bill; is that correct?

Mr. DOLE. That is correct.

Mr. MANSFIELD. Mr. President, after discussing this matter with the managers of the bill and the sponsor of the amendment, I ask unanimous consent that there be a 5-minute limitation, with time to begin running tomorrow at the hour of 11 a.m., the time to be equally divided between the manager of the bill and the sponsor of the amendment.

Mr. ALLEN. Mr. President, reserving the right to object, may I inquire if this is a complete substitute for the bill?

Mr. DOLE. The Senator from Alabama is correct.

Mr. ALLEN. 5 minutes would be sufficient——

Mr. MANSFIELD. Would the Senator make a suggestion?

Mr. ALLEN. We already have a limitation provided by rule XXII. I should like to make inquiry, does the Senator leave out the public financing in his substitute?

Mr. DOLE. There is no public financing. The limitation is $3,000—cash contributions above $50—no public financing. That is a departure from the pending legislation. I can discuss it tomorrow in 10 minutes to a side.

Mr. MANSFIELD. Mr. President, I will withdraw my request.

Mr. ALLEN. I would not object to 10 minutes.

Mr. MANSFIELD. Fine.

Mr. ALLEN. But we should discuss it for more than 5 minutes.

Mr. COTTON. Mr. President, the Senator from New Hampshire has not taken 1 minute's time on this whole debate yet. I wish that the time on the substitute amendment could be extended long enough so that I could have 5 minutes.

Mr. MANSFIELD. Well, Mr. President, I ask unanimous consent that there be a one-half hour time limitation on the substitute amendment of the Senator from Kansas (Mr. DOLE), the time to be equally divided and controlled between the manager and the sponsor of the bill, with 5 minutes to be allocated specifically to the Senator from New Hampshire (Mr. COTTON).

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

Mr. COTTON. I thank the Senator from Montana very much.

Mr. ALLEN. Mr. President, I ask unanimous consent that it may be in order to call for the yeas and nays on the substitute amendment of the Senator from Kansas (Mr. DOLE).

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

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President. I ask unanimous consent that time begin running at the conclusion of morning business tomorrow. My understanding is that we have two special orders and that there will be a period for not to exceed 15 minutes for the conduct of morning business. I make that request.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the disposal of the amendment in the nature of a substitute by the distinguished Senator from Kansas (Mr. DOLE), the distinguished Senator from Iowa (Mr. CLARK) be recognized—because it had been his intention to call up one of his amendments tonight—so that it would be the pending business on tomorrow.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, perhaps I should say that there was the understanding on the part of several of us that after morning business tomorrow, the disaster relief bill would be taken up, and that there would be a time limitation on it.

I wonder whether the distinguished majority leader would modify his request to provide that, following the disposition of the Dole amendment, the Senate proceed to the consideration of the disaster relief bill, and upon disposition of the bill, that the Senator from Iowa (Mr. CLARK) then be recognized.

Mr. MANSFIELD. That would be perfectly acceptable. I should have remembered that because I was told about it; but, in any event, it will be the next amendment after the Dole amendment in the nature of a substitute.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—and this request has been cleared with the leadership on the Republican side, and with Senators BAKER and DOMENICI, the two ranking members on the committee and the subcommittee, respectively, and the distinguished chairman of the Public Works Committee, and the distinguished Senator from North Dakota (Mr. BURDICK), who is the chairman of the subcommittee on the majority side—that there be a time limitation on the disaster relief bill of not to exceed 2 hours, to be equally divided between and controlled by Senators BURDICK and DOMENICI; and that time on any amendments thereto be limited to 30 minutes, to be equally divided and controlled in the usual form; and that the agreement be in the usual form.

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

Mr. KENNEDY. Mr. President, I want to take one moment of my time this evening to commend our Senate leadership, the distinguished Senator from Montana (Mr. MANSFIELD) and the distinguished Senator from Pennsylvania

(Mr. HUGH SCOTT), as well as the distinguished manager of the pending bill, Senator CANNON, for their efforts over the period of the past few days in bringing the importance of this proposal to the attention of the Senate. Their conversations and assistance developed the votes for cloture and demonstrated that two-thirds of the Senate wants campaign reform legislation.

Many thought the battle for cloture could not be won. We know how far we had to come since the vote last week. And Senators MANSFIELD and HUGH SCOTT deserve great credit for so effectively turning the tide.

The issues had been debated and discussed extensively. The time had come for decisive action, and thanks to the extraordinary efforts of the leadership, decisive action was taken by the Senate this afternoon. All of us interested in this issue should recognize the strong position our leaders took. Because of their efforts and initiatives, this legislation is now moving toward final passage, and all of us are in their debt. It is a tribute to the Senate's bipartisan leadership that we are about to see final Senate action on a bill that may well become the high-watermark in the legislative record of the 93d Congress, and a landmark reform that can bring honest elections to the people and integrity back to Government.

H.R. 13542—AN ACT TO ABOLISH THE POSITION OF COMMISSIONER OF FISH AND WILDLIFE

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 13542.

The PRESIDNG OFFICER laid before the Senate H.R. 13542, which was read twice by its title, as follows:

H.R. 13542, an act to abolish the position of Commissioner of Fish and Wildlife, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, was read the third time and passed.

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 second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the orders for the recognition of Senators on tomorrow, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 5 minutes each.

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

ORDER FOR RECOGNITION OF SENATOR ROTH ON THURSDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday, after the remarks of Mr. BIDEN, the distinguished senior Senator from Delaware (Mr. ROTH) be recognized for not to exceed 15 minutes.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 10 a.m. tomorrow.

After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. METZENBAUM, Mr. ROBERT C. BYRD, Mr. BIDEN.

At the conclusion of the orders aforementioned, 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 the transaction of routine morning business, the Senate will resume consideration of the unfinished business, S. 3044. The question at that time will be on the adoption of the amendment by Mr. DOLE, amendment No. 1127, on which there is a time limitation of 30 minutes, with the yeas and nays already having been ordered thereon. Therefore, there will be a yea-and-nay vote on amendment No. 1127 at about 11:30 a.m.

Upon the disposition of the Dole amendment, the unfinished business will be laid aside temporarily, and the Senate will proceed to the consideration of the disaster relief bill, S. 3062, on which there is a time limitation of 2 hours, with a time limitation on any amendment thereto of 30 minutes, and with a time limitation on any debatable motion or appeal of 10 minutes, to be equally divided and controlled in accordance with the usual form. Yea-and-nay votes may occur on amendments to that bill, and undoubtedly there will be a yea-and-nay vote on the final passage thereof.

Upon the disposition of the disaster relief bill, the Senate will resume consideration of the unfinished business, S. 3044, and the pending question at that time will be on the adoption of the amendment by Mr. CLARK. Yea-and-nay votes will occur on amendments to S. 3044, beginning with and subsequent to the disposition of the Clark amendment, and hopefully the Senate will complete action on that bill tomorrow.

Mr. President, included in my statement of the program was the statement with regard to debatable motions and appeals, and I ask unanimous consent that the time related thereto as stated in the program be effectuated.

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

ADJOURNMENT TO 10 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 10 a.m. tomorrow.

The motion was agreed to; and, at 6:15 p.m., the Senate adjourned until tomorrow, Wednesday, April 10, 1974, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 9, 1974.

IN THE AIR FORCE

The following officer for appointment in the Regular Air Force. In the grade indicated, under the provisions of section 8284, Title 10, United States Code, with a view to designation under the provisions of section 8067, Title 10, United States Code, to perform the duty indicated, and with date of rank to be determined by the Secretary of the Air Force:

To be first lieutenant (medical)

Jones, Bobby M. [redacted]

The following officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, Title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be lieutenant colonel

Bomar, Jack W., [redacted]
Bossio, Galileo F., [redacted]
Brand, Joseph W., [redacted]
Fisher, Donald E., [redacted]
Frederick, Peter J., [redacted]
Hauer, Leslie J., [redacted]
Kahler, Harold, [redacted]
Lamar, James L., [redacted]
Madison, Thomas M., [redacted]
Newsom, Benjamin B., [redacted]
Pitchford, John J. Jr., [redacted]
Swords, Smith III, [redacted]
Trautman, Konrad W., [redacted]
Underwood, Paul G., [redacted]
Welch, Robert J., [redacted]
Wilburn, Woodrow H., [redacted]

To be major

Abbott, Joseph C. Jr., [redacted]
Alley, Gerald W., [redacted]
Atterberry, Edwin L., [redacted]
Bagley, Bobby R., [redacted]
Barbay, Lawrence, [redacted]
Berg, Kile D., [redacted]
Brunstrom, Alan L., [redacted]
Burer, Arthur W., [redacted]
Condon, James C., [redacted]
Daughtrey, Robert N., [redacted]
Doughty, Daniel J., [redacted]
Downing, Donald W., [redacted]
Duart, David H., [redacted]
Dyczkowski, Robert R., [redacted]
Elliot, Robert M., [redacted]
Gideon, Willard S., [redacted]
Greene, Charles E. Jr., [redacted]
Hatcher, David B., [redacted]
Hildebrand, Leland L., [redacted]
Jayroe, Julius S., [redacted]
Jensen, Jay R., [redacted]
Johnson, Richard E., [redacted]
Kerr, Everett O., [redacted]
Martin, John M., [redacted]
McKnight, George G., [redacted]
Means, William H. Jr., [redacted]
Morgan, Herschel S., [redacted]
Nagahiro, James Y., [redacted]
Odell, Donald E., [redacted]
Pattillo, Ralph N., [redacted]
Perkins, Glendon W., [redacted]

Shattuck, Lewis W., xxx-xx-xxxx
Smith, Richard D., xxx-xx-xxxx
Stirm, Robert L., xxx-xx-xxxx
Vanburen, Gerald G., xxx-xx-xxxx
Waggoner, Robert F., xxx-xx-xxxx
Wenaas, Gordon J., xxx-xx-xxxx
Wright, Thomas T., xxx-xx-xxxx
Yuill, John H., xxx-xx-xxxx

To be captain

Brazelton, Michael L., xxx-xx-xxxx
Brenneman, Richard C., xxx-xx-xxxx
Brodak, John W., xxx-xx-xxxx
Burns, Michael T., xxx-xx-xxxx
Butler, William W., xxx-xx-xxxx
Cooper, Richard W., Jr., xxx-xx-xxxx
Davies, John O., xxx-xx-xxxx
Flom, Fredric R., xxx-xx-xxxx
Ford, David E., xxx-xx-xxxx
Francis, Richard L., xxx-xx-xxxx
Gray, David F., Jr., xxx-xx-xxxx
Hart, Thomas T., III, xxx-xx-xxxx
Hoffson, Arthur T., xxx-xx-xxxx
Hubbard, Edward L., xxx-xx-xxxx
Irwin, Robert H., xxx-xx-xxxx
Jeffrey, Robert D., xxx-xx-xxxx
Kramer, Galand D., xxx-xx-xxxx
Lane, Michael C., xxx-xx-xxxx
Lane, Mitchell S., xxx-xx-xxxx
Lebert, Ronald M., xxx-xx-xxxx
Luna, Jose D., xxx-xx-xxxx
Monlux, Harold D., xxx-xx-xxxx
Myers, Glenn L., xxx-xx-xxxx
O'Donnell, Samuel, Jr., xxx-xx-xxxx
Peel, Robert D., xxx-xx-xxxx
Pollack, Melvin, xxx-xx-xxxx
Sigler, Gary R., xxx-xx-xxxx
Torkelson, Loren H., xxx-xx-xxxx
Venanzi, Gerald S., xxx-xx-xxxx
Wilson, Hal K., III, xxx-xx-xxxx

To be first lieutenant

Acosta, Hector M., xxx-xx-xxxx
Anderson, John W., xxx-xx-xxxx
Baker, David E., xxx-xx-xxxx
Barrows, Henry C., xxx-xx-xxxx
Bates, Richard L., xxx-xx-xxxx
Bednarek, Jonathan B., xxx-xx-xxxx
Beens, Lynn R., xxx-xx-xxxx
Bennett, Thomas W., Jr., xxx-xx-xxxx
Beutel, Robert D., xxx-xx-xxxx
Brunson, Cecil H., xxx-xx-xxxx
Butcher, Jack M., xxx-xx-xxxx
Callaghan, Peter A., xxx-xx-xxxx
Copack, Joseph B., Jr., xxx-xx-xxxx
Craddock, Randall, J., xxx-xx-xxxx
Cressey, Dennis C., xxx-xx-xxxx
Darr, Charles E., xxx-xx-xxxx
Dickens, Delma E., xxx-xx-xxxx
Finn, William R., xxx-xx-xxxx
Fulton, Richard J., xxx-xx-xxxx
Galati, Ralph W., xxx-xx-xxxx
Gatwood, Robin F., Jr., xxx-xx-xxxx
Geloneck, Terry M., xxx-xx-xxxx
Granger, Paul L., xxx-xx-xxxx
Halpin, Richard C., xxx-xx-xxxx
Howell Carter A., xxx-xx-xxxx
Hudson, Robert M., xxx-xx-xxxx
Kennedy, John W., xxx-xx-xxxx
Klomann, Thomas J., xxx-xx-xxxx
Koons, Dale F., xxx-xx-xxxx
Kroboth, Stanley N., xxx-xx-xxxx
Latella, George F., xxx-xx-xxxx
Lewis, Frank D., xxx-xx-xxxx
Logan, Donald K., xxx-xx-xxxx
Martini, Michael R., xxx-xx-xxxx
Mayall, William T., xxx-xx-xxxx
Miller, Curtis D., xxx-xx-xxxx
Morris, George W., Jr., xxx-xx-xxxx
Ostermeyer, William H., xxx-xx-xxxx
Phelps, William, xxx-xx-xxxx
Price, Larry D., xxx-xx-xxxx
Ratzel, Wesley D., xxx-xx-xxxx
Rusch, Stephen A., xxx-xx-xxxx
Seek, Brian J., xxx-xx-xxxx
Seuell, John W., xxx-xx-xxxx
Sienicki, Theodore S., xxx-xx-xxxx
Thomas, Daniel W., xxx-xx-xxxx
Thomas, Robert J., xxx-xx-xxxx
Tucker, Timothy M., xxx-xx-xxxx
Vaughan, Samuel R., xxx-xx-xxxx
Vavroch, Duane P., xxx-xx-xxxx
Walker, Bruce C., xxx-xx-xxxx
Wanzel, Charles J., III, xxx-xx-xxxx
Ward, Brian H., xxx-xx-xxxx
Wells, Kenneth R., xxx-xx-xxxx
Wilson, William W., xxx-xx-xxxx

To be second lieutenant

MacDonald, George D., xxx-xx-xxxx

IN THE NAVY

The following-named Naval Reserve officers for temporary promotion to the grade of commander in the line subject to qualification therefor as provided by law:

Abeyta, Alfredo Lionel
Acquilano, Rocco Donald
Adams, David Arthur
Adams, Stanford M.
Alberse, Peter T., Jr.
All, Kenneth O.
Altsman, Robert James, Jr.
Alvick, Roy Everett
Ammerman, Hugh Turner, Jr.
Anderson, Bert William
Anderson, Charles Daniel
Anderson, Roland B.
Avila, Philip F.
Backer, John M.
Banks, Otis Gordon
Bardel, Donald Lee
Barsanti, Adolph Joseph
Barsness, John G.
Bartholf, Robert G.
Barton, Alexander J.
Bayer, Joseph H.
Beechner, Frank Edward
Beers, Frank Willard
Beishline, Richard R.
Bell, Jerrold Mitchell
Bell, Richard Howard
Benham, James Terry
Bennett, Alfred Allen
Berg, Peter Edwin
Bergquist, John Chester
Bertinot, Benjamin Edward
Best, Walter C.
Biggers, James Collin
Biggs, Robert Stanley
Billings, Henry Cabot W.
Billington, Murray R.
Birkner, Robert Oscar
Biwer, Robert Alexander
Blatus, Richard John
Blume, Arthur Walter, III
Bobrick, Edward Allen
Boughton, Harold Gordon
Boyd, Richard Ronald
Boynton, Robert T.
Bradshaw, John P., Jr.
Braun, John Charles, Jr.
Braunlich, William Everard
Brenner, Marc Alvin
Brooks, Andrew Dewitt, Jr.
Brown, Richard A.
Brown, Thomas R.
Brownlee, James Lawton, Jr.
Bryan, William Edward
Bryant, Leon Delmar
Burridge, George Delmar
Busch, Kenneth Leo
Bush, Gregory Gene
Callan, James Ruud
Carlisle, Sanford Keeler, Jr.
Carr, William Keith
Castor, John Robert
Caton, Robert Luther
Chop, Raymond Ernest
Christopherson, Allen Edward
Churchill, William B.
Churma, John Thomas
Churchill, William B.
Clancy, Robert A.
Clark, George Graff
Clay, Henry George, Jr.
Clarke, Charles Edward, Jr.
Clements, Paul H.
Clement, David Edward
Colvin, John Paul
Clum, Woodworth Bernhardi J.
Combs, Charles Elwood
Colwell, Samuel Campbell, II
Conklin, Dwight Elwood
Compardo, James Robert
Cook, William Compton
Cook, Arthur Grant
Crawford, Forrest Smeed
Costantino, James
Crowther, Douglas A.
Crow, Claron D.
Currie, Robert Emil
Culpepper, William Robert
Daley, Joseph Michael, Jr.
Cutliffe, John N.
Davies, William
Darr, Ralph Martin
Davis, Haines Bonner
Davis, DeWitt, II
Davis, Robert Alvin
Davis, Reeves K.
Denny, Harry James
Debay, Orian
Derr, John Frederick
Depew, John Nelson
DeVincenzi, Ronald D.
DeThomas, Joseph, III
Dickens, John W.
Devon, Thomas, J.
Doak, Wilson Faris, Jr.
Dickey, Robert C.
Dolley, William Lee, III
Donnell, Everett Ellsworth
Donnell, Robert Evans
Douglas, James Guilford
Downard, William Earl
Driver, Donald Everett
Drumm, Thomas Francis, Jr.
Duffield, Don F.
Dutton, William Maurice
Dyer, Garrett Malcolm
Dyer, Gerald Ross
Dykema, Owen W.
Edwards, Warren Elliott
Eizen, Sheldon David
Enderson, Laurence W., Jr.
Ewing, Richard Stuart
Faure, Joseph, Jr.
Ferguson, Charles E.
Ferris, Edward
Finley, Robert Hance
Finney, Robert G.
Fischer, Harry Loeper
Flanagan, Charles Downing, I
Flohr, Robert Brooks
Florio, Anthony William
Floyd, Tate Gabbert, Jr.
Flynn, Robert William
Foley, Robert Joseph
Forslund, Robert Alfred
Fox, Merle T.
Frame, Kenneth George
Franklin, Larry Bruce
Frederick, Paul Edward
Freeley, Edward Donald
Fricke, Hans Werner
Friedman, Ronald Sheldon
Froelich, Bernard John, Jr.
Fuller, Gran Fred
Gallagher, Connell James
Gallagher, Robert John
Gallaher, Edward Joseph, III
Garrido, Donald P.
Garton, Ronald Ray
Gary, Nathan Bennett, Jr.
Gautsch, Terence Joseph
Gerlach, Henry Otto
Gilbert, John Ralph, Jr.
Gilles, Robert Joseph
Gillis, Dana Gerard
Glenn, Robert L.
Goldstein, Robert M.
Goodrich, George Dewitt
Gore, Alfred M.
Gorman, Lanny Randolph
Grapsy, Ronald P.
Gravel, Arthur J.
Gray, Garold Granville
Graymer, Leroy E.
Green, Robert William
Green, William Edward
Grettum, Donald Keyes
Griessel, Rodger Frederick
Griffith, Robert Edward
Groepler, Neil Frederick
Guderian, William, Jr.

Hacala, Martin Joseph
Hackenberg, Richard Bruce
Hackett, Vincent Theodore
Hall, Roy Bruce
Hamilton, John Edward
Handler, Bruce Hunt
Hanks, Jimmie Burton
Hanrahan, Donald Joseph
Harada, Kikuo
Harrel, David Martin
Harris, Henry E., Jr.
Harrod, James William
Hartman, Donald Lawrence
Haslim, Leonard A.
Haueter, Herbert B.
Hays, Russell Orren
Hegner, Casper Frank, II
Heller, Frank A., Jr.
Herbert, Frank Rey
Heyck, Joseph G., Jr.
Heyward, Cabell Carrington
Hilinski, Richard Raymond
Hill, A. Jackson
Hobokan, Andrew
Hodgdon, Arthur Jay
Hodge, Don Wayne
Hoff, Richard Wallace
Hoffler, Marvin Leon
Hogan, William P.
Holly, Russel D.
Holt, Clifford Leon
Horlacher, Stephen Lawrence
Hughes, William Richard
Hults, Thomas Patrick
Hutchinson, David Bruce
Hutchko, Alvan John
Hyman, Theodore Kenneth
Ingram, Houston Glover
Irlacher, Leonard Thomas
Ishol, Lyle Milton
Isquith, David Aba
Jackonis, Michael Joseph
Jackson, Robert William, Jr.
Jaeger, Boi J.
Jarema, Frank Edwin
Jenkins, Wallace Taylor
Johnson, Edward L.
Karlson, Edward Sulo
Kass, Matthew Anthony
Kauffman, William Allan
Keleher, Peter Downs
Kells, Keith E.
Kimball, Warren Forbes
Kitts, Earle Leland, Jr.
Kollath, Newell Elroy
Koonce, William Germann
Krauss, Edwin Howard
Krula, Laudimir W.
Lackey, Marvin Leavern, Jr.
Lamb, William Morgan
Lamer, Wayne Lloyd
Larson, Jay R.
Larson, Lawrence Phillip
Larson, Reuben Richard
Learson, Harold W.
Lee, Gilbert J.
Lee, Kenneth Richard
Lee, Richard Melvin
Leese, John Albert
Leinwohl, Arthur
Lennington, Terrence Ray
Lennon, John Edward
Levit, Bernard E.
Levorchick, Joseph Daniel J.
Lewis, Johnston Charles
Lindquist, Reese Malcolm
Link, Morris Allen
Linsenbard, William Edmund
Lipscomb, Roland David
Lipsey, Edward Spivey
Loughridge, Everett Allen
Lowell, William Alfred, II
Luce, Ralph William, III
Lukens, Reeves A.
Lyon, Russell Edward
Magelssen, Gerald Rodney
Maguire, John Edward
Maher, James Joseph
Mahoney, John
Mahoney, John Francis
Malone, David Bernard
Malone, Jack Howard
Marler, Marvin Ray
Martin, Bruce Gene
Martin, Donald C.
Martin, James Francis
Martin, Ronald C.
Maughlin, Richard Kenneth
May, David Thomas
McConnell, Ronald Lee
McEvoy, Joseph Patrick
McFerron, Jerry Lee
McGovern, John P.
McHugh, Richard Myles
McCloskey, Robert Dickson
McNerney, James Lawrence
McPhee, Bruce Gordon
Metzger, Alan W.
Mezger, Erik Bertram
Michl, Daniel John
Middleton, Clyde W.
Miller, Albert E., III
Miller, Gardner Hartman
Miller, Gerald A.
Miller, Harlan Bingham
Miller, Terry Gene
Mills, Stuart Karl, Jr.
Minnich, Charles Ellsworth
Moll, Herbert
Moody, James Robert
Moore, Edward Roland
Morris, Edward N.
Morrow, Frank Spurgeon, Jr.
Moser, James William
Moyse, James Edward
Mullin, Robert James
Murdock, Clair Nymphas
Murphy, William A.
Newman, Laurence Saunders J.
Nicholson, Daniel Arthur
Nickell, Claude Taylor
Nickerson, Howard C., Jr.
Nix, Carleton Del
Nixon, James J., Jr.
O'Connell, John Richard, Jr.
Odekirk, Theron Glenn
Oechslin, Peter Ernest
O'Hearn, Lawrence S.
Orme, Douglas Lee
Ottaviano, Peter Arnold
Owen, John Frederick
Paige, Charles Jefferson, Jr.
Palisi, Joseph J.
Palmer, Rodney Lee
Pappalardo, Salvatore James
Pardo, Stanley Thomas
Pardoe, George Albert
Parker, Joseph B.
Partlow, James Greider
Pate, Allen Sharkey
Paulmann, Calvin J.
Pellegrino, Daniel Raymond
Penwell, David Wayne
Pepka, Ronald Felix
Pereue, Joseph H., Jr.
Perron, Dean Raymond
Peters, Wayne Ellis
Peterson, Albert E.
Petterson, Norman Field
Peil, Richard A.
Pfotzer, William
Phillips, Charles Larry
Pilch, Edward D.
Piwko, Robert Clemens
Pollack, George H.
Popp, Joseph M.
Porterfield, Denzil Ray
Poulin, Francis Alfred
Pouliot, John Edgar
Powell, Hurley John Thomas
Prescott, Dewitt Clinton, Jr.
Puryear, Harry Hewlette
Quackenbush, Gilbert W.
Ramsey, George Niven
Rausch, Harry Anthony, Jr.
Reeger, Harold Lawrence
Reese, Arthur Howell, Jr.
Reid, William Lloyd
Reinke, Henry S.
Richards, Douglas Monte
Richards, Richard Larimer
Richards, Thomas Arthur, Jr.
Richardson, Jackie
Ricketts, Donald Bee
Riggins, William S.
Rigone, John L.
Riley, James Cooper, Jr.
Robb, Kingsley Allen
Robbins, Clyde Devere
Rodriguez, Ronald Joe
Rogers, William Patrick
Ruesch, Ronald Edward
Runyon, James Carlson
Ryan, Robert Edward
Sager, Theodore Franklin
Sailors, Jack, Jr.
Salisbury, Roger Evans
Salmon, Wayne Smithson
Salter, James Mitchell, Jr.
Samuelson, Ronald Arthur
Sandmann, Robert Edward
Sauers, John F.
Scalo, Richard S.
Schaeffer, Dale Gordon
Schick, Philip Frederick
Schlameus, Alfred B.
Schmidt, Donald Lee
Schmitz, Leonard Herman
Schuyler, Paul George
Schwob, Thomas Nelson
Scichili, Carl J.
Scott, Walter John, Jr.
Scott, Wayne Emery, Jr.
Scruggs, Joseph Marion, Jr.
Self, Luther Eugene
Selvig, Van Marshall
Sheehy, John Lawrence, Jr.
Shiflett, Edward E.
Siegel, Gerald
Silver, Philip Alfred
Sindelar, James Henry
Singer, Lawrence Edward
Sivyer, Donald Earl, Sr.
Skaggs, Glenn E.
Slater, Raymond Clifford
Sluyter, Verlin Clayton
Smallwood, George Everett
Smith, Addison Romaine II
Smith, Marvin Matthews
Smith, Norman Gary
Smith, William Wesley
Snipes, Stephen Gray
Snow, Robert Glen
Snyder, Daniel Robert
Soderholm, Robert V.
Soliwoda, Edmund S.
Sommerhalder, John O.
Spaulding, Ralph Franklin J.
Specht, Malcolm R.
Stanton, Courtney Wilder
Steele, Francis Andrew
Stephenson, Graves Barrett
Stevens, James Thomas, Jr.
Stevens, Richard Gordon
Stilwell, Frederick Lyle
Stoner, William Guy
Strickler, David W.
Stromberg, Jack William
Struble, Glenn Erwin
Sufficool, Allen Elwyn
Swanberg, Paul Maurice
Swenson, John B.
Swift, William Donald
Swisher, John Robinson
Talley, Alfred Frank, Jr.
Taras, Richard Verne
Tassin, Raymond Jean
Tate, John Thomas
Taylor, Charles Anthony
Thomas, John Day
Thomas, John Ralph, Jr.
Thompson, Herbert Giles, Jr.
Thompson, William Henry, Jr.
Thurman, Michael Edward
Thut, Frederick Howell
Tipton, Donald D.
Todd, Frank P.
Turgeon, Charles Frederic
Turk, Frank, Jr.

Urias, Gonzalo Bustamante
Vandriel, Eugene Peter
Vanistendal, Theodore Grant
Veal, John Speed
Volz, Vincent Jerome
Vonderohe, Robert Henry
Walker, David R.
Wall, Richard Lee
Wallace, Charles Simpson, Jr.
Waller, James Wilbert
Walstad, John Orville
Walters, Robert Roy
Watson, Thomas Harold
Weed, John Joseph
Weitfle, Paul Leroy, Jr.
Welch, Michael Francis
White, James Frederick
White, Willis Avery
Whitney, Frank Coole
Whittington, Frederick B., Jr.
Wiklinski, Stanley Ezechiel
Wilfert, Eugene Norman
Will, Gene Roger
Williamson, George, Jr.
Wilson, James Stewart, Jr.
Wilson, William Lee
Wingfield, Charles Gilbert
Winter, William C.
Wirkman, Vincent C.
Wisniewsky, Richard Lee
Wolf, Lee Edward
Womble, Robert Wilson
Woodward, Rodney Madison, Jr.
Wynn, Earl Barthe, Jr.
Wynn, Ralph Haines
Yarber, William John
Yatsko, George J.
Yost, Floyd George
Young, Tarry Richard
Zimmerman, Charles William

IN THE MARINE CORPS

The following-named (Navy Enlisted Scientific Education Program) graduate for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

VanNess, George K.

The following-named (Naval Reserve Officer Training Corps) graduate for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Wells, Dean E.

The following-named (U.S. Air Force Academy) graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Heinle, Dennis R.
Motley, William T.

EXTENSIONS OF REMARKS

HANK AARON'S ACHIEVEMENT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 8, 1974

Mr. MICHEL. Mr. Speaker, a baseball record that for many years was considered to be unassailable is about to be broken. I am speaking, of course, of the immortal Babe Ruth's record of 714 home runs.

It has been tied already by a man who is probably the most underrated player in the history of major league baseball, Hank Aaron, and by the time my remarks are printed in the CONGRESSIONAL RECORD, he may have already set the new mark.

An editorial appearing in the Saturday, April 6, edition of the Washington Post makes some excellent and quite appropriate points with respect to Hank Aaron's career and its impact on not only the baseball scene but on our national life as well. I insert the editorial in the RECORD at this point:

HANK AARON'S ACHIEVEMENT

Hank Aaron's big stick had been smashing baseballs over National League fences for a number of years before many fans began to notice anything awesome, much less count them. And perhaps for good reasons. He hit only 13 home runs in his first season in the majors—1954 with the Milwaukee Braves—27 the next season and down to 26 the next. All those years in the 1950s and 1960s, Aaron was a solid performer, but solidity in the shadows of flashy titans like Willie Mays or Mickey Mantle was not what the public remembered or revered. Aaron's own modesty didn't help. The son of a shipyard boilermaker's helper, Aaron came to the Braves from the sandlots of Mobile, Ala., via bush league stops in Eau Claire, Wisc., and a class A team in Jacksonville. Even the way he broke into the Braves' starting line-up suggests that destiny had other things on its mind; Bobby Thomson (of home run fame himself) broke his ankle in a spring training game and Aaron, a rookie sub, was sent in to replace him. He's been playing since.

Now, of course, having tied Babe Ruth's home run record and standing poised to break it when he next comes to the plate, Aaron is known to his teammates and loyalists as "Hammerin' Hank." His achievement has put him into the hero status, no record in sports being better known or more Olympian than the immortal Babe's 714. But Aaron has given something else to the national life: an emotional relief from the number of tragedies and absurdities that now dominate the news and much of our consciousness. Here is a person who is authentic, whose acclaim is based on the results of his self-confidence and not self-promotion, who has been faithful to his vocation whether noticed or not. At a time when so many national events cast common citizens into doubts and confusions about what has really happened beneath the surface of the news, a profound reassurance is provided by Hank Aaron. Even aside from the positives, the negatives are impressive: he is not a fake, he is not a blowhard, he is not a fad. He has been at the heart of excellence for 20 years, and only a few people—in any line—manage the consistency of that.

Hank Aaron is in the record books for several batting feats, but the aura of home runs has a splendor of its own. Aaron once said that successful hitting is 90 to 95 per cent concentration and thoughts, so he has to be as heavy a thinker as a slugger. We hope he has another amazing season and goes as far as he can beyond the Ruthian record. Someday another player—on what Little League diamond is he now?—will come along and threaten, perhaps break, the immortal Aaron's homeric feat. If he does, let him remember that Hank Aaron did more than pound baseballs better than anyone else. He performs with honor, dedication and modesty, contributions as important to the national life as his contributions to the record books.

DOT PRELIMINARY REPORT ON RAIL REORGANIZATION

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 9, 1974

Mr. SCHWEIKER. Mr. President, I want to reply to the report of the Secretary of Transportation on Rail Service in the Midwest and Northeast region of the United States pursuant to the provisions of Public Law 93-236, the Regional Rail Reorganization Act of 1973. The report's objective is to provide the initial guidelines for the difficult, but vital task of developing a viable system that meets the rail service needs of our region.

The Secretary's report is a great disappointment. In my judgment, the report speaks only in terms of the status quo. That is, it uses limited criteria and seeks only to preserve financially viable railroads within the existing rail network. It looks only to what exists now without regard to any possible changes or growth in the future. Whatever system emerges from the process which we have begun and are participating in now must be able to accommodate changes which may occur in the future, particularly in regional economic development. The report fails to acknowledge the role of railroads in the development of the areas served by them. The State of Pennsylvania has been, and continues to be, very aggressive in its efforts to sustain its economic development. The rail network in the State is the essential ingredient in this effort.

There are several obvious defects in the Secretary's preliminary report. There is too little recognition of the effects of rates and regulation on the financial viability of railroads. To suggest benefits to be derived from competition between different modes of transportation requires at least an acknowledgment of the disparity in competitive rates and at most a recommendation that changes be made to correct the situation and stimulate such competition.

In analyzing how a nonredundant, streamlined network of rail lines will enhance the financial viability of the railroads, the report should focus to a greater degree on variations of cargo or commodity as a significant factor in the economics of successful rail operations.

Although the report itself acknowledges a weakness as to the data used, it is unfortunate that questions exist regarding the accuracy and timeliness of the data. This problem is all the more significant when one realizes that, in Pennsylvania, the use of 1972 as a data base greatly distorts the value of the recommendations, because 1972 was the year of hurricane Agnes. Agnes, to a major extent, was the latest cause of the problem which we hope to correct by the railroad organization. Pennsylvania will be shortchanged if the 1972 data base for the new rail system does not compen-