plies and probably an even more severe energy crisis in the future, as well as continued Arab blackmail, is far less palatable.

At present, the federal government controls approximately 60 per cent of all domestic petroleum production, production which accounts for about 40 per cent of the nation's total consumption. Prices on that 40 per cent of consumption are held artificially and unrealistically low by the federal government's price controls.

There are extremely important conservation aspects of the President's proposal as well. He estimates that the higher prices resulting from his program will curb petroleum consumption by 300,000 barrels a day, and when added to his other conservation measures, that consumption will have been curbed by as much as 900,000 to one million barrels per day.

There is no question that energy consumption must be curbed. The only question concerns the manner by which to curb consumption, one which seeks to insure the exploration for and development of new energy sources, or one that would insure the nation's continued reliance on foreign imports.

The President's proposal would do the former, while the Dingell bill would do the latter. Clearly, the President's proposal is infinitely more preferable and less dangerous.

PERSONAL EXPLANATION

HON. CLAIR W. BURGENER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1975

Mr. BURGENER. Mr. Speaker, I was not present on the floor today when the vote was taken on House Resolution 605, the Disapproval of the President's Order on Oil Decontrol.

Had I been present, I would have voted "nay".

SENATE—*Wednesday, July 23, 1975*

(Legislative day of Monday, July 21, 1975)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by Hon. PATRICK J. LEAHY, a Senator from the State of Vermont.

PRAYER

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

Almighty God to whom all hearts are open, all desires known, and from whom no secrets are hid, cleanse the thoughts of our hearts by the inspiration of Thy Holy Spirit that we may perfectly love Thee and worthily magnify Thy holy name.

Keep our values high, our vision clear, our motives pure that with patience and power we may serve this Nation to the honor of Thy name and for the good of all mankind.

We pray in the name of the great Redeemer. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 23, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, July 22, 1975, be approved.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today, except during debate on the Durkin-Wyman issue.

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

EXECUTIVE SESSION

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

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

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

DEPARTMENT OF STATE

The assistant legislative clerk read the nomination of Walter J. P. Curley, Jr., of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland; and the nomination of Herbert J. Spiro, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Cameroon and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

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

AGENCY FOR INTERNATIONAL DEVELOPMENT

The assistant legislative clerk read the nomination of Denis M. Neill, of Maryland, to be Assistant Administrator of the Agency for International Development.

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

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

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

ORDER FOR THE RECOGNITION OF SENATOR CHURCH TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the two leaders have been recognized under the customary procedure and courtesy that the Senator from Idaho (Mr. CHURCH) be recognized tomorrow for not to exceed 15 minutes.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the minority leader yield back time?

Mr. HUGH SCOTT. Mr. President, I yield back my time.

AMENDMENT OF THE VOTING RIGHTS ACT

The ACTING PRESIDENT pro tempore. The question recurs on H.R. 6219, which the clerk will state for the information of the Senate.

The assistant legislative clerk read as follows:

A bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time before the vote be allocated evenly between the distinguished Senator from New Mexico (Mr. DOMENICI) and the distinguished Senator from California (Mr. TUNNEY), or his designee.

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

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, the time to be charged equally to both sides.

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

The assistant legislative clerk proceeded to call the roll.

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

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

DISAPPROVAL OF THE PRESIDENT'S PROPOSAL TO DECONTROL OLD OIL PRICES—SENATE RESOLUTION 145

Mr. ROBERT C. BYRD. Mr. President, S. Res. 145, Calendar No. 279, now being moot, the House having acted, I ask unanimous consent that that measure be indefinitely postponed.

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

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that the action taken earlier today on indefinitely postponing Senate Resolution 145 be vitiated.

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

Mr. ROBERT C. BYRD. This would mean that the measure would remain on the calendar, would it not?

The ACTING PRESIDENT pro tempore. The Senator is correct.

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

TIME-LIMITATION AGREEMENT—H.R. 8561

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the bill making appropriations for the Department of Agriculture (H.R. 8561) is called up and made the pending business before the Senate there be a time limitation of 2 hours on that bill, to be divided between Mr. MCGEE on this side of the aisle and Mr. FONG; with a 1-hour time limitation on any amendment and a 30-minute limitation on any debatable motion or appeal.

Mr. GRIFFIN. Reserving the right to object, that is in the usual form?

Mr. ROBERT C. BYRD. Yes.

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

The text of the unanimous-consent agreement is as follows:

Ordered, That, during the consideration of H.R. 8561, the Agriculture Appropriation Bill for 1976, debate on any amendment shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion or point of order, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Wyoming (Mr. MCGEE) and the Senator from Hawaii (Mr. FONG): *Provided*, That the said Senators, or either of them, may from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

TIME-LIMITATION AGREEMENT—H.R. 8070

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the HUD bill (H.R. 8070) is called up and made the pending business before the Senate, there be a time limitation of 2 hours on the bill, 1 hour on amendments, and 30 minutes on any debatable motion or appeal, with the debate on the bill to be divided between Mr. MATHIAS and Mr. PROXMIRE.

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

The text of the unanimous-consent agreement is as follows:

Ordered, That, during the consideration of H.R. 8070, the Housing and Urban Development appropriation bill for 1976, debate on any amendment shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to thirty minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion or point of order, the time in opposition thereto shall be controlled by the minority leader or his designee.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Maryland (Mr. MATHIAS) and the Senator from Wisconsin (Mr. PROXMIRE): *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

ORDER THAT AGREEMENT FOR CONTROL AND DIVISION OF TIME ON H.R. 8070 AND H.R. 8561 BE IN THE USUAL FORM

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that with respect to the control and division of time on the HUD and Agriculture appropriation bills, the agreement be in the usual form.

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

HOUSE CONCURRENT RESOLUTION 349—CORRECTIONS AUTHORIZED IN ENROLLMENT OF H.R. 5522, INTERNATIONAL CONVENTION FOR THE CONSERVATION OF ATLANTIC TUNAS

Mr. ROBERT C. BYRD. Mr. President, I call up a message from the House and ask for its immediate consideration. It has been cleared on both sides.

The ACTING PRESIDENT pro tempore laid before the Senate a message from the House of Representatives on House Concurrent Resolution 349, which was read by title as follows:

A concurrent resolution (H. Con. Res. 349) authorizing corrections in the enrollment of H.R. 5522.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the concurrent resolution?

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

The ACTING PRESIDENT pro tempore. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 349) was agreed to.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask that the time be charged equally to both sides.

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

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT OF THE VOTING RIGHTS ACT

The Senate continued with the consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, and for other purposes.

Mr. STEVENS. Mr. President, the legislation we have before us today is an extension of what has been called the most successful civil rights law ever enacted. The Voting Rights Act has been instrumental in improving minority voter registration, increasing minority voting, and generally decreasing those obstructions which had arisen to the right to vote.

I shall support the extension of the Voting Rights Act of 1965 and I compliment those who have worked so very hard on this important piece of legislation.

However, certain provisions of H.R. 6219 need to be clarified in regard to the effects which will occur to my State, Alaska.

The amendments which I would like to submit today will clear up certain questions which have arisen in regard to Alaska's coverage.

Mr. President, my State has twice come under the provisions of the Voting Rights Act. In 1965 and again in 1970 Alaska was included within the act's coverage due to the act's triggering device.

In both the 1964 and 1968 Presidential elections fewer than 51 percent of the eligible voters in Alaska exercised their right to vote. In 1965, Alaska also had an English literacy requirement. Each time my State filed a court action in the U.S. District Court for the District of Columbia requesting that it should be released from coverage under the act. On both occasions, in 1966 and 1972, the court exonerated Alaska's position and found that Alaska had not employed a test or device for the purpose or with the effect of denying or abridging the right to vote on account of race or color. I am also very proud to point out that on August 25, 1970, the people of Alaska by constitutional amendment repealed Alaska's English literary requirement. Alaska does not discriminate against any minority person wishing to exercise his or her right to vote.

However, under H.R. 6219, Alaska is

again included within the coverage of the Voting Rights Act. The problem with this coverage is that a blanket national standard has been created with no regard for the particulars of place and circumstance.

There are 20 different Eskimo and Aleut dialects in the State of Alaska. A knowledge of one dialect is no assurance of an understanding of any one of the other 19. One of these languages is only spoken by five Native Alaskans. A number of these languages are only spoken by a few hundred people at most. Under H.R. 6219, Alaska will be required to provide registration and voting materials, including ballots, in Native dialects as well as in English. It is true that where the language of the minority group is oral or unwritten, the act only requires the State to furnish oral assistance or instructions relating to registration and voting, and I am hopeful that we will have colloquy here later with the Senator from California concerning that.

However, writing systems for all of the Alaskan Native dialects have now been developed by the University of Alaska. These are not historically written languages. This has occurred only during the last 15 years. The problem is that only a few Natives are able to read their language. Those are the very old people, who are not able to read the language, who may be more reliant upon the oral language. The younger people, who are learning now to read the language as it has been developed by the University of Alaska and certain missionary groups, are very much bilingual and very capable in the English language.

Under these circumstances the printing of a bilingual ballot in Alaska would serve no useful purpose. The people for whom the bilingual ballot was printed would not be able to read it. Sam Kito, president of the Alaska Federation of Natives, has telegrammed me in this regard. He states that Alaska should not be included under the bilingual ballot provision, as such inclusion is unnecessary and would only confuse Alaskan Natives in their efforts to vote. What it would do, however, is increase the cost of printing election ballots by as much as 60 percent. Further, Alaska already provides voter assistance. Alaska statute 15.15.240 provides that any voter who cannot read, mark the ballot, or sign his name may request a judge or other person to assist him in casting his vote.

Mr. President, I have a series of amendments which could alleviate this problem, if indeed there is a problem after colloquy with the Senator from California, by providing that the members of the language minority be able to read their written language before being included under the bilingual provisions.

If a language minority's predominant written language is English it serves no useful purpose to print bilingual election materials and ballots in the minority's language which they cannot read themselves.

I am also offering amendments which would place a minimal limit on the number of persons required to trigger inclusion under the Voting Rights Act.

For instance, according to a preliminary Bureau of Census count, there are less than 300 Alaskan Natives residing in one of Alaska's voting districts. However, that figure comprises more than 5 percent of that entire subdivision's population.

In such instances, the sparsity of Alaska's population is really what triggers inclusion under the act. It is not the intent of the legislation, as I understand it, to put such a burden on very small election districts.

I am sure that there are many subdivisions in the United States in which reside thousands of persons of a language minority, but the act is not triggered because of the large nonminority population in the same area. Certainly, there should have to be a minimal number of persons of the language minority in a voting district before the act is triggered. My amendment would set that figure at 5,000 people as the top limit.

I also have amendments that would reduce this down to 2,000. I think somewhere between those two figures is a reasonable minimum number of persons of a language minority which would, in fact, trigger this act's applicability.

Mr. President, I ask unanimous consent that the texts of my amendments be printed in the RECORD at the conclusion of my remarks together with letters which I and Congressman DON YOUNG have received on this subject.

As I mentioned, I have a telegram which I received just recently from the new president of Alaska Federation of Natives in which he states that the bilingual ballots are unnecessary because the Alaska Native languages are oral.

I also have a letter from the Lieutenant Governor who, under our system, is the person in charge of voting procedures and the administration of our voting laws; a letter from the office of the Governor, plus the letters that were submitted to our Congressman, DON YOUNG, in connection with the House consideration of this bill.

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

(See exhibits 1 and 2.)

EXHIBIT 1

AMENDMENT NO. 778

On page 8, line 21, afer the word "minority" insert the following: "and have the ability, as determined by the Attorney General, to read the language of the single-language minority of which they are members".

AMENDMENT NO. 779

On page 8, line 21, after the word "minority" insert the following: "and whose predominant written language is other than English".

AMENDMENT NO. 780

On page 8, line 19, after "that" insert "at least 3,000 persons and".

AMENDMENT NO. 781

On page 8, line 19, after "that" insert "at least 2,000 persons and".

AMENDMENT No. 782

On page 5, line 25, after the word "minority" insert the following: "and have the ability to read the language of the single-language minority of which they are members".

AMENDMENT No. 783

On page 5, line 25, after the "minority" insert the following: "and whose predominant written language is other than English."

AMENDMENT No. 784

On page 5, line 23, after "that" insert "at least 5,000 persons and".

AMENDMENT No. 785

On page 5, line 23, after "that" insert "at least 4,000 persons and".

AMENDMENT No. 786

On page 5, line 23, after "that" insert "at least 3,000 persons and".

AMENDMENT No. 787

On page 5, line 23, after "that" insert "at least 2,000 persons and".

AMENDMENT No. 788

On page 8, line 19, after "that" insert "at least 5,000 persons and".

AMENDMENT No. 789

On page 8, line 19, after "that" insert "at least 4,000 persons and".

EXHIBIT No. 2

[Telegram]

ANCHORAGE, ALASKA,
July 7, 1975.

Senator TED STEVENS,
Capitol Hill,
Washington, D.C.

AFN position on the voting rights act is that bilingual ballots are unnecessary because Alaska native languages are oral and not written. Ballots written in the native language would only serve to confuse voters with the exception of bilingual ballots. AFN believes that the provisions of the voting rights act should apply to Alaska as well as other States with substantial minority populations.

SAM KITO, *President,*
Alaska Federation of Natives, Inc.

STATE OF ALASKA,
Juneau, April 18, 1975.

Hon. TED STEVENS,
U.S. Senate,
Russell Building,
Washington, D.C.

DEAR TED: The U.S. House Judiciary Subcommittee on the 1965 Votings Rights Act voted on April 17, 1975 to add Alaska to the states covered by this Act.

The State of Alaska should be exempted from the provisions of the Voting Rights Act of 1965 as amended for the following reasons:

(1) no "test or device" is applied as a prerequisite for voting,

(2) a large ratio of military personnel reside in Anchorage, Fairbanks, Kodiak and the Aleutian Islands and vote absentee in other states,

(3) assistance is provided to any voter with a language barrier or a physical disability, and

(4) in 1966 and in 1971, the State filed suit in the U.S. District Court in Washington, D.C. and was exempted from the Voting Rights Act in both instances.

The voters of Alaska ratified a Constitutional Amendment at the Primary Election on August 25, 1970 to delete any reference to reading or speaking English as a prerequisite for voting. Attached are copies of the sample ballot and the official election returns from that election. Prior to the ratification of the constitutional amendment, the ability to read or speak English was interpreted as being able to say "Hello" and to state name. No other "test or device" has been applied to voters in the State of Alaska.

A large number of military personnel reside

in the Anchorage, Fairbanks, Kodiak and Aleutian Islands areas. Most of these people prefer to vote in the states of their homes of residence. The military personnel are, of course, included in the decennial census for Alaska.

Alaska provides assistance to any voter who desires help in reading or marking the ballot. AS 15.15.240 states: "Assisting voter by judge. A qualified voter who cannot read, mark the ballot, or sign his name may request a judge, a person, or not more than two persons of his choice to assist him. If the judge is requested, he shall assist the voter. If any other person is requested, the person shall state upon oath before the election judge that he will not divulge the vote cast by the person whom he assists." Many voters do ask for and receive assistance as provided in this section of the Alaska Statutes. In Alaska, there are many different Eskimo and Indian dialects. English is the only language spoken and understood by all minority groups.

The State of Alaska had to file suits in 1966 and in 1971 in the U.S. District Courts in Washington, D.C. to be excluded from the Voting Rights Act of 1965 as amended. In both instances, the determination was made that no "test or device" was used as a prerequisite for voting. Therefore, the State of Alaska should not be required to go through this procedure again.

If I may be of any assistance, please do not hesitate to call on me.

Sincerely,

LOWELL THOMAS, Jr.,
Lieutenant Governor.

STATE OF ALASKA,
Juneau, May 28, 1975.

Hon. TED STEVENS,
U.S. Senate, Russell Building,
Washington, D.C.

DEAR SENATOR STEVENS: The purpose of this communique is to plead exemption for the State of Alaska from the provisions of the 1965 Voting Rights Act, as voted on April 17, 1975 by the U.S. House Judiciary Subcommittee, for reasons as stated below:

1. The tests and devices clearly defined throughout the Act, are non-existent in the State of Alaska; other than the registered voter be alive at the time of voting—and I am confident no one would argue the logic of that requirement.

2. Congress declared that in order to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it was necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand or interpret any matter in the English language. There are no schools within the State of Alaska in which the predominant language is other than English, and no such conditioning exists prohibiting a voter his rights. Further, the Alaska Statutes clearly allow all voters the right of assistance by persons of his choice should the voter have a physical disability or experience difficulty regarding language.

3. Some 96,000 military personnel were included in the decennial census for Alaska, which reflects an untrue percentage in relation to the 50 per centum ratio requirement of the Act, as most military personnel prefer to vote in the states of their homes of residence.

4. The administrative and cost factors involved in printing bilingual ballots representative of all language minority groups in Alaska, regardless of size, would be staggering. Should this become mandatory, the State of Alaska could be facing a situation of printing upwards of 40 languages, as there are at least 18 distinct native and Eskimo languages, as well as other minorities represented within Alaska such as Norwegian, Russian, Japanese, Phillipino, and so on, as all minorities must be afforded the same opportunity to vote ballots printed in their historical and living tongue.

5. Interpreters must be present at all voting locations where bilingual ballots are distributed, in order that all voters be assured they will receive the proper ballots printed in their specific language and dialect. Interpreters must also be present on the State Canvass Board as well as the Election Offices, the Data Processing Receiving Board, the Data Processing Control Board, the Data Processing Review Board and the Facsimile Board to insure legal and proper processing of all voted ballots. Notwithstanding the tremendous increase in election costs, the availability of qualified interpreters, and their willingness to serve, is quite limited at best.

6. Alaska would also be burdened with the presently unresolved problem of printing ballots in the several dialects that are not in written form. I must defer conclusion of this task to those more learned than I to resolve, prior to the 1976 election period.

As an Election Supervisor, I wish to suggest a possible alternative. Perhaps printing "sample" bilingual ballots would be a plausible solution. Sample ballots printed in all those languages which are in written form could be effectively disseminated to the public through a number of ways—the news media, posted in public gathering places, election offices, registrars, city and borough clerk's offices, village and minority leaders, as well as the candidates themselves. Here would be a means whereby the voter would have the opportunity to study, discuss, and decide, prior to all elections, in the privacy and leisure of his own time and language, what and how he will vote. It must be remembered that although a great majority of the Alaskan population is fluent in other languages, very, very few people do not speak, read or understand the English language. Sample bilingual ballots can be the only logical means of reaching this small percentage of our population, without implementing a burdensome, unnecessary and somewhat more confusing feature to our voting system—and still obtain the same objective!

As a final point, one must never forget that the voting public, in spite of any language barrier that may or may not exist, is not an ignorant, mindless mass that must be lead step by step to the voting booth, and there, explained in simplistic form equal to that of an infant, how, why, what and who to vote for. Voters at any educational level, know who they are going to vote for. They do indeed know the candidates' names and the issues at hand, and bilingual ballots are not going to sway their decisions, nor change the outcome of any election—however hopeful proponents of this Act may be.

As the Southeastern Election Supervisor of the State of Alaska, I respectfully urge your support in every way possible for Alaskas exemption from the provision of the Voting Rights Act of 1965.

As a tax paying registered voter in the State of Alaska, I demand exemption for Alaska!

Sincerely yours,

Mrs. LORY B. LEARY,
Southeast Election Supervisor,
State of Alaska.

Hon. DON YOUNG,
House of Representatives, Longworth House Office Building, Washington, D.C.

Attention: Jim Lexo.

DEAR CONGRESSMAN YOUNG: The following information is provided regarding the different languages spoken in the State.

There are 20 different dialects in the State of Alaska which are mutually unintelligible. These 20 different dialects are such that they can be considered as different languages. The attached Table 1 indicates the language population and number of people speaking the language.

The different languages are now being taught particularly in the State Operated Schools. In the above mentioned Table I, most of the people speaking the language are those children currently receiving instructions in the language.

Writing systems for the languages have been developed since 1960. Only in the last 3 to 4 years have writing systems been developed. As a result, many older people are unable to read the newly developed writing system.

The University of Alaska, Bilingual Center, will have available next week a map entitled "Native People and Languages of Alaska". This map will show which languages are spoken in the different areas of the State. By referring to the enclosed article titled, "Alaska Native Languages and their Present Situations", I have determined that Election Districts 1, 5, 15, 16, 17, 18, 19, 21, and 22 would require a minimum of 2 ballots printed in the native languages. In several districts I feel that 4 or 5 ballots printed in the native languages would be required. In some of the languages, there is no word for "Vote" and "Ballot".

The map mentioned above will be mailed to you as soon as it is received.

The enclosed table and article are, also, enclosed for your information.

Sincerely,

PATTY ANN POLLEY, *Director.*

[Telegrams]

ANCHORAGE, ALASKA, *April 30, 1975.*

Congressman DON YOUNG,
Capitol Hill, Washington, D.C.

The Alaska Federation of Natives Incorporated does endorse the position of Congressman Don Young in his efforts to exempt the State of Alaska from printing bilingual ballots. Many native languages and dialects are just being put into written form, the number of Alaskan natives able to read their language is minimal. Alaska does not have literacy test as a condition of voting. The problem of Alaskans in voting is not solved by different writings or languages, nor will the general Native populous benefit from this section of H.R. 6219.

ROGER LANG, *President.*

APRIL 30, 1975.

Attention: Don Young.

Doyon, Ltd., representing 10,000 Indians in interior Alaska wish to oppose the requirement for voting ballots to be written in Indian dialects. Under State law Alaska has no requirement that voters must read or write.

Additionally a requirement such as this would be an extreme hardship to the State as we have over 35 dialects and very few people actually know how to read or write in any language.

JOHN SACKETT, *President.*

ANCHORAGE, ALASKA, *April 30, 1975.*

Representative DON YOUNG,
Capitol Hill, Washington, D.C.:

Cook Inlet Region, Inc., supports your position in striking Alaska from section 207 of H.R. 6219 Voting Rights Act of 1975.

RANDY JOHNSON, *President.*

Mr. STEVENS. Mr. President, I wish to inquire of the Senator from California——

Mr. TUNNEY. I yield.

Mr. STEVENS. I would be pleased to accommodate him as to his time to discuss this matter.

My staff has informed me the Senator now has a new—or it may not be new as far as the Senator is concerned, but it is new to us—a new position that oral languages are those which do not have a history of a written form and a history being handed down to the minority.

I wonder if the Senator would be willing to discuss that in a colloquy at this point to determine whether or not these amendments are, in fact, necessary.

As I have stated, we know of no language, native languages, there were not developed in total written form until approximately 15 years ago. There were some that were developed by missionaries who attempted to develop for a particular village or group a written form of the language as they understood them. Since that time, the University of Alaska has had a language development program and has developed some of the languages, but they have not had a history of utilization by the minority group. The minority group has handed down its language in oral form.

The requirement to now print the ballots in written form which is not understood by the bulk of those who use the oral form would be of no purpose.

As I have said, Sam Kito, who is now the leader of our Alaska Native people, duly elected by the Alaska Federation of Natives, agrees with this position and so does the State.

I think it may be that our amendments that we have suggested here are unnecessary if the committee has got some approach which deals with a history of utilization of the language which would be required under the triggering device of 5 percent and I am talking about both title II and title III.

The same triggering device occurs. Would the Senator have time at this time to discuss that matter?

The ACTING PRESIDENT pro tempore. All time in opposition has expired. The Senator from California has 10 minutes.

Mr. TUNNEY. I would be happy to use the 10 minutes that I have to discuss the amendment with the Senator right now.

I would like to say that the Senator from Alaska is correct in his approach that it would be ridiculous to suggest that the language which has been passed down from generation to generation in oral form and which was only transcribed in written form in, say, the last 25 years should become a written language which would be used on the ballot in an election. That does not make any sense whatsoever to me. It certainly is not our intention by including the amendments to section 4 and section 5, which are in titles 2 and 3 of the bill before us, to bring about that result.

To put the thing in context, I would like to read the language of title 3, section 203(c):

> Provided, that where the language of the applicable minority group is oral or unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting.

The committee report, which is in the process of being printed and will be before us this afternoon, states:

> A jurisdiction with a minority group whose language is oral is, of course, required only to provide oral assistance, and obviously a jurisdiction is not required to provide materials or assistance in an extinct language. The subcommittee sent letters to election officials in all areas to be covered by title 3. A great majority responded that the cost was not prohibitive.

Mr. STEVENS. May I interrupt my friend there?

Mr. TUNNEY. I would like to finish my thought.

Senator GOLDWATER and I entered into a colloquy yesterday and he indicated that in Arizona all his State has responded meaningfully.

I wish to make it clear that by "responding meaningfully" we are not referring to the requirement that a State provide a ballot in writing or election materials in writing in a language that was only developed in written form by anthropologists in the last few years. What we are referring to is a language that has existed in written form for many years, for many generations, and which is understood in its written form by a substantial number of the people who speak it.

Mr. STEVENS. I am pleased to have that statement from the Senator from California. These languages are not extinct, however. As a matter of fact, if there is any series of growing and developing languages in the written form, it is in fact the Alaskan Native dialects. They very much want to preserve their culture. They are using English a great deal more, and for the purpose of preserving their culture they are trying very much to develop, and we have assisted them in developing bilingual education, for instance, to try to get the new generations to understand this language not only in an oral but in a written form.

I am familiar with the proviso on page 9, and we do comply with that already. Our statutes provide that that assistance must be provided by the election judge or the election supervisor upon the request of any person.

The difficulty that I have is that there are in fact studies which show the number of people who are capable of using the oral form. We have no studies, to my knowledge, which show any statistics as to the number of people in Alaska who would be capable of using the written form of any of these minority dialects.

Does the Senator from California agree with me—and I know he has stated that there should be a history over several generations—that the provisions of title II and III of this act that trigger on the 5 percent basis mean that the 5 percent would be those who would be relying upon primarily the written form of the minority language?

In other words, we are trying to provide them assistance in voting and this would be the kind of assistance that those people are primarily relying in the written form of the language upon this minority language.

Mr. TUNNEY. I cannot agree to it as the Senator has stated it. We do, after all, have a serious problem for some of these language groups.

Mr. STEVENS. I understand that, too.

Mr. TUNNEY. How much time does the Senator from California have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 4 minutes remaining.

Mr. TUNNEY. If we could, I would like to continue this dialog a bit later under controlled time.

Mr. STEVENS. I would be happy to do so.

Mr. President, I submit my amendments at this time to make sure they are on the desk.

The PRESIDING OFFICER. The amendments will be received and will lie on the table.

Mr. TUNNEY. I yield to the Senator from West Virginia.

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Kansas (Mr. DOLE) I ask unanimous consent that Janet N. Anderson have the privilege of the floor during the debate on H.R. 6219.

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

CLOTURE MOTION

The PRESIDING OFFICER. One hour having passed since the Senate convened, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

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 H.R. 6219, An Act to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, to make permanent the ban against certain prerequisites to voting, and for other purposes.

Mike Mansfield, Alan Cranston, Stuart Symington, Gale W. McGee, John Glenn, Gary W. Hart, William Proxmire, Gaylord Nelson, John Culver, Lee Metcalf, John V. Tunney, Richard (Dick) Stone, Jennings Randolph, Charles McC. Mathias, Jr., Richard S. Schweiker, and Bob Packwood.

CALL OF THE ROLL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[Quorum No. 64 Leg.]

Abourezk	Griffin	Moss
Allen	Hansen	Muskie
Baker	Hart, Gary W.	Nelson
Beall	Hart, Philip A.	Nunn
Bellmon	Hartke	Packwood
Bentsen	Haskell	Pastore
Biden	Hatfield	Pearson
Brock	Hathaway	Pell
Brooke	Helms	Percy
Buckley	Hollings	Proxmire
Bumpers	Hruska	Randolph
Burdick	Huddleston	Ribicoff
Byrd, Harry F., Jr.	Humphrey	Roth
Byrd, Robert C.	Inouye	Schweiker
Cannon	Jackson	Scott, Hugh
Case	Javits	Scott, William L.
Chiles	Johnston	Sparkman
Church	Kennedy	Stafford
Clark	Laxalt	Stennis
Cranston	Leahy	Stevens
Culver	Long	Stevenson
Curtis	Magnuson	Stone
Dole	Mansfield	Symington
Domenici	Mathias	Taft
Eagleton	McClellan	Talmadge
Fannin	McClure	Thurmond
Fong	McGee	Tower
Ford	McGovern	Tunney
Garn	McIntyre	Weicker
Glenn	Metcalf	Williams
Goldwater	Mondale	Young
Gravel	Montoya	
	Morgan	

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND) and the Senator from Indiana (Mr. BAYH) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

The PRESIDING OFFICER. A quorum is present.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, to make permanent the ban against certain prerequisites to voting, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), and the Senator from Mississippi (Mr. EASTLAND) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

The yeas and nays resulted—yeas 76, nays 20, as follows:

[Rollcall Vote No. 310 Leg.]

YEAS—76

Abourezk	Byrd, Robert C.	Eagleton
Baker	Cannon	Fong
Beall	Case	Ford
Bellmon	Chiles	Garn
Bentsen	Church	Glenn
Biden	Clark	Gravel
Brock	Cranston	Griffin
Brooke	Culver	Hart, Gary W.
Bumpers	Dole	Hart, Philip A.
Burdick	Domenici	Hartke
Haskell	McGee	Ribicoff
Hatfield	McGovern	Roth
Hathaway	McIntyre	Schweiker
Hollings	Metcalf	Scott, Hugh
Huddleston	Mondale	Stafford
Humphrey	Montoya	Stevens
Inouye	Moss	Stevenson
Jackson	Muskie	Stone
Javits	Nelson	Symington
Johnston	Packwood	Taft
Kennedy	Pastore	Tower
Laxalt	Pearson	Tunney
Leahy	Pell	Weicker
Magnuson	Percy	Williams
Mansfield	Proxmire	
Mathias	Randolph	

NAYS—20

Allen	Helms	Scott, William L.
Buckley	Hruska	Sparkman
Byrd, Harry F., Jr.	Long	Stennis
Curtis	McClellan	Talmadge
Fannin	McClure	Thurmond
Goldwater	Morgan	Young
Hansen	Nunn	

NOT VOTING—3

Bartlett	Bayh	Eastland

The PRESIDING OFFICER. The Senate will be in order. The Senators will take their seats.

On this vote, the yeas are 76, the nays are 20. Three-fifths of those duly chosen and sworn having voted in the affirmative, the motion is agreed to. Each Senator has 1 hour to speak.

Who yields time?

Mr. STONE addressed the Chair.

AMENDMENT OF THE VOTING RIGHTS ACT

The Senate continued with the consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, and for other purposes.

Mr. STONE. Mr. President, I call up my amendment cosponsored by Mr. NUNN and Mr. CHILES.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Mr. STONE, for himself, Mr. NUNN, and Mr. CHILES, proposes an amendment: On page 4, line 16, insert after the first period and before the quotation marks the following sentence: "The provisions of subsection (a) shall also apply in any State or in any political subdivision of a state with respect to which the Attorney General has instituted a proceeding referred to in section 3(a)."

Mr. STONE. Mr. President, may we have order?

The PRESIDING OFFICER. May we have order, please?

Mr. STONE. Mr. President, my amendment——

Mr. NUNN. Mr. President, this is a very important amendment. The Senate is not in order, and the Senator is entitled to be heard.

The PRESIDING OFFICER. Will the Senate be in order, please, with those in the aisles taking their seats?

Mr. STONE. Mr. President, this amendment triggers all of the provisions of this act for which the Senator from Florida has voted cloture several times now if the lawsuit provision of section 3(a) is triggered by action of the Attorney General of the United States.

The Senator from Florida and the other cosponsors of this amendment believe if a situation involving discrimination against a person's right to vote in any jurisdiction in this country is serious enough to warrant action by the Attorney General of the United States, it is serious enough to warrant action against the jurisdiction in all of the protective remedies granted by the act.

In order to show that this is not a regional approach, in order to show that this is not a sectional bill, in order to show that this is a bill designed to stamp out discrimination against the right and the ability to vote and register in every part of the country, the Senator from Florida urges the adoption of this amendment and hopes it can be accepted by the sponsors and voted on by this body.

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

The PRESIDING OFFICER. Would the Senator use his microphone.

Mr. STEVENS. Is the amendment of the Senator from Florida the one he placed in the RECORD in a statement?

Mr. STONE. No, Senator, it is not. This is an amendment which is different. The other amendment has not yet been called up.

As explained by the managers of the bill yesterday, the bill is national in its scope because if an aggrieved party, either for himself or through the person of the Attorney General of the United States, has a proceeding then a lawsuit can be filed in any jurisdiction in the country, and that was the explanation of why this bill is not motivated by antisectional bias or regionalism.

What the Senator from Florida and the other sponsors of this bill seek is to generalize on that approach so that if the Attorney General of the United States finds serious discrimination, serious enough to warrant his proceedings—and may the Senator from Florida point out to his colleagues that in 10 years not one such proceeding was filed, but may the Senator from Florida point out that the Assistant Attorney General in charge of this area, Mr. Pottinger promised more action in the future. Now, if there is action in the future serious enough to warrant movement by the Attorney General in court, then the other provisions of this act ought just as well be available for the stamping out of the discrimination. The Senator from Florida believes if this amendment would be accepted and this approach accepted, this whole idea accepted, that in that situation many, many Senators from the States originally covered by this act can support the act in all of its provisions.

Mr. STEVENS. I thank the Senator.

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

Mr. STONE. Mr. President, I request the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second to the request for the yeas and nays? There is a sufficient second.

The yeas and nays were ordered.

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

Mr. STONE. Yes.

Mr. TUNNEY. I oppose the amendment for a number of reasons. In the first place, I think it is clear from Assist-

ant Attorney General Pottinger's testimony before our Subcommittee on Constitutional Rights, that although actions were not brought under section 3, actions were brought under the 15th amendment. I quote from what he said:

Therefore, we have brought suit on numerous occasions under the 15th Amendment without needing to rely on section 3. That is the first thing that needs to be cleared on the record. We have not failed to bring suit to enforce the 15th Amendment rights. Where we have had—

Mr. STONE. The Senator from Florida does not dispute that and finds no fault with that.

Mr. TUNNEY. But the Senator from Florida uses as one of his justifications for the amendment that the Attorney General has not acted.

Mr. STONE. Not at all because the Senator from Florida forecasts more frequent use of section 3 by reason of the testimony of Assistant Attorney General Pottinger, and he finds no fault with that.

Mr. TUNNEY. Mr. President, will the Senator yield further?

Mr. STONE. Yes.

Mr. TUNNEY. I would also point out that in the amendment to section 3 we are giving to private citizens the opportunity to bring lawsuits, and within the amendment itself we say that the court, upon its own finding that it would be equitable, can award attorney's fees to the prevailing party, which would mean the private attorney.

So we have taken care so that in a particular State or jurisdiction which is not automatically covered under sections 4 and 5 a private person can go into court and sue to eliminate acts of discrimination. So the act will apply with full force in the uncovered jurisdictions.

I might just point out that if the Senator's amendment——

Mr. STONE. Will the Senator yield?

Mr. TUNNEY. Just let me conclude my remarks.

If the Senator's amendment carries, it would be a significant gut of the Voting Rights Act as it presently exists. I would hope that Senators who are not on the floor would realize what they were doing if they support the amendment of the Senator from Florida.

And, of course, it would completely overburden the Justice Department, as we have indicated, if they had to have preclearance for every State or county of the country.

Mr. STONE. The Senator from Florida will answer very briefly and then yield to the Senator from Georgia for further answer to the remarks of the Senator from California.

The Senator from California cannot have it both ways. If it has never been used, then to use it would not overburden the Justice Department.

If there are complaints, the Senator from Florida would like to point out to the Senator from California, if there are complaints, then all remedies appropriate to eliminate the discrimination involved are appropriate and fair.

The Senator from Florida would further point out that his amendment does not eliminate the private suit complaint and the Senator from Florida proves it.

Therefore, the Senator from Florida cannot see how this will gut the bill in any way, shape, or form, because if there are conditions sufficient to trigger the Attorney General's movement under section 3, which it has been testified had never been used because the constitutional approach had been sufficient, then they are sufficient to provide all of the other remedies involved.

The Senator from Florida yields to the Senator from Georgia for further answer.

Mr. NUNN. I thank my colleague from Florida.

I would like to support this amendment. I am a cosponsor of it. I think it carries out the intention expressed yesterday by several different Senators around the Senate Chamber.

The Senator from California made it clear yesterday he felt section 3 really did give this act national coverage.

Now, what we are saying is that if section 3 is implemented by the Attorney General of the United States by bringing a lawsuit, then that particular subdivision, or political subdivision, whether a State or local government, would be covered under the automatic provisions of the other sections, under which the Southern States are now covered.

The Senator from California made the statement yesterday in arguing against the Talmadge-Nunn amendment that would have made this act nationwide in scope instead of regional in scope, that this was an attempt to overburden the Justice Department, that the Justice Department would be overburdened under this national scope approach and, thereby, dilute the act.

I do not agree with that particular contention, but if that is true, the Stone-Nunn amendment cures that problem because this does not automatically cover every jurisdiction in the United States as far as the automatic preclearance provisions are concerned.

What this amendment says simply is that if the Attorney General of the United States brings action under section 3, then, certainly, there is a serious enough problem in other jurisdictions outside the so-called regional jurisdictions of the South to warrant the automatic preclearance coverage provided by section 5.

Now, the Senator from California argues that the 15th amendment has been used by the Attorney General, rather than section 3. It seems to me the Senator from California is arguing directly against the overburdening argument he used yesterday because this amendment would not affect jurisdictions if the Attorney General brought the action under the 15th amendment, as I understand it.

Mr. STONE. That is true.

Mr. NUNN. It would only affect jurisdictions sued by the Attorney General of the United States under section 3.

Mr. TUNNEY. Will the Senator yield for a question?

Mr. NUNN. It is totally incongruous.

Mr. TUNNEY. Will the Senator yield for a question?

Mr. NUNN. Yes.

Mr. TUNNEY. In other words, what the Senator from Georgia wants is to have the Attorney General bring all his suits under the 15th amendment rather than under section 3.

Mr. NUNN. This would be a matter for the Attorney General to decide. So far, the Senator from California, says he has moved in this direction. If that continues, the Stone-Nunn amendment will not even be applicable because the jurisdiction will not be used under section 3.

Mr. TUNNEY. Then what value has the amendment in bringing about national coverage if the Senator from Georgia admits it will have no effect if the Attorney General brings his action under the 15th amendment?

Mr. STONE. If the Senator from Georgia permits——

Mr. NUNN. Surely.

Mr. STONE. That would allow the Attorney General's office two options, either to have the option of suing under the Constitution, in which case the only thing that would happen would be a lawsuit, or to have the option of not only suing under the act, but triggering all the other protective mechanisms, not as to the whole country, only as to the jurisdiction offended. and I think the time has come when the rest of this body should recognize that what we want here is applicability of the benefits and protections wherever the offenses occur.

With that approach, this regional feeling will be dissipated and one will not have to worry, not to have to worry about the use of the rules, or delays, or anything else.

Mr. TUNNEY. Will the Senator yield for another question?

Mr. NUNN. Will the Senator yield?

Mr. STONE. I yield to the Senator from Georgia for 1 minute.

Mr. NUNN. What this really does is give someone in the United States of America namely, the Attorney General of the United States, an open invitation to apply a law across the Nation rather than in one section, and it lets those people in this body and in the House who are really interested in the voting rights of minorities, as opposed to a bill that hits only one section of the country, put their rhetoric into action because it gives the Attorney General the discretion, if he sees a county in California, or even the whole State of California, has so flagrantly violated the voting rights of their citizens so as to warrant coverage by section 5, to bring a 15th-amendment suit to substantially have California covered under these other provisions.

I think it would be used very judiciously. I think the Attorney General would be very careful before he brought such an action that would automatically cover other jurisdictions.

I am sure the Senator from California would also think that. So really, this is an effort to be equitable and it will separate those people who want to insure voting rights for minorities and those people who are really intent on enforcing

this kind of law only in one section of the country.

Mr. TUNNEY. Will the Senator yield for another question?

Mr. STONE. Certainly.

Mr. TUNNEY. It is my understanding at the time that the Attorney General files his complaint there would be automatic coverage.

Mr. STONE. That is correct.

Mr. TUNNEY. Before there was any proof.

Mr. STONE. Well, the Attorney General would not file a proceeding which he has not even used in 10 years without proof.

Mr. NUNN. Will the Senator will yield.

Mr. STONE. I yield to the Senator from Georgia.

Mr. NUNN. A much greater presumption of innocence exists under this particular amendment than there is in the present law aimed toward the States in the South.

We are already deemed guilty. We have already been tried and convicted under the provisions of the law right now. The Senator from California is now incredibly bringing up the question of whether there is a presumption of guilt in this situation.

Certainly, there is some presumption here, but not nearly to the extent already being pronounced as a verdict on the States in our section of the country.

Mr. TUNNEY. Will the Senator yield for a question?

Mr. JAVITS. Will the Senator yield on my time, yield to me on my time?

Mr. TUNNEY. Well, it is the Senator from Florida.

Mr. STONE. The Senator from Florida yields to the Senator from New York on his time.

Mr. JAVITS. On my time.

Mr. President, as to the particular amendment, the Senator from California, I think, has put his finger on the main point, which is the no proof with respect to this proceeding, and yet, the particular restraints of the law apply.

I cannot agree on the whole scheme of the legislation respecting the reason why it applies in given Southern States.

We argued that 20 times, a long history in this particular field, the remains of which still continue in the disparities in the registration, which were explained yesterday.

The courts have upheld that as a proper distinction.

Rather than to argue this particular amendment, if I could have the attention of the manager of the bill—and this is on my time—I think it is very important to lay down some ground rule here because of the feeling on the part of the manager of the bill and the manager on the minority side, as well as many of the supporters of the bill, that our problem right now is not so much with the validity of any particular amendment as with the amendment process itself. The fact is that there will be enormous prejudice to the effort to enforce voting rights constitutionally if this bill lapses for any length of time at all. We have gone into that time and again.

So it is my understanding now that it is the intention of the manager of the bill not to accept any amendments and to move to table each amendment which is offered. Is that correct?

Mr. TUNNEY. I would say to my good friend and distinguished colleague from New York that it is my intention not to accept any amendments. I am not sure that I am going to move to table every amendment. We may vote up or down on the merits on one or two amendments. But certainly the great majority of the amendments I am going to move to table.

Mr. JAVITS. Do I understand, therefore, that this is necessary in order to avoid a conference with the House which might delay completion of final action on the bill before August 6, and that this is intended to avoid prejudice to the basic purpose for which the bill is sought to be enacted?

Mr. TUNNEY. That is correct.

Mr. JAVITS. Now, may I proceed to ask a few other questions?

Will the Senator, the manager of the bill, please advise the Senate of the amendments which were adopted by the Senate Judiciary Committee which appear in the Senate version of the bill but not in the House version of the bill, whereas it is the House version which is now before us?

Mr. TUNNEY. There were four amendments. The first which was adopted in the subcomimttee in response to the Supreme Court decision in Alyeska versus the Wilderness Society would provide for the awarding of attorneys' fees in cases brought under civil rights statutes.

The second amendment changed the date for the required census mandated by title IV.

The third amendment, which was offered yesterday by Senator SCOTT of Virginia and which was tabled by the Senate, would have provided an exemption from the bilingual provisions of title II and III where the language in question was extinct.

The fourth amendment required the Justice Department to provide an opportunity for consultation with State officials within 45 days after the attorney general determined there was a probability he would object to a voting change.

I might say to my friend that I very much regret that some of these amendments cannot now be considered because of the very real threat of a filibuster which became evident earlier this week. I feel that it is necessary to conform to the House bill, much as I would have liked to have considered a number of amendments on their merits.

Mr. JAVITS. Does the Senator, in his capacity as chairman of the Constitutional Rights Subcommittee and as manager of the bill, plan any further action on these amendments which he has just outlined which are in the Senate and not in the House bill and on other serious amendments to this bill?

Mr. TUNNEY. Yes. I plan to introduce separate legislation incorporating the four committee amendments. If necessary, I will have hearings in the subcommittee before the end of the year.

At this time, also, I want to give the following assurance to Senators proposing amendments to the pending bill: when the four committee amendments are heard, we will also consider other amendments which may have merit but which, because of the exigencies of time, just have to be tabled or have to be voted down.

Mr. JAVITS. Mr. President, I think that is an extremely important assurance. I hope Members will pay serious attention to that. Also I believe it fair to say that for myself—and I have talked with a good many other supporters of the bill—there will be a very open attitude toward any need for amending the bill after the bill becomes law. We are simply up against the kind of pressure which will defeat the objective of all of us and harm seriously the policy of the country unless this idea which we have urged upon the manager of the bill is carried through.

I thought that early in the debate, when the first amendment was up, it was critically important to make that clear to the whole Senate.

May I say, too, that I have another matter I would like to cover. I know other Members are waiting but this is very brief. That is again a question for the manager.

It is a question which has been raised with me by the Orthodox Jewish community in New York which qualifies for funds under bilingual education programs because many members of these groups speak Yiddish as their first language. They are concerned that the definition of language minorities in this bill, which is limited to Spanish, Arabian, Indian, Eskimo, and Aleut, will, by inference, be adopted by other Federal agencies in the administration of other programs as being the sole language minorities which there are, thereby excluding Orthodox Jews from participation in bilingual education or other programs.

May I ask the manager whether my understanding is correct that it is not the intention of the proponents of the bill to so limit other language programs administered by the Federal Government or in any way to set a precedent to be followed in the Federal establishment that the specified language minorities are the only ones which exist in our country?

Mr. TUNNEY. I want to make it very clear that the floor manager's understanding is precisely as suggested by the Senator from New York. We intend to have no impact upon funds that might be disbursed under other laws to other types of so-called language minorities.

When we talk about language minorities for coverage under this act, we are not in any way referring to other types of language minorities that would receive benefits under other acts of Congress.

Mr. JAVITS. I thank my colleague. I yield to the Senator from Maryland.

Mr. MATHIAS. As a matter of legislative history, I would want to concur with the remarks made by the Senator from California, the manager of the bill.

I would also like to refer to a subject which the Senator from New York wisely and prudently raised a few minutes ago. That is the subject of what happens if there is an amendment to this bill, what kind of difficulties lie ahead of us in view of the agreement of the Congress that we will adjourn on the 1st of August.

It has been 7 years since I left the other body. I never was an expert on the rules of the House of Representatives, and I do not claim to be an expert on the rules of the House of Representatives now. But my understanding is that if there is an amendment, it will take a unanimous-consent request propounded in all probability by the chairman of the House Judiciary Committee. If there is 1 out of 435 Members of the House of Representatives who objects then this legislation is in trouble. There may be some who object out of conscience and there may be some who object out of benevolence. But for whatever reason, the legislation can be in serious trouble. The alternative then is to get a rule. That was not always the easiest thing to do and I do not suppose it is the easiest thing to do now, particularly with the kind of time frame in which we have to work.

So the Senator from New York, I think, with his usual careful approach to legislation has given us a warning of just what will happen if we get into the situation where we become dependent upon the favorable response of every single Member of the House of Representatives in order to get an amendment added to this bill.

I think it is a great pity that we find ourselves in this situation, but that is where we are.

Mr. JAVITS. I thank the Senator very much for his contribution. The Senator from New York has also tried to show a way out to Senators who have serious and deserving amendments, and I hope that the friends of the bill will have that very much in mind as we act upon individual amendments, because that is the way in which to do justice, and also to do the even greater justice of getting this bill through in time.

Mr. President, I thank the Senator from Florida for allowing me to speak while he had the floor. The time is charged to me, with no loss to him, and I reserve the remainder of my time.

Mr. CRANSTON. Mr. President, will the Senator yield to me?

Mr. STONE. I yield to the Senator from California under the same terms.

The PRESIDING OFFICER (Mr. FORD). The Senator from California is recognized on his own time.

Mr. CRANSTON. I think that the Senator from New York has performed a valuable service in asking the questions that he has asked of the manager of the bill. I would like to say I think it is very unfortunate that we have been forced into the position where we are unable to consider good amendments or bad amendments. Some good amendments, from my point of view, have been offered on the legislation, and some have been offered which I do not like, which I will call bad amendments.

But I think it is very unfortunate that we are in a situation where we dare not give adequate consideration to each amendment on its merits. We are dealing with procedure rather than with principle, and I think that is very unfortunate. But why is that?

We are in this situation because certain opponents of this bill made it very, very plain by many actions that they took that they originally intended, whatever their intentions may be now, to resort to every parliamentary maneuver, tactic, rule, and precedent to block this bill, so that we would be confronted, first, by the deadline of the congressional recess on August 1, and second, by the deadline of August 6 when certain of the provisions of the Voting Rights Act will no longer be effective.

Facing that possibility, the manager of the bill, my colleague (Mr. TUNNEY), very wisely sounded the alarm, talked with the leadership, and talked with other Senators about the need for proceeding as rapidly as possible. The leadership responded magnificently, and Senator MANSFIELD and Senator ROBERT C. BYRD have been of invaluable help in moving the legislation along and using the strength of the leadership and the knowledge of the rules possessed by Senator BYRD to move the legislation as swiftly as we have seen it moved.

So some of those who have had amendments that they wanted to have seriously considered are themselves responsible for the fact that we find it very difficult if not impossible to give the consideration that those amendments may or may not merit. Some amendments that will be offered or have been offered certainly merit great consideration, and I would like to vote for some of them. But it is not the decision of the leadership and it is not the decision of the Senator from California that we get into a situation where we cannot deal with amendments on their merits. We would like to deal with them in that way.

I hope my colleague will not move to lay on the table every amendment. I think we should, as much as possible, even now under the prevailing circumstances, vote up or down on as many as possible, consistent with moving along the action in the Senate. As my colleague knows and as the Senator from West Virginia, the majority whip, knows, I have suggested that we might explore other ways of giving greater opportunity to consider amendments on their merits, and I am very sorry that the circumstances make that impossible.

I hope that we can, under future circumstances if not during the consideration of this particular bill, find a way to give ample opportunity to review the legislation and to consider improving amendments; for there are many amendments that would improve this legislation.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Florida yield to me?

Mr. STONE. I yield, under the same conditions.

Mr. ROBERT C. BYRD. I yield myself 1 minute from my own time.

TIME LIMITATION AGREEMENT—TREASURY-POST OFFICE APPROPRIATIONS—H.R. 8597

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, this request having been cleared on the other side of the aisle, that at such time as the Treasury-Postal Service appropriation bill is called up and made the pending business before the Senate, there be a limitation of 2 hours on the bill, to be equally divided between and controlled by the Senator from Oregon (Mr. HATFIELD) and the Senator from New Mexico (Mr. MONTOYA); that there be a time limitation on any amendment of 1 hour; and that there be a time limitation on any debatable motion or appeal of 30 minutes. I ask unanimous consent, with respect to the division of time, that the agreement be in the usual form.

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

The text of the unanimous-consent agreement is as follows:

Ordered, That, during the consideration of H.R. 8597, the Treasury-Postal Service Appropriation Bill for 1976, debate on any amendment shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 30 mintues, to be equally divided and controlled by the mover of such and the manager of the bill: Provided, That in the event the manager of the bill is in favor of any such amendment or motion or point of order, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Oregon (Mr. Hatfield) and the Senator from New Mexico (Mr. Montoya): Provided, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

ORDER FOR RECOGNITION FOR SENATOR CULVER TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the Senator from Idaho (Mr. CHURCH) is recognized tomorrow under the order previously entered, the Senator from Iowa (Mr. CULVER) be recognized for not to exceed 15 minutes.

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

Mr. ROBERT C. BYRD. I thank the Senator from Florida.

AMENDMENT OF THE VOTING RIGHTS ACT

The Senate continued with the consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, and for other purposes.

Mr. STONE. Mr. President, the Senator from Florida is going to conclude and ask for the vote, the yeas and nays on which have already been ordered, after using a minute or so to sum up.

I was a part of the movement which proceeded the flow of this legislation along expeditiously. I signed a cloture motion. I voted for cloture twice. I intend to vote for this bill.

But for the manager of the bill to say that, in addition to cloture, no amendment, no matter how deserving, can be listened to or considered on the merits, is a condition that I believe to be intolerable to any legislation as important as

this, particularly when not hours remain before the recess, but days.

The real issue, where there are amendments which to improve the bill, which do eliminate this feeling which, deserved or not, persists that the framers of the legislation have regional desires in mind, and are unwilling or unable to accept an equal impact wherever discrimination occurs, would be most unfortunate for the national interest.

I conclude, therefore, by urging that this amendment be considered on its merits with an up or down vote, the yeas and nays on which have already been ordered.

Mr. TUNNEY. Mr. President, will the Senator yield for a brief question?

Mr. STONE. I yield on my own time for the Senator's brief question.

Mr. TUNNEY. I appreciate the Senator's courtesy. I would just like to point out to the Senator from Florida that the bill that emerged from the Senate Judiciary Committee, as well as the bill that came over from the House of Representatives, significantly expand section 4 and section 5 coverage by covering "language minority groups."

Mr. STONE. I do not object to that.

Mr. TUNNEY. Through the triggering device, the act would now include parts of Oklahoma, New Mexico, Florida, New York, and other States throughout the Union.

There is no desire to be regional in this regard. It just so happens that in certain parts of this country, for many decades, there was the worst kind of discrimination and abridgement of the right to vote of blacks and the language minorities.

Mr. STONE. Will the Senator yield right there?

Mr. TUNNEY. And now we know of other language minorities, such as the Spanish-speaking minorities, American Indians, and others.

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

Mr. TUNNEY. I yield.

Mr. STONE. Does the fact that discrimination existed for decades in other parts of the country excuse the discrimination that may not have existed for decades, but exists now and has for years, in other parts of this country?

Mr. TUNNEY. If the Senator will permit me to finish——

Mr. STONE. I would like to have an answer.

Mr. TUNNEY. I do not want to use up all the time.

Mr. STONE. I am still accepting the time.

Mr. TUNNEY. I would like to make very clear that we do not want to see one region of the country set off against another region of the country.

Mr. STONE. Then why not accept this amendment?

Mr. TUNNEY. That is one reason why we included the private attorney general provision under section 3, to give people all over the country the right to file their own complaints. The Attorney General has had that power for the past 10 years.

Mr. STONE. Reluctantly, I must reserve the remainder of my time because I have other amendments.

Several Senators addressed the Chair.

Mr. ROBERT C. BYRD. Mr. President, I yield myself 1 minute. May I say I will have to object to Senators interrogating other Senators on the time of the Senator who is doing the interrogation.

The PRESIDING OFFICER. The Chair is well aware of that. The Chair will try to see that it does not happen again.

Mr. NUNN. Mr. President, just summarizing my position, I share the views of the Senator from Florida. I commend the Senator from Florida whose State is not currently covered by this act for being fair-minded, for wanting to insure equity throughout the country and for making sure that the intent of this act is carried out not just in one section of the country but throughout the country. I believe his amendment would do that. I think he would leave to the discretion of the Attorney General the duty to ascertain if any evidence existed of discrimination against minorities, in any section of the country, based upon which he could bring suit and thereby make sure that they are subject to the same provisions of the act as the States in the South.

The Senator from Florida does not have a personal stake in this amendment or this particular act, except he is interested in making sure that every section of the country is treated fairly. I happen to be one who would like very much to vote for final passage of this act. I believe very strongly that every person in this country, regardless of race, regardless of creed, color, or language, should be able to enjoy the full fruits of citizenship and certainly a prerequisite to that is the right to vote. But I believe that it is not only long overdue, that we not have discrimination against anyone by reason of their color, it is also long overdue, Mr. President, that we not discriminate against one section of the United States of America. We are all Americans; we are all citizens. Every State has the same rights as every other State.

I think that this amendment would go a long way to insuring that principle and making certain that, while we are eliminating one form of discrimination, we do not create another form.

So I commend the Senator from Florida for his initiative in this regard and for his deep concern that every section of the country be treated alike. In doing that, he would be expanding, not contracting, the right of minorities to participate fully in their government. So he would be creating equity between sections of the country and at the same time making certain that every citizen of this country, whether he lived in the South or North, would be protected even if he happened to be a member of a minority group.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, I feel obliged to oppose this amendment, and I oppose it on two grounds, first, on the procedural grounds which we have already discussed, that any amendment is going to expose the bill to the possibility of defeat because either the unanimous consent of every Member of the House of Representatives cannot be obtained or, in the alternative, a rule cannot be obtained in the House before the date of expiration of the bill, and I think that is a serious objection.

But I also oppose the amendment on the basis of its substance, because it provides a new trigger which is a totally new approach to the whole problem of discrimination. The historic approach, the one which we have followed and which we have followed successfully in this bill and in other bills in other areas of civil rights legislation, is that we are trying to extinguish a pattern or practice and that is what the bill is designed to go after, a pattern or practice. I think, much as we may regret isolated and individual incidents which violate the spirit and the letter of the 14th and 15th amendments, I think it is impossible for anyone to say that such isolated incidents of unfortunate human conduct will not occur. They occur everywhere. None of us are so disciplined that we do not occasionally make mistakes. It is not the occasional, the isolated incident.

Mr. NUNN. Mr. President, will the Senator from Maryland yield on my time.

Mr. MATHIAS. When I finish my statement, I will be happy to.

It is not the isolated, the individual incident that we can reasonably hope to prevent. It is the pattern or practice which deprives large numbers of people of their rights, and that is what this bill goes after, and it is that principle which I think should be embodied in the law, and that is why I will vote against this amendment.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Maryland yield?

Mr. MATHIAS. I will yield to the Senator on his time. I regret that I cannot on my own.

Mr. ROBERT C. BYRD. Mr. President, the Senator can only yield for a question and cannot yield to another Senator on his time.

The PRESIDING OFFICER. The point of order is well taken. He may yield for a question.

Mr. MATHIAS. On the Senator's time.

The PRESIDING OFFICER. On the Senator's time.

Mr. NUNN. I will wait and be recognized in my own right.

Mr. MATHIAS. No, I am happy if we can yield on his time.

The PRESIDING OFFICER. On the Senator's time.

Mr. MATHIAS. On his time.

The PRESIDING OFFICER. No.

Mr. NUNN. I would like to ask the Senator——

Mr. ROBERT C. BYRD. Just yield for a question.

The PRESIDING OFFICER. The Chair states that the Senator cannot yield for a question on another Senator's time. If he will not yield on his time, the Senator cannot be recognized.

The Senator from Tennessee is recognized next.

Mr. BROCK. Mr. President, I will comment on the two points raised by the Senator from Maryland, the first being the procedural question.

I have favored this bill and I voted

for it back in the House of Representatives, but I do think there is a serious question as to validity of arguments as to procedures. If that were the case, this Senator would have to vote against every Senate amendment that is offered on the bill, and that has hardly been his experience in the last several years in the Senate. So we either have a new precedent, a new argument, or a change in posture on the part of the Senator from Maryland, if the——

Mr. MATHIAS. We have a change in circumstances. The bill expires on the 6th of August.

Mr. BROCK. That does not change the fact that the House of Representatives could, and I think quite obviously would, act before that deadline to resolve this one modest change.

But more fundamentally that that, the Senator wants to establish a pattern or practice as the criteria. I understood that when the bill was first discussed and passed.

The question now though is whether or not there is a pattern or practice in extent now. If that is not the case, then the Senator's own logic would argue against his position in support of the bill. If there is a pattern or practice, the bill should have prohibited it, so the bill is not working. So that argues against the Senator's position.

The fact is that the vestiges of discrimination have been largely eliminated, and we now have a situation in which the civil rights of 200 million Americans should be operated or protected under an equal standard of law and justice. I see no merit to the Senator's position whatsoever based upon pattern or practice.

If there is a pattern or practice that somebody is not enforcing the existing law, they ought to be fired, or the law ought to be improved so as to eliminate that pattern or practice. If there is not a pattern or practice, then there is no standard for the Senator's own position, no standard at all. And that, too, argues for the Senator from Florida's position that the law should apply to 220 million Americans and 50 States, not just to those who happen to live within a defined geographical area.

But the Senator apparently and the advocates of this particular posture will not address those questions. I do not know why. It makes it very difficult for those of us who believe in voting rights and who have supported this legislation to do so on an inconsistent basis such as is presented to us in this particular debate.

I would hope that the Senator would reacquaint himself with the merits of the amendment offered by the Senator from Florida and offer his support to protect the rights of all Americans wherever they happen to live.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I certainly join in the comments of my colleague from Tennessee, and I would just take 1 minute to offer a comment on the substantive argument of the Senator from Maryland rather than a procedural argument. On the substantive argument that we had a historical pattern of discrimination in the South whereas in other sections of the country there is only isolated——

Mr. MATHIAS. If the Senator will observe, I never made such argument.

Mr. NUNN. I thought the Senator from Maryland said only in other sections of the country where there were isolated incidents.

Mr. MATHIAS. I did not mention sections of the country. I said the historic approach to civil rights legislation was to deal with patterns or practices and not with isolated incidents. It had no geographical reference whatever.

Mr. NUNN. Perhaps the Senator from the South is just a little sensitive on the subject, but I think that any fairminded person hearing that argument would draw an innuendo that isolated instances were outside of the South and the historical practices were in the South. I assume that is what the Senator from Maryland intended because, without arguing against extending section 3(a) to other sections of the country, I assume he is intending to say that only other parts of the country have isolated instances.

Mr. MATHIAS. The Senator's judgment of my intentions was practically totally in error. I had no such intention. I am talking about purely the approach to civil rights legislation wherever it happens. In this case, the act is triggered by the State of New York, for one example, because a pattern or practice that existed there.

Mr. NUNN. That is what this amendment does. I think the Senator from Maryland should read this amendment, because he seems to be arguing now in favor of it.

The amazing thing to me is that when we talk about isolated instances wherever they may be, the Senator from Georgia remembers back about 5 or 6 years ago that people said that the discrimination in schools was a historical pattern only in the South and that anywhere else it was certainly an isolated instance. I think that any fairminded person reading the history of this country since then would see that when you put any section of the country under the microscope, you see a lot of germs that you might not have seen when you put the microscope on another section of the country.

Any fairminded person also would see, when looking at the voting situation in other parts of the country as closely as it has been looked at in the South, while it would not excuse any transgressions that may have taken place in the South in voting, that it certainly would be beneficial to other sections of the Nation, and that is what this amendment would do. It would not automatically cover any section of the country, which I would have liked to have done under the Talmadge-Nunn amendment yesterday. It gives to the Attorney General of the United States the authority to look at patterns of discrimination in other sections of the country. If he believes there is a pattern and he can bring a suit under section 3(a), then everybody will be fed from the same pot. That is exactly what the authors of this amendment, if they really are looking to broaden the participation of minorities in this country, should be aiming toward.

I have a hard time seeing how anyone rationally could oppose this amendment.

I have one final comment on the procedural question. The Senator from Georgia has been in the Senate only 3 years and cannot go back any further than that; but I have never seen it argued so successfully before that we cannot have any amendment at all because if we have any amendment at all, the August 6 date, which is some 2½ to 3 weeks off, might catch us and that thereby the act would expire. I have to say that that is a very scanty argument for refusing to look at the merit of any amendment, regardless of its equity, regardless of its merit. This is a very important act. It is going to be with certain sections of this country, as it now stands, for 10 years.

It seems to me to be a very bad practice to have the admission, over and over again, that we are not going to look at the merits of amendments because the time may run out, particularly in light of the fact that we all know that the minority leader and the majority leader can call us back into session, and we all know that every Senator in this Chamber intends to get through with this measure one way or the other before we recess.

I think the procedural argument is being used to impede and object to any matter of substance, regardless of its equity. I find that a very poor practice and a very bad precedent for this body to take in such a major measure.

Mr. TUNNEY. The precedent already has been established many times.

Mr. NUNN. If there is a precedent on it, the Senator from Georgia is not aware of it. It is a very poor precedent, and we should break it right now.

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

Mr. NUNN. I yield.

The PRESIDING OFFICER. The Senator from Georgia has the floor, and he yields for a question.

Mr. NELSON. I regret that I was occupied elsewhere when the Senator from Georgia called up his amendment.

What is the circumstance under which the provisions of the act would be activated under the Senator's amendment?

Mr. NUNN. If the Attorney General of the United States brought a lawsuit against any political subdivision in the country under section 3, the other sections then would become applicable to that particular jurisdiction. The theory is that the Attorney General would have the discretion to require that a particular subdivision of this country be under the act, just as others are, if we found a pattern of discrimination.

Mr. NELSON. The amendment specifically addresses itself to a particular jurisdiction, whether it be a municipality or a county. Is that correct?

Mr. NUNN. That is correct.

Mr. NELSON. This could be initiated by the Attorney General, on his own motion?

Mr. NUNN. Under section 3. He already has the authority under section 3

to do this. With this amendment, if he takes this initiative, which he has never done—there never has been any section 3 action so far—but if the Attorney General decided to go in this direction, we are giving him the discretion to do it. If he does it, then the other sections—that is, the preclearance provision—would apply to this subdivision, just as they now apply to States that are under the formula.

Mr. NELSON. Perhaps the Senator can advise me, since I have not looked at that statute in a long time, what procedure is followed currently if in some part of the country, in a State not now under the act, a municipality does engage in a discriminatory act by ordinance or in some other way. What is the remedy now, under the law?

Mr. NUNN. As I understand it, there would be two remedies on which the Attorney General could decide.

Mr. NELSON. Under the current law?

Mr. NUNN. Under the current law and under this act if it is passed as now stated, without any amendment. He would have the right to bring a 15th amendment law suit not based on the Voting Rights Act. That would be one remedy. That is the remedy he has been pursuing.

He would have the alternative of proceding under section 3 of this act. So he would not have to bring an action under section 3 of this act, thereby keeping off the automatic coverage if he chose, and bring a 15th amendment lawsuit even if this amendment is agreed to. This would not restrict his discretion; it would broaden his discretion.

Mr. NELSON. I was trying to get fixed more precisely in my mind how this broadens the present statute and the Attorney General's authority to remedy a situation of discrimination beyond what the statute now permits or authorizes him to do. That distinction is not clear in my mind.

Mr. NUNN. It would not broaden his jurisdiction or his discretion in terms of bringing a lawsuit for any kind of discrimination. It would do this: If he, in his discretion, chose to bring the lawsuit under section 3 of this act rather than under the 15th amendment, the other sections of this act then would be activated automatically as to that particular subdivision. It would not really broaden his initiation of a lawsuit, but it would greatly broaden the coverage of this Voting Rights Act to that particular subdivision.

Mr. NELSON. The Senator is saying to me that under the present law, the Attorney General is unable to initiate such an action under section 3?

Mr. NUNN. No. I am saying that he already can initiate that action; but the effect of it under section 3, if he did it, would not make these other sections, the preclearance sections, applicable to that subdivision.

Mr. NELSON. So the Senator's amendment broadens it to the extent that it makes all the provisions of that act applicable to that jurisdiction in the event——

Mr. NUNN. The Senator is correct.

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

Mr. TUNNEY. Will the Senator yield for a question?

Mr. NELSON. I am just trying to get something cleared up.

The PRESIDING OFFICER. The Senator from Georgia has the floor. He is being questioned by the Senator from Wisconsin.

Mr. NUNN. The Senator from Tennessee would like to continue this discussion. I yield to the Senator from Tennessee.

Mr. BROCK. I want to try to explain the difference.

Right now, the predescribed areas that are covered by the existing law are under a preclearance procedure for changes in precincts, voting standards, and so forth. That is based upon the statement, as the Senator from Maryland said, that we found or Congress found a pattern or practice of discrimination in the past. What the Senator from Florida has proposed is that, if the Attorney General finds, in some new area not delineated under existing law, some additional area, a pattern or practice of discrimination, not only could he sue for relief in a particular instance, but the other preclearance procedures would come in and then safeguards would come into play so as to protect the individuals, the minorities, in that area from further abuse. That is all the amendment does.

The PRESIDING OFFICER. The Chair is advised that the Senator from Tennessee was on his own time.

Mr. BROCK. Fair enough.

Mr. NUNN. I yield to the Senator from California.

I do not want to cut off the Senator from Wisconsin.

Mr. NELSON. No, the Senator has answered my question.

Mr. NUNN. I yield, then, to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I am really seeking the floor in my own right for a few minutes, but I am glad to ask a question, if I may, of the Senator from Georgia.

Mr. NUNN. I yield the floor then, Mr. President.

The PRESIDING OFFICER. The Senator from Mississippi is recognized on his own time.

Mr. STENNIS. Mr. President, I thank the Chair. If the Senator from California has a question he wants to put to the Senator from Georgia, I will yield. I ask unanimous consent that I may yield, even on my time, Mr. President, for not over 3 minutes.

Mr. TUNNEY. I thank the Senator. It would be just 30 seconds. I thank my distinguished friend from Mississippi.

The PRESIDING OFFICER. The Chair must state that under the cloture motion, questions and answers are on the time of the Senator who has the floor. The Senator from Mississippi now has the floor, so it is on his time.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield 3 minutes on my time to the Senator from California, the manager of the bill.

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

Mr. TUNNEY. I thank my distinguished friend. I promise him I shall not use the 3 minutes. I want to point out one thing to the Senator from Wisconsin with respect to this amendment. That is, at the time the Attorney General files the complaint, there is an automatic triggering of coverage under sections 4 and 5. There does not have to be any proof rendered at that point, just the filing of the complaint. I say the amendment is fatally deficient in that very aspect.

If the Senators want to give the Attorney General that power, in any jurisdiction, just by filing a complaint, they will support this amendment. If they do not want that, they will vote against it.

Mr. NUNN. Will the Senator yield to me 1 minute?

Mr. STENNIS. I ask unanimous consent that I may yield 2 minutes of my time to the Senator from Georgia for a question.

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

Mr. NUNN. The Senator from California is correct in that the initiation of the suit would kick off the coverage, would not require the proof of it. But the Senator from California has not brought out that there are seven States in this Nation that are already prejudged as guilty, with a verdict rendered, that is on much less proof than what the Attorney General, in his discretion, would need to initiate a lawsuit. So I think the Senator from California, in pointing out that defect, really argues against having any one with the preclearance provisions rendered on some States, because that would be done in advance. I prefer that everybody be judged by the same standard.

Mr. STENNIS. Mr. President, I shall take very little time of the Senate. I thank the Senator from Georgia on the point raised by the Senator from California. He has spoken well and he has rendered a judgment on the case.

This bill, which the ukase says must not be amended under any circumstance, but must go to the President's desk as passed by the House—and the President has already said in effect, as I understand, that he will sign it; that is, he would have to to a certain extent—already passes judgment, automatically, on the States that are included in its terms. We do not even have to file a lawsuit. The Attorney General does not have to suggest anything. The terms of this bill bring judgment before any suit is filed, before the facts are looked at or examined. This bill has not even been referred to a committee. So further judgment is rendered so far as those States are concerned.

These little amendments are just fragments, after all, of an effort to get this matter applied nationally. If I can get the time, it will be my privilege to represent that question that was presented so well yesterday by the two Senators from Georgia.

Back to the point: Judgment has already been passed here and this amendment, for which I commend the two authors, merely says that the Attorney General at least may enforce the law

uniformly throughout the Nation. He will not be confined—he will not be confined—to these States that are named and a few small areas in addition thereto; just a chance to let him be the same Attorney General for all the Nation that he will be for a part of the Nation under the terms of the bill as written now. That is all it asks for. That is all. That is the same old question we had here with reference to passing laws with reference to schools: Put it on the other fellow, but do not let it touch us. That is the substance of what was said here for years and years and years.

With reference to busing, for instance, when those chickens come home to roost—I am not trying to retry any cases. I am talking about the principle of it. But when those same facts and matters and problems come home to roost, they want nothing more of it. Therefore, I say now, Mr. President, after 10 years of this discriminatory area in the bill, and after 10 years of experience, they want to add on 10 more years, with no one having any rights to come in or get the cause heard or anything else except under the mandates of this limited application. This amendment just says that the Attorney General can be the same Attorney General in all the 50 States that he is in this little area that is designated in the bill.

How can we vote against it? How can we vote against it? How can they bring the bill in here and say "no amendment"? We have destroyed the parliamentary nature of this body when we fall to an argument of that kind. Let us get down to the merits of this thing and let no more be heard of "no amendment."

I thank the Chair.

What time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator from Mississippi has 55 minutes.

Mr. STENNIS. I reserve that time, Mr. President. I yield the floor.

Mr. NUNN. Will the Senator yield for a quick question to the Chair of how much time the Senator from Georgia has remaining?

The PRESIDING OFFICER. The Senator from Georgia has 42 minutes remaining.

Mr. NUNN. I thank the Chair.

Mr. TUNNEY. Mr. President.

The PRESIDING OFFICER. The Senator from Wyoming has been standing for some time for recognition.

Mr. HANSEN. Mr. President, I came to the floor after this discussion had been initiated. As a consequence, I have not heard all of the debate that has preceded my appearance in the Chamber. I find it strange and startling, indeed, that my good friend from California would hold out the fearful specter that the Attorney General of the United States might happen, upon his own initiative, to question how fairly registration and voting is taking place someplace in the United States. It seems to me that what has been said by the distinguished Senator from Mississippi needs to be heard by everyone, everyone in all of these United States.

I support the concept of seeing that we treat all minorities fairly. It just happens that in my State of Wyoming, our biggest minority group is the American Indian. I suspect that in second place would be people with Spanish surnames. We have roughly one-half of 1 percent of the population of Wyoming represented by black people.

I have no reason at all, as far as my constituency is concerned, to have a black on my staff. I happen to have a black on my staff. His home is in Washington, D.C. I think I can fairly say that I do not believe I have any more than the average amount of prejudice that I find in this body. I do not hold any prejudice in my heart against any man. I respect a very competent person on my staff who happens to be a black man. He does a great job and I am proud of him. I do not mind telling anyone, if people in Wyoming wonder how it happens that I have him, I say for one very good reason: he is the best records clerk that I know of in this town and I am grateful to him for the excellent job he does.

Incidentally, he has not finished high school. But he does a truly fine job.

Having said that, let me now say that if there is merit in this bill, if there is any reason at all to continue for another 10 years, as has been proposed, this law, I see no reason at all not to make its application nationwide.

Frankly, I do not think there is any need to extend it, but if there is, and I know some believe very sincerely that it should be extended, I see no reason at all not to extend it to every nook and cranny, to every one of the 50 States.

I feel the same way about busing. It started out—and I was a Member of this body when some of the later Civil Rights Acts were passed—and I know that the argument was made that the only discrimination in schools occurs in the South, so let us strike down de jure discrimination. Now we know that de facto discrimination has been charged and challenged in other parts of the country.

We know that one of our good colleagues from New England has at least displeased some of his constituents because of his support of busing as a means of achieving racial integration.

All I can say is I think my position on this bill is exactly the same as it has been on busing all along. If it is good for the South, let us make it nationwide, and I think that is exactly what we ought to do on this bill.

I just have to say I believe people who do not agree with that—this is a charge I am very reluctant to make—have to be a little hypocritical on this issue, because all we are saying is let us allow people who can be objective or at least to whom we attribute a certain objectivity look the situation over, and if the Attorney General of the United States—and it could very well be a Democratic Attorney General before long, it might be a Republican, I hope it is a Republican, but whoever it is, whoever it may be, will have been confirmed by the Senate of the United States—finds himself persuaded that he should invoke the reaches of this law, wherever it is, I say let us give him that authority.

I am going to support an amendment that I hope may later be proposed that will do this, and I support the amendment now before this body because, it seems to me, there is no reason at all to continue to pick out seven States or parts of seven States in the United States and say:

> Here and here alone, to the exclusion of the other 43, is evidence of the kind of discrimination we think has to be struck down.

And justify the extension of a law for another 10 years.

I was disappointed, frankly, and I say this because I have nothing but the highest regard for my good friend from California, the manager of this bill, when I heard him say either yesterday or the day before he was going to have to oppose every single amendment that might be offered on this bill because, as I recall his words at the time, he was distressed over the damage that could result if we were to let this law lapse and had to wait until after the recess before we got another law put into place.

And somehow—I do not say this was spoken by the Senator from California—someone said:

> You know, there is a chance that if we get to look at it, if we wait long enough, we might just not get it reenacted.

Mr. President, I think this is precisely the road that the framers of the Constitution and those persons who had so much to do with bringing about the written word of law in this country had had in mind when they said, "This should be a deliberative body."

I was here on the floor when Senator Dirksen switched on cloture and made it possible to get a vote on some of the civil rights laws enacted after the mid-1960's, and he said one other thing that I think needs to be recalled by Members of this body, and that was this: That he had never yet seen a time when cloture—and back in those days it required a two-thirds majority—when after sufficient discussion and sufficient understanding, sufficient accommodation by those who had a numerical superiority, on the one hand, and those who were in a numerical inferiority on the other side, or the minority on the other side, when an accommodation had been brought about that was reasonable, that it was impossible to get action by the Senate of the United States because of cloture.

We have changed that law, and now it requires fewer than two-thirds. As I understand it, the law is now that, excepting in the case of changing the rules of the Senate itself, 60 Members must be present and voting for cloture in order to invoke it.

I know we have invoked cloture, and I am sure that what I say will not really change very many minds, but I hope there are some people—and I am persuaded there are many—in this body who are objective and who want to be fair and want to be reasonable, who would listen to the words of the distinguished Senator from Mississippi (Mr. STENNIS) and understand and take time, if they would, to reread, Mr. President, what he said back when we were talking about busing. I heard him, and I remember very well at that time he made the point that the time would come when the tables would be turned around and some

who were on the liberal side and who were then saying, "Let us give the Senate a chance to invoke its will," would be on the other side.

I have been here, despite the fewness of my years, long enough to see that happen. I have been here long enough to see some of the persons who were out in the front in their opposition to the Senator from Mississippi hide behind what they said was this cloture rule to prevent a vote on busing up or down. I have been here long enough to see that happen.

It is for that reason, among others, I say that I do not think that, all in all, there are too many people here who are completely objective on every single issue.

I would be the first to admit that I have a lot of bias, but I think on this issue there really is not all that much room for bias. If this is a good law, and it has been in effect now for 10 years, I see no reason at all, Mr. President, not to make its application nationwide.

For those who say, "Well, the Attorney General might move in and without anybody having any right to present any case he might say there is discrimination," Mr. President, all I can say is that that is what the South would say, what some of the States that come under this bill have been saying, for a long time, and there is little recognition given to what has been happening since then.

In the Washington Post a few days ago there appeared a letter from the secretary of state of the State of Texas, and he took the Post to task because, in his opinion, its reporters either did not understand what the facts were or they ignored those facts. He made the point that in his State, the State of Texas, there was a higher percentage of some minority ethnic groups who were represented in office in some of the counties in Texas than were reflected by the percentage that those minority groups represented in terms of the overall percentage of the people living in that county.

I reserve the remainder of my time, although I would be happy to yield to my good friend from Georgia on my time.

The PRESIDING OFFICER (Mr. FORD). The Senator cannot yield on his time, it has to be on the time of the Senator from Georgia.

Mr. TALMADGE. Mr. President, I express my deep and profound appreciation for the logic, effectiveness, reasonableness, fairness, of the great speech the Senator from Wyoming has just delivered on the floor of this body. It has been my privilege to have served on the Committee on Finance with the distinguished Senator from Wyoming for a good many years and I know of his fairness, his logic, and his reasonableness.

The Senator from Wyoming is eminently correct when he states that laws ought to have general application throughout this Nation of ours. They should not be designed as a snare to catch certain areas of the country to the exclusion of other areas of the country, yet that is exactly what this bill does. It was deliberately designed to do that.

It has been in effect now for 10 years and we have enjoyed the benefits of this act. We want other sections of the Nation to enjoy some of these benefits.

I congratulate the Senator.

Mr. HANSEN. Mr. President, I thank my good friend from Georgia very much. I appreciate his kind words and all of the adjectives he used.

I might find some little, teeny shred of merit in some of them. However, as far as my effectiveness is concerned, I would have to say at that point the Senator from Georgia went far overboard.

Mr. STONE. Mr. President——

Mr. THURMOND. Mr. President, will the Senator yield on my time?

Mr. President, I want to take this opportunity to commend the distinguished and able Senator from Wyoming upon the remarks he just made.

I would just remind the Senate that the Senator from Wyoming does not come from a State in the South. I would remind the Senate that he has very small minority groups in his State of any kind. He has no reason to have any bias. I point this out because frequently it seems that the Senators from the South are accused, either openly or not openly, with being biased on matters of this kind.

The Senator from Wyoming, in my judgment, is one of the finest and ablest Senators in this body and I have held him in high esteem ever since he has been here, and after his remarks today I would say that every Senator in this body could well emulate this fair, this just, this honorable citizen who is a member of this body.

Mr. President, I am in favor of this amendment. I am in favor of it because it is a fair and just amendment.

If there is discrimination in some States other than the South, why should not the Attorney General investigate and approach it regardless of where it occurs?

Why does the Senate want to continue harassing the South? Why does the Senate want to go back to 1964 figures instead of using later figures? That is a long time ago, that is 11 years that have passed. Conditions have changed and if the southern people and southern leaders have changed the situation and have improved the situation, they ought to be commended. They ought to be encouraged, instead of having Senators come here and introduce a bill that lends no encouragement, but shows a complete lack of knowledge of the situation in the South and shows a very unobjective attitude towards the South.

Mr. President, for instance, in my State of South Carolina, as of 1974—and catch these figures—60.8 percent of all blacks of voting age were registered to vote in South Carolina. That speaks for itself. Not quite two-thirds, but almost.

Now, one may say, "Well, what about the whites?" Well, let me give the figure on the whites.

This compares favorably with the voting registration for white citizens of 61.3 percent. In other words, only one-half of 1 percent of the white people in my State were registered than were black people.

So we have just about as many blacks registered, and yet the percentage of whites to blacks in South Carolina is about 70 to 30, and we have as large a percentage, less one-half of 1 percent, of the blacks who registered as compared with the whites.

Mr. President, there is no discrimination in my State. I have said that before, and I say it again now, and I challenge anyone to show any discrimination. If there is discrimination, it should be corrected. If it exists in California, it should be corrected, or Connecticut, or any other State.

Mr. President, why not treat the whole country alike? That is what the Constitution provides.

Mr. President, I hope this amendment will be adopted.

Mr. STONE. The Senator reserves the remainder of his time. The yeas and nays have been ordered and we ask for the vote.

Mr. TUNNEY. Mr. President, I move to lay the amendment on the table.

Several Senators addressed the Chair.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. HATFIELD). Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from Mississippi (Mr. EASTLAND) are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

The result was announced—yeas 49, nays 46, as follows:

[Rollcall Vote No. 311 Leg.]

YEAS—49

Abourezk	Hatfield	Muskie
Beall	Hathaway	Pastore
Biden	Huddleston	Pearson
Brooke	Inouye	Pell
Burdick	Jackson	Percy
Case	Javits	Proxmire
Church	Kennedy	Schweiker
Clark	Leahy	Scott, Hugh
Cranston	Magnuson	Stafford
Culver	Mansfield	Stevenson
Eagleton	Mathias	Symington
Fong	McGee	Taft
Ford	McGovern	Tunney
Glenn	McIntyre	Weicker
Gravel	Mondale	Williams
Hart, Gary W.	Montoya	
Hartke	Moss	

NAYS—46

Allen	Garn	Nelson
Baker	Goldwater	Nunn
Bellmon	Griffin	Packwood
Bentsen	Hansen	Randolph
Brock	Haskell	Ribicoff
Buckley	Helms	Roth
Bumpers	Hollings	Scott, William L.
Byrd, Harry F., Jr.	Hruska	Sparkman
Byrd, Robert C.	Humphrey	Stennis
Cannon	Johnston	Stevens
Chiles	Laxalt	Stone
Curtis	Long	Talmadge
Dole	McClellan	Thurmond
Domenici	McClure	Tower
Fannin	Metcalf	Young
	Morgan	

NOT VOTING—4

Bartlett Eastland Hart, Philip A.
Bayh

So the motion to lay on the table was agreed to.

Several Senators addressed the Chair.

Mr. TUNNEY. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. MATHIAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The VICE PRESIDENT. The Senate will be in order.

Mr. NUNN. Mr. President, I ask for the yeas and nays on that.

Mr. HUMPHREY. The Senator is too late.

The VICE PRESIDENT. The result has been announced.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I have a letter from the President of the United States.

Mr. President, I ask for order.

The VICE PRESIDENT. The Senate will be in order. Senators will please take their seats.

Mr. MANSFIELD. Mr. President, under the date of July 21, I am in receipt of a letter from the President of the United States relative to the pending business. It reads as follows:

DEAR MIKE: With only two weeks left before the Congressional recess, I want to let you know how important it is that Congress extend the temporary provisions of the Voting Rights Act before the August recess.

These provisions expire August 6, 1975, and they must not be allowed to lapse.

My first priority is to extend the Voting Rights Act. With time so short, it may be best as a practical matter to extend the Voting Rights Act as it is for five more years; or, as an alternative, the Senate might accept the House bill (H.R. 6219), which includes the important step of extending the provisions of the Act to Spanish-speaking citizens and others. To make certain that the Voting Rights Act is continued, I can support either approach.

However, the issue of broadening the Act further has arisen; and it is my view that it would now be appropriate to expand the protection of the Act to all citizens of the United States.

I strongly believe that the right to vote is the foundation of freedom, and that this right must be protected.

That is why, when this issue was first being considered in 1965, I co-sponsored with Representative William McCulloch of Ohio a voting rights bill which would have effectively guaranteed voting rights to eligible citizens throughout the whole country.

After it became clear at that time that the McCulloch-Ford bill would not pass, I voted for the most practical alternative, the Voting Rights Act of 1965. In 1970, I supported extending the Act.

Last January, when this issue first came before me as President, I proposed that Congress again extend for five years the temporary provisions of the Voting Rights Act of 1965.

The House of Representatives, in H.R. 6219, has broadened this important law in this way: (1) The House bill would extend the temporary provisions of the Act for ten years instead of five; and (2) the House bill would extend the temporary provisions of the Act so as to include discrimination against language minorities, thereby extending application of the Act from the present seven States to eight additional States, in whole or in part.

In light of the House extension of the Voting Rights Act for ten years and to eight more States, I believe this is the appropriate time and opportunity to extend the Voting Rights Act nationwide.

This is one nation, and this is a case where what is right for fifteen States is right for fifty States.

Numerous civil rights leaders have pointed out that substantial numbers of Black citizens have been denied the right to vote in many of our large cities in areas other than the seven Southern states where the present temporary provisions apply. Discrimination in voting in any part of this nation is equally undesirable.

As I said in 1965, when I introduced legislation on this subject, a responsible, comprehensive voting rights bill should "correct voting discrimination wherever it occurs throughout the length and breadth of this great land."

I urge the Senate to move promptly—first, to assure that the temporary provisions of the Voting Rights Act do not lapse. As amendments are taken up, I urge you to make the Voting Rights Act applicable nationwide. Should the Senate extend the Act to American voters in all 50 states, I am confident the House of Representatives would concur.

I shall be grateful if you will convey to the members of the Senate my views on this important matter.

Sincerely,

GERALD R. FORD.

Several Senators addressed the Chair.

AMENDMENT NO. 776

Mr. STENNIS. Mr. President, I have an amendment that I submitted this morning, which is largely a re-run of the Talmadge-Nunn amendment passed on yesterday afternoon. There is an added provision there that is not controversial.

I call up now, Mr. President, for consideration by the Senate that amendment that was introduced this morning. As far as I know, it has not been printed. But all of the provisions except one are in the Talmadge-Nunn amendment No. 704.

The VICE PRESIDENT. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. STENNIS), for himself and Mr. NUNN, proposes an amendment, No. 776.

The amendment is as follows:

On page 1, strike out lines 3 through 6 and insert in lieu thereof the following:

"That this Act may be cited as the 'Voting Rights Amendments of 1976'.

"TITLE I

"SEC. 101. (a) Section 4 of the Voting Rights Act of 1965 is repealed.

"(b) Section 5 of such Act is amended by striking out 'a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect' and inserting in lieu thereof: 'any State or political subdivision'.

"(c) Section 6 of such Act is amended by—

"(1) striking out 'unless a declaratory judgment has been entered under section 4 (a),', and

"(2) striking out 'named in, or included within the scope of the determination made under section 4(b)'.

"(d)(1) Section 12(a) of such Act is amended by striking out 'section 2, 3, 4, 5, 7, or 10' and inserting in lieu thereof 'section 2, 3, 5, 7, or 10'.

"(2) Section 12(c) of such Act is amended by striking out 'section 2, 3, 4, 5, 7, 10, or 11 (a) or (b)' and inserting in lieu thereof 'section 2, 3, 5, 7, 10, or 11 (a) or (b)'.

"(3) Section 12(d) of such Act is amended by striking out 'section 2, 3, 4, 5, 7, 10, or 11, or subsection (b)' and inserting in lieu thereof 'section 2, 3, 5, 7, 10, or 11, or subsection (b)'.

"(e)(1) Section 14(b) of such Act is amended by striking out 'section 4 or'.

"(2) Section 14(d) of such act is amended by striking out 'section 4 or'.

"TITLE II"

On page 1, line 7, strike out "102" and insert "201".

On page 2, beginning with line 7, strike out through line 20, on page 7.

At the appropriate place in the bill add the following section:

The Attorney General of the United States shall report to Congress by July 1, 1976 criteria by which any State or political subdivision may be exempted from the provisions of title I section 5 and section 6 of this Act. In developing this criteria the Attorney General shall consider all jurisdictions of the Nation covered by this Act and their record of performance in assuring all citizens the right to vote regardless of race, creed, color, or language.

Mr. HRUSKA. Mr. President, will the Senator yield for a brief question?

Mr. STENNIS. I am glad to yield on his time. Mr. President, I ask unanimous consent that I may yield to the Senator on his time.

Mr. HRUSKA. On my time.

Mr. STENNIS. How much?

Mr. HRUSKA. Just 2 minutes.

Mr. STENNIS. Three minutes.

Mr. HRUSKA. Mr. President, this Senator has been in receipt of a letter which is identical in text with the letter that has just been read by the majority leader, with the request also that it be communicated by me to the Members of the Senate. In a very few minutes photocopies of that letter will be distributed and placed on the desk of each Senator. It is my intention to support the amendment of the Senator from Mississippi, and in due time I expect to talk at greater length and detail on the text and merits of it.

Mr. STENNIS. Mr. President, I thank the Senator.

Mr. President, on a matter of perhaps importance, on my time I ask unanimous consent that I may yield to the Senator from Alabama 2 minutes.

Mr. ROBERT C. BYRD. Mr. President, I will not object.

The VICE PRESIDENT. The Senator can only yield for a question.

Mr. ROBERT C. BYRD. I will not object in this instance, but at some point objection will have to be made to yielding on other Senators' time.

Mr. STENNIS. I will yield on my time. I appreciate the leader's suggestion. I am not going to abuse his patience.

Mr. HUMPHREY. Mr. President, will the Senator yield for just a unanimous-consent request? Will the Senator from Mississippi yield to me?

Mr. STENNIS. I ask unanimous consent that I may yield to the Senator for a noncontroversial unanimous-consent request.

Mr. HUMPHREY. I merely ask unanimous consent that a member of my staff, Louise Bracknell, be accorded the priv-

ilege of the floor during this debate of the Voting Rights Act?

The VICE PRESIDENT. Without objection, it is so ordered.

Order in the Senate, please.

Mr. MATHIAS. Mr. President, I ask unanimous consent that Mr. Colbert King may have the privilege of the floor during the debate.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, will the Senator yield for a unanimous-consent request?

The VICE PRESIDENT. The Senator from Alabama has the floor.

Mr. STENNIS. I am rightfully under fire here from the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, is it for a unanimous-consent request for a staff member to be accorded the privilege of the floor?

Mr. BELLMON. Yes.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may let the Senator from Oklahoma make a unanimous-consent request.

Mr. BELLMON. Mr. President, I ask unanimous consent that Mr. Charles Waters, my legislative assistant, be accorded the privilege of the floor.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I have already yielded to the Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from Mississippi. I did not request the Senator from Mississippi to yield to me. Some of the Senators over here were somewhat interested.

Mr. TALMADGE. Mr. President, may we have order.

The PRESIDING OFFICER. Order in the Chamber, please.

Mr. ALLEN. Some of the Senators, who were interested in the last amendment, stated to me that they would have voted for the amendment which in a sense would have made the law nationwide to a limited extent, if they had been assured that further discussion would not have been made of the conference report, if there be a conference report.

I give assurance, as far as the Senator from Alabama is concerned, if this amendment now being proposed by the distinguished Senator from Mississippi is agreed to and it becomes part of the bill, Senators will not hear anything further from the Senator from Alabama, because he believes that this bill should be applied nationwide, and that would remove the chief objection the Senator from Alabama has.

I comment, also, on the letter of the President of the United States. The Senator from Mississippi yesterday charged that this is a political bill, and it is a political bill.

But this strong statement that the President of the United States has made about making this bill apply nationwide is the greatest stroke that he has made yet toward fairness and toward the promotion of unity in this country. I say it is going to serve him in good stead next year. I would certainly advise this Democratic Congress to meet the President halfway on this issue.

I thank the distinguished Senator.

Mr. STENNIS. Mr. President, I do not propose now to detain the Senate very long. This matter has already been argued and well debated in the Chamber yesterday afternoon, by the two Senators from Georgia, and was voted on by the membership and lost by a close vote. But as more than one has told me, there was some confusion as to just what the issue was and that they would cast a different vote.

Mr. President, I do not care to rehash and go over again and again the hard, cold facts of this case. This law has been in effect 10 years. It was designed to bring about better understanding and conditions for voting rights, and it has made a difference and made progress.

I read the figures here yesterday. I was able to show here by the tabulation that in my own State now we have 191 black elected officials. I was thinking in terms here of the number of elected black officials, which is a mighty good indication of free participation. We have 191 black elected officials, and that is the second highest number of any State in the Union, except Michigan, and that State has a population of three, four, or five times as much.

Mr. President, I yield for a question to the Senator from Connecticut. May we have quiet? I do not want to ask for order. I just ask for quiet, Mr. President.

Mr. RIBICOFF. Mr. President, I would like to stay for the entire debate, but the Finance Committee is marking up the energy bill.

I will support the amendment of the Senator from Mississippi.

On February 9, 1970, the same problem was before the U.S. Senate on the question of busing, and at that time I thought it was only eminently fair that the entire Nation should have the same rules and should be guided by the same laws and the same regulations.

I think that if we are ever going to have equity and understanding in this Nation, we cannot have one set of rules for one section of the country and another set of rules for another section of the country. The North should be willing to be bound by the same rules as the South.

On the basis of fairness and equity, this is a proper amendment, and I shall vote and support the distinguished Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. I thank the Senator very much.

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

Mr. STENNIS. I am glad to yield to the Senator from California if he will speak on his time.

Mr. TUNNEY. On my time, yes.

I point out to my friend from Connecticut that when he says that he is supporting the amendments that have been offered by the Senator from Mississippi he thereby suggests that it is not a nationwide bill now. It is a nationwide bill. There is nothing that singles out individual States in this legislation.

The act has a trigger formula that picks up areas where voting discrimination was most severe.

The same kind of discrimination did not exist to the same degree in other parts of the Nation. After hearing testimony, the committee decided to expand the law with a bill similar to the one before us, by including language minorities. And, we are giving individuals the right to bring their own suits under section 3, the private attorney provision.

I say to my friend that if we apply section 5 nationwide, it in all probability would be declared unconstitutional. The Constitution says in article I, section 4, the time, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislation thereof, but Congress may at any time make or alter such regulations except as to the place of choosing Senators.

The Supreme Court, in South Carolina against Katzenbach, said:

> The Act suspends new voting regulations pending scrutiny by Federal authorities to determine whether their use would violate the 15th Amendment. This may have been an uncommon exercise of Congressional power, as South Carolina contends, but the Court has recognized that exceptional conditions can justify legislative measures not otherwise appropriate.

I should like the Senator from Connecticut to recall that those special circumstances, those exceptional circumstances, have not been demonstrated to exist in areas other than where there are language minorities, and we include language minorities under the bill as it is presently before the Senate.

Mr. RIBICOFF. Then, it will not be a problem in those States.

All I am asking is that there be uniform application of the law in the 50 States; and if it is uniform, it certainly is not going to be declared unconstitutional.

I think the time has come when we cannot be dividing this country on a sectional basis. If there is wrongdoing in connection with civil rights in the South, we should address ourselves to it. If there is wrongdoing in connection with civil rights in California, we should address ourselves to it. All I am asking is that when we pass a law in the U.S. Senate, the same principles, the same rules, the same regulations should apply to the entire Nation.

How can anyone take exception to that type of principle? I think it is wrong to try to write a law on the floor of the U.S. Senate by which we make fish of one and fowl of another. I can understand why people from other sections of the country can be upset.

I said in 1970, and I say again, that the time has come for the North to cut out its hypocrisy. There is enough hypocrisy in the North. I said in 1970 that we also must recognize that it is easy to find fault and make corrections 1,500 miles away from home; but we are unable and unwilling to address ourselves to problems right around the corner from where we live.

If we are going to solve the dissension in this country, one of the places to start is to make sure there is uniformity in

the application of national laws in the 50 States.

Mr. TUNNEY. Perhaps the Senator does not understand the meaning of preclearance. Under the proposed amendment, every State and county throughout the country would have to submit all changes in its election laws or procedures to the Attorney General for approval. The Supreme Court has made it very clear that to have an intervention like that by the Federal Government in the State election process, there have to be exceptional circumstances. What we have done in this bill is to recognize that there are exceptional circumstances in certain parts of Connecticut, in certain parts of California, in certain parts of New Mexico, Oklahoma, and other States where there are language minorities, and we have included language minorities in those jurisdictions.

But this amendment is probably, almost certainly unconstitutional, and I cannot think of an amendment better designed to destroy the action of the Voting Rights Act than the amendment that is being offered. Maybe we do not need the Voting Rights Act any more, but I happen to think we do. I should like to believe that we will not need an extension of the Voting Rights Act 10 years from now. It is my fervent hope that we never will need it.

I point out what Congressman ANDY YOUNG said, the first black elected in the deep South since Reconstruction:

> What is it like to be under the Voting Rights Act, to be under the strictures of the Federal Government? I'll tell you what it's like. It's just great. It's just great.

Mr. RIBICOFF. How is that going to be destroyed by the amendment of the Senator from Mississippi? I am at a loss to understand. I do not understand the amendment of the Senator from Mississippi to be that he is trying to change the rules for Georgia or Mississippi. My understanding is that he is saying that the same rules and application of law that apply in Mississippi should apply to Connecticut and California.

Am I incorrect, as I analyze the purpose of the Senator from Mississippi's amendment?

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

Mr. RIBICOFF. I am asking the Senator from Mississippi. Is the Senator from Mississippi asking that Mississippi or Georgia or Alabama be treated any differently from the way Connecticut or California are treated?

Mr. STENNIS. Absolutely not. The substance of this amendment is merely to make the act apply uniformly in the 50 States, and with equality—just the same.

Mr. RIBICOFF. Will that destroy the Voting Rights Act?

Mr. STENNIS. Not a bit. It will extend the act. It will extend the act to every possible area that may feel a need for it, or in which the Attorney General may feel that he should institute a suit, or where an individual might want to institute a suit. It is not trying to do anything to anyone or any State. It is trying to make the act uniform and do it for those officials or those individuals who want to intervene. This is the test; that is all.

Mr. RIBICOFF. I think that we in the Northern States are in a very poor position to keep saying constantly that the South should do something we are unwilling to do. If we are looking for equity and justice, all of us in the 50 States have to put ourselves in the position in which we say to the people of our States and of the Nation that we want to be treated exactly the same as the poeple are being treated in any of the 50 States; and if something is wrong in our State, the same law should be applicable to us as in the State of Mississippi or the State of Alabama.

Mr. TUNNEY. Does the Senator feel that in the State of Connecticut, for example—where certain counties already are covered under the act and more counties will be covered if the bill is passed, that there are such exceptional conditions as to justify an act which is going to impose a situation in which the State, itself, must get preclearance and all the communities in the State must get preclearance for any changes in the voting laws.

Mr. RIBICOFF. No. I think Connecticut is fair in the way it treats every minority. But I would not be so smug and so self-righteous in any State in the Nation. We sense great movement.

In 1970, when we were faced with the problems of de facto and de jure busing, I pointed out the fact that there was no difference between the two. I am for busing, but I felt they should be treated the same.

There are great movements and great emotions in this land, and I have no assurance that in the next 5 or 10 years one of the Northern States will not be guilty of the same problems. When we see the turmoil in Boston at the present time, what happened in Mississippi and Alabama could happen in Massachusetts.

All I am saying is that if we are going to pass a law applicable to civil rights in the United States, everybody's civil rights should be protected. We are not writing a law just for 1961 or 1965 or today. We are writing a law for the next 5 years, and I cannot predict what the emotional factors will be in any State in the 5 years ahead of us.

Mr. TUNNEY. We are talking about voting discrimination here. We are not talking about educational discrimination or other forms of discrimination. We are talking about voting discrimination. If the Senator feels that his State justifies this kind of coverage because of the exceptional circumstances that exist in the way of voting discrimination in his State, then I can understand his position.

Mr. RIBICOFF. I say to the distinguished Senator from California that I am not going to allow him to shift the argument. Connecticut does not discriminate.

All I am saying to my distinguished friend is that I want the State of Connecticut to be governed by the same rules and regulations and principles that govern the State of Mississippi. I do not want any exception. The State of Connecticut is a State that observes the law; I have no fear of the law. But if the State of Connecticut were at fault, I would want the law to apply to the State of Connecticut as well as to the State of Mississippi.

I cannot advocate a law on the floor of the U.S. Senate that would be discriminatory against a group of States and have a law apply only to a group of States and say that I am unwilling to have the same principles apply to my own State.

Mr. ALLEN. Mr. President, will the Senator yield for 1 minute?

Mr. STENNIS. Mr. President, I do not want to appear to hold the floor. I want to make a few remarks and then yield to the Senator from Nebraska. I ask unanimous consent that I may yield to the Senator from Alabama for 1 minute only.

Mr. RIBICOFF. For the distinguished Senator from Mississippi, it can be done on my time.

Mr. STENNIS. Yes, but I have the floor.

Mr. ALLEN. Mr. President, I wish to state that there are few statesmen in this Chamber, but, based on the position that the Senator from Connecticut took with respect to forced desegregation in the public schools throughout the country, his stand for uniformity in that regard, and his stand for uniformity with regard to voting rights, it is clearly indicated to the Senator from Alabama that the distinguished Senator from Connecticut (Mr. RIBICOFF) is a true statesman and such an appellation is certainly capable of being applied to mighty few individuals in this entire Congress.

Mr. STENNIS. Mr. President, I thank the Senator.

Mr. President, I am just going to make a two-sentence comment.

The Senator from Connecticut has made a powerful point here, in that those who have been trying to bring about affirmative, positive results with reference to everyone exercising his voting rights are entitled to some encouragement. This bill as written will discourage them. It will tear down, and disassemble, and retard, and put a drawback to the accomplishments already being made. Here are the figures.

No. 2. I want this bill, in all the country, to move forward. Progress in Mississippi, progress in California, progress in Nebraska—anywhere and everywhere. Let us move together. This is not discriminating against a State or any individual. This is opening up the doors of the church. Let anybody come in who wants to. There is no reason, with regard to cities, why one rule should apply in New Orleans and a different rule in Chicago, at the other end of the valley. No one has given a reason for that.

Mr. President, I do not want to hold the floor. The Senator from Nebraska is held here from an important conference. I yield such time as he may wish on his time, then I shall yield the floor.

Mr. HRUSKA. I yield myself 10 minutes, Mr. President.

Mr. President, the merits of the amendment of the distinguished Senator from Mississippi have been discussed at length today and yesterday. I believe there is growing sentiment among Members of this body in support of this measure.

I remind my colleagues that this Sen-

ator has a long acquaintance with the pending legislation. The original Voting Rights Act was processed in 1965 while I was a member of the Committee on the Judiciary, as I still am. I have long been in sympathy with civil rights legislation. In 1965 I supported the Voting Rights Act.

The results achieved under this 1965 act were impressive and I believe all thoughtful individuals recognize that the act served the extraordinary purposes for which it was enacted. It must also be recognized, however, that the facts and circumstances which the act sought to rectify have changed dramatically in the 10 years since its enactment.

It should be noted, I believe, that when the act was passed in 1965 it was done so with the thought that it was a temporary measure designed to apply unusual remedies to a few States of the Union where voting discrimination seemed prevalent. The act's provisions were a departure, I believe, from the general rules of good legislation in that they produced a troublesome precedent of Federal interference in State matters. This departure was tolerated by this Senator, and by at least some others in this body, in the belief that the discrimination which existed at that time was of the proportion that serious remedies were required.

Ten years have now passed since the act was implemented. A review of the voter registration figures of the six Southern States originally covered under the 1965 act indicate a tremendous increase in minority voter registration, in some cases the totals being higher than in many States of the Union.

Nevertheless, the legislation as presently drafted seems to ignore the reversal of discriminatory practices in those States and their large gains in voter registration. Under the terms of the bill, the six States originally covered would continue to be covered for an additional 10 years, no matter how successful they are in removing all vestiges of discrimination. I do not believe the regional onus which these States have been under for the past few years should be continued in view of their performance in the past decade.

The legislation before us, H.R. 6219, in its present form, totally ignores the record of gains made in those States initially covered and automatically extends coverage, based upon prior misdeeds, which have long been corrected. To extend the act to these States for an additional 10 years based upon standards which existed in those States some 10 years ago lends credence to those who argue that this bill is punitive in nature.

The amendment before us would remove this regional onus while at the same time protecting citizens all over the country in the exercise of their constitutional right to vote.

The Attorney General would be able to bring action wherever individuals were being discriminated against, including those several States originally covered under the act, if discrimination was found to presently exist. Those States, however, originally "caught" under the act would not continue to be "frozen" under the Attorney General's supervision if discrimination did not presently exist.

Mr. President, in 1970, a strong case was made for legislation which contained the very thrust of the amendment which we have before us today. In 1970 the House passed an extension to the Voting Rights Act, supported by the Attorney General and the administration, which would have applied the act on a nationwide basis. At that time, although this feature was not ultimately accepted by the Senate and, therefore, not enacted, testimony was received from a number of extremely credible and well informed experts, during the hearings on the 1970 extension, in support of nationwide application. The case for such application has been made even stronger in the past 5 years in light of the significant advances in voter registration in those States initially covered by the act.

The PRESIDING OFFICER. Will the Senator suspend?

Mr. HRUSKA. Five more minutes.

I want to stress the point that was made by the Senator from Connecticut and also the comments made thereon by the Senator from Mississippi, that this amendment will not detract in substance from the applicability of the terms and provisions of this law to the States which are presently covered by the act if it be shown that discrimination continues to exist in those jurisdictions.

I do not want to belabor those arguments, the record is clear and ample on this point. Rather, I wish to read from the text of President Ford's letter to me, which is similar to one which he addressed to the majority leader.

This letter, I believe, lends much support to the notion of a nationwide coverage of the Voting Rights Act, as is embodied in the amendment now pending.

Mr. President, I will read now part of the text of this letter, dated July 21, 1975, from the President.

Mr. STENNIS. May we have quiet, Mr. President?

The PRESIDING OFFICER. There will be order in the Senate. Will the Senators please take their seats and refrain from discussion?

The Senator may proceed.

Mr. HRUSKA. The President's letter states:

In light of the House extension of the Voting Rights Act for ten years and to eight more States, I believe this is the appropriate time and opportunity to extend the Voting Rights Act nationwide.

This is one nation, and this is a case where what is right for fifteen States is right for fifty States.

Numerous civil rights leaders have pointed out that substantial numbers of black citizens have been denied the right to vote in many of our large cities in areas other than the seven Southern states where the present temporary provisions apply. Discrimination in voting in any part of this nation is equally undesirable.

As I said in 1965, when I introduced legislation on this subject, a resposible, comprehensive voting rights bill should "correct voting discriminaion wherever it occurs throughout the lengh and breadth of this great land."

I urge the Senate to move promptly—first, to assure that the temporary provisions of the Voting Rights Act do not lapse. As amendments are taken up, I urge you to make the Voting Rights Act applicable nationwide. Should the Senate extend the Act to American voters in all 50 states, I am confident the House of Representatives would concur.

I shall be grateful if you will convey to the members of the Senate my views on this important matter.

Copies of this letter in its full text are on the way to the Chamber for distribution.

Mr. President, I ask unanimous consent that the complete text of this letter be placed in the RECORD at this point.

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

THE WHITE HOUSE,
Washington, D.C., July 21, 1975.

Hon. ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR ROMAN: With only two weeks left before the Congressional recess, I want to let you know how important it is that Congress extend the temporary provisions of the Voting Rights Act before the August recess.

These provisions expire August 6, 1975, and they must not be allowed to lapse.

My first priority is to extend the Voting Rights Act. With time so short, it may be best as a practical matter to extend the Voting Rights Act as it is for five more years; or, as an alternative, the Senate might accept the House bill (H.R. 6219), which includes the important step of extending the provisions of the Act to Spanish-speaking citizens and others. To make certain that the Voting Rights Act is continued, I can support either approach.

However, the issue of broadening the Act further has arisen; and it is my view that it would now be appropriate to expand the protection of the Act to all citizens of the United States.

I strongly believe that the right to vote is the foundation of freedom, and that this right must be protected.

That is why, when this issue was first being considered in 1965, I co-sponsored with Representative William McCulloch of Ohio a voting rights bill which would have effectively guaranteed voting rights to eligible citizens throughout the whole couhtry.

After it became clear at that time that the McCulloch-Ford bill would not pass, I voted for the most practical alternative, the Voting Rights Act of 1965. In 1970, I supported extending the Act.

Last January, when this issue first came before me as President, I proposed that Congress again extend for five years the temporary provisions of the Voting Rights Act of 1965.

The House of Representatives, in H.R. 6219, has broadened this important law in this way: (1) The House bill would extend the temporary provisions of the Act for ten years, instead of five; and (2) the House bill would extend the temporary provisions of the Act so as to include discrimination against language minorities, thereby extending application of the Act from the present seven States to eight additional States, in whole or in part.

In light of the House extension of the Voting Rights Act for ten years and to eight more States, I believe this is the appropriate time and opportunity to extend the Voting Rights Act nationwide.

This is one nation, and this is a case where what is right for fifteen States is right for fifty States.

Numerous civil rights leaders have pointed out that substantial numbers of Black citizens have been denied the right to vote in many of our large cities in areas other than the seven Southern states where the present temporary provisions apply. Discrimination

in voting in any part of this nation is equally undesirable.

As I said in 1965, when I introduced legislation on this subject, a responsible, comprehensive voting rights bill should "correct voting discrimination wherever it occurs throughout the length and breadth of this great land."

I urge the Senate to move promptly—first, to assure that the temporary provisions of the Voting Rights Act do not lapse. As amendments are taken up, I urge you to make the Voting Rights Act applicable nationwide. Should the Senate extend the Act to American voters in all 50 states, I am confident the House of Representatives would concur.

I shall be grateful if you will convey to the Members of the Senate my views on this important matter.

Sincerely,

GERALD R. FORD.

Mr. HRUSKA. Mr. President, I believe that the summary of the letter well supports the amendment at hand. There should be a nationwide law; there should not be regional discrimination. Discrimination should not be practiced against States in the name of a bill which professes to have for its objective the elimination of individual discrimination.

It is for those reasons that I urge an overwhelming approval of the amendment which has been proposed by the Senator from Mississippi. I thank him for having yielded.

Mr. STENNIS. Mr. President, I am glad to yield.

I do not propose to try to keep the floor, Mr. President. I propose to yield the floor in just a few minutes. I have conferred with the Senator from Massachusetts. Members have come here who have asked for a few moments. They have come here from a conference.

Mr. GOLDWATER. Mr. President, I am prepared to speak on my own time. If the Senator will yield without losing his right to the floor——

Mr. STENNIS. The Senator from South Carolina wants only 2 minutes.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the Senator from Mississippi be allowed to hold the floor for the duration of his hour and yield to those who want to speak using small portions of his hour, without losing the floor.

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

Mr. STENNIS. I did not request that.

Mr. President, I ask unanimous consent that I may—it has already been given—now yield 2 minutes on his time to the Senator from South Carolina because I am about to run out.

Mr. HOLLINGS. Mr. President, I just want to say amen to the eloquence of our distinguished colleague, the Senator from Connecticut, Senator RIBICOFF.

I had the pleasure of serving with him at the time he served as Governor, I worked with him when he was a member of President Kennedy's cabinet, and now it is my privilege to serve with him in this body.

There is no more conscientious and dedicated public servant in the Senate.

While I was getting all stirred up to make some kind of argument here he has stated the question better than any of us. I do not know where the Senator from California has gone to—but if he says the application of the doctrine of equal justice under the law destroys either this bill or any part thereof, then bless it, let it be destroyed, because equal justice is all the amendment of the Senator from Mississippi asks for.

The plea that is made now by the Senator from Connecticut—is for this very concept of equal justice. He is not acknowledging discrimination in his own State. On the contrary, he knows of none in his own State.

I happened, at that particular time when they came to our State and they were burning the voting records in a sister sovereign State, I photostated the records for the FBI and the Federal officials. I think there are many other things that go into this computer other than racist participation.

We still have less than 50 percent of those eligible in South Carolina actually participating in an election. On that basis other southern Senators and I have been voting for cloture, against delay, and intend fully to vote for the passage and extension of this Voting Rights Act. But, Heaven's above, do not put us into the position of trying to explain some of you fellows when we go home and say that we could not apply the doctrine of equal justice under the law. That is all this amendment of the Senator from Mississippi does. He just says, "Fine business, do not change it or anything else other than one factor: just apply that doctrine of equal justice under the law to this particular law."

That is all the Senator from Connecticut has called for in the most eloquent fashion, and I join with him.

I would ask my distinguished colleague from Mississippi to add me as a cosponsor, as I was with the Senator from Georgia.

Mr. STENNIS. I thank the Senator very much.

Mr. President, the Senator from Massachusetts is here.

The PRESIDING OFFICER. The Chair recognizes the Senator on his own time.

Mr. BROOKE. I thank the Senator.

Mr. President, my friend from South Carolina has just said, "We want equal justice under the law."

Well, equal justice under the law is the reason why we have the Voting Rights Act of 1965.

The distinguished Senator from Connecticut has supported the amendment offered by the distinguished Senator from Mississippi. It is a very appealing amendment on its face. It does sound like equal justice under the law. It does sound like equity to apply it to all 50 States. But I suggest that the Voting Rights Act already does apply to all 50 States.

The Senator from Connecticut is a very able and skillful lawyer, and I am going to read from the law itself as to why this law is applicable to all 50 States, and I ask him to go along with me. I read the triggering section which says that:

Provisions of section (a) shall apply in any State or in any political subdivision of a State which (1) the Attorney General determines maintained on November 1, 1964 any test or device and with respect to which (ii) the Director of the Census determines that less than 50 per centum of the persons of the voting age residing therein were registered on November 1, 1964 or that less than 50 percentum of such persons voted in the Presidential election of November, 1964.

Now, that is the provision of the law. It does not mention South Carolina or Mississippi or Georgia or any other State.

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

Mr. BROOKE. It says any State where the determination has been made.

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

Mr. BROOKE. If I may just have one moment then I will be pleased to yield.

The Senator from Connecticut also stated that he does not know of any discrimination in his State. Well, I want to read from the U.S. Commission on Civil Rights report "Ten Years After the Voting Rights Act," where it says that discrimination was found in the State of Connecticut. And, I am ashamed to say, it was also found in my own State of Massachusetts. The report says:

More recently it was discovered that certain New England towns met the tests and they have also been covered.

Connecticut: the towns of Southbury, Groton, and Mansfield. New Hampshire: the towns of Rindge, Stewartstown, Stratford, Benton, Antrim, Boscawen, Newington, and Unity; Millsfield Township, and Pinkhams Grant. Maine: the towns of Limestone, Ludlow, Woodland, New Gloucester, Sullivan, Winter Harbor, Chelsea, Charleston, Waldo, Beddington, and Cutler; Caswell, Nashville, Reed, Somerville, Carroll, and Webster plantations, and the unorganized territory of Connor. Massachusetts: the towns of Bourne, Sandwich, Sunderland, Amherst, Belchertown, Ayer, Shirley, Wrentham, and Harvard.

Mr. RIBICOFF. Mr. President, will the Senator yield at that point?

Mr. BROOKE. Yes.

Mr. RIBICOFF. The town of Southbury and the town of Mansfield are the locations of the two large institutions for mental retardation. Many of those residing there are adults over 21 and, consequently, the percentage of people voting in Southbury and Mansfield does not come up to what we would like to have had because they do not have the mental capacity to vote.

In the town of Groton, that is the home of the U.S. submarine base, and many of the people who are living there do not acknowledge the State of Connecticut and the town of Groton as a legal residence. They have their own hometowns, their own States and, consequently, the voting record in the town of Groton is low.

What I say to the distinguished Senator is that I still do not understand the objection of the sponsors of this bill to the amendment of the Senator from Mississippi. As I understand his amendment, all he is saying is that the rules, regulations and the law apply equally to the 50 States. Maybe I misread, maybe I misunderstand the Senator's amendment, and if I misinterpret the Senator's amendment I hope he will correct me; but that is my understanding of the amendment.

Mr. BROOKE. I suggest that is not the purpose of the amendment, as I read

the amendment offered by the distinguished Senator from Mississippi.

As I said, I think it has appeal, it sounds like that is what it is, but I think it is really a smokescreen.

The point is that the Voting Rights Act is premised on the fact——

Mr. RIBICOFF. Mr. President, will the Senator yield to me? Will the Senator tell me where it is a smokescreen. I am curious to know what is the smokescreen that the Senator from Mississippi's amendment is accused of creating.

Mr. BROOKE. I am not charging the Senator with a smokescreen. I think the amendment itself is a smokescreen, and it does——

Mr. RIBICOFF. That is what puzzles me.

Mr. BROOKE. First of all, I have pointed out to the Senator from Connecticut that the Voting Rights Act already covers all 50 States. Therefore, No. 1, there would be no necessity for the Senator from Mississippi's amendment if all 50 States are already covered.

Mr. RIBICOFF. If that is the case, and the Senator from Mississippi is just repeating this principle, why is there this objection from the Senator from California and the Senator from Massachusetts to the amendment of the Senator from Mississippi? This is why I am puzzled.

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

Mr. RIBICOFF. I do not have the floor.

Mr. TUNNEY. Mr. President, will the Senator yield on my time?

Mr. BROOKE. I yield.

Mr. TUNNEY. What the amendment does, to begin with, is strike out section 4 of the bill, which is the section which allows registrars and examiners and others to be sent to the covered States for the purpose of registering voters, and for making sure that the potential registerees are identified so that local registrars can register them. It allows for the sending of poll watchers so that they can make sure that the elections are handled in a fair fashion so that everybody who comes to the polls has a right to vote.

It strikes out section 4, that is what this amendment does.

Now, if the Senator from Connecticut wants to be associated with that kind of amendment, fine, but this is at the very guts of the Voting Rights Act.

Mr. CRANSTON. If the Senator will yield, I would like the Senator from Connecticut to listen to the answer.

I would like to ask my colleague to yield.

I am not an attorney and I do not understand the precise consequences of this amendment, but it is my understanding that the amendment of the Senator from Mississippi, in effect, strikes section 4 of the Voting Rights Act.

Mr. TUNNEY. That is correct.

Mr. CRANSTON. I understand also that there are reasons to believe that the amendment may be unconstitutional, is that correct?

Mr. TUNNEY. It may well be unconstitutional insofar as it relates to section 5 coverage because it spreads section 5 coverage across the entire country without any exceptional circumstances being shown to justify that type of coverage, that is the preclearance coverage.

Mr. MUSKIE. Will the Senator yield on that?

Mr. TUNNEY. Yes.

Mr. MUSKIE. It does repeal section 4 and, in addition, as I read it, what this amendment says is that every voting precinct, every square inch of land in the United States, the whole country must hereafter submit any changes in its election laws whether or not any discrimination has been found or any case for discrimination has been made.

In other words, every change in the election laws of any State must be submitted to the Attorney General of the United States for preclearance and approval before a State legislature can enact them into law.

Mr. TUNNEY. That is correct.

Mr. MUSKIE. In other words, the effect of this, if it becomes law, is to hereafter make the State's prerogatives with respect to writing the laws covering its elections subject to the approval of the Attorney General of the United States and that is completely divorced by the terms of Senator Stennis' amendment from any consideration of discrimination.

Mr. TUNNEY. That is correct.

Mr. MUSKIE. It simply makes the State election laws subject to the supervision of the Attorney General of the United States, as I read the amendment.

Mr. TUNNEY. That is the way I read the amendment.

Mr. MUSKIE. And it takes the discrimination basis.

Mr. TUNNEY. That is correct.

Mr. MUSKIE. For the Voting Rights Act.

Mr. TUNNEY. That is correct.

Also, the Senator has pointed this out most articulately, it eliminates section 4. If the amendment were adopted and later held unconstitutional, there would be no protections for minorities in the areas where the need is the greatest.

Mr. MUSKIE. Will the Senator yield further?

Mr. TUNNEY. Yes; on the Senator's time.

Mr. MUSKIE. On my time.

I would say to the Senator that I could wish that section 4 were more precise, period, because I think there has been progress in the South.

I wish there were some way of recognizing that, and I would agree that there is discrimination in areas of the North, mostly in nonvoting rights citizens, that ought to be subject to the same kind of discipline from national policy that some other regions of the country are. But what concerns me about the Stennis amendment is that under the cloak of giving equal treatment in terms of this policy to the whole country, its effect would be to make the election laws in every State subject to the supervision of the Attorney General of the United States without any basis in any finding of discrimination at all.

It takes the discrimination finding out of the law.

Mr. TUNNEY. That is correct.

I would like to point out to the Senator from Maine and to the rest of my colleagues that in Oregon versus Mitchell, the Supreme Court struck down the 18-year-old vote as unconstitutional as it related to State elections. Preclearance is a much greater intrusion into the State election process.

Almost certainly, this amendment is unconstitutional under the Oregon case. Now, the constitutional precedents are very clear, that the only way we can have this kind of intervention by the Federal Government in local elections is if we have a severe constitutional abridgment of another right, namely, the 15th amendment right to vote. The Supreme Court has held when we weigh one constitutional right, the right to hold your own election and hold the place and time of those elections, against the other constitutional right, that the right to vote prevails.

I just do not see how a Senator can justify passing legislation that would kill the Voting Rights Act unless he is from one of the covered States. But no Senator who has looked at the history of the voting right abridgment in the covered jurisdictions can say that that law is not justified.

I would just like to read something which occurred recently, in 1970. I read this into the RECORD yesterday, this is the Civil Rights Commission report, and they state:

> Acts of violence against blacks involved in the political process still occur often enough in Mississippi that the atmosphere of intimidation and fear has not yet cleared.
>
> In 1970 John Buffington, who is black, was a candidate for mayor in West Point, Mississippi. During the campaign he received so many threatening telephone calls that it was necessary to get three additional lines in order to conduct the campaign. He recalled:
>
> "Some of the callers threatened my life, others told me that I should not start the ignition of the car. Many were obscene or racial in nature. Frequently my car was tailgated during the campaign by cars driven by whites. On several occasions white West Point police officers called obscenities to me as they drove by in their patrol cars."
>
> Despite the threats and intimidation Buffington placed second in the first primary and resumed campaigning for the runoff. On August 15, 1970, John Thomas, Jr., a "key campaign worker" was murdered as he sat parked in a campaign van. "A white man approached the van and shot Johnnie Thomas five times and killed him."
>
> Although a white factory worker was disarmed at the scene of the crime and subsequently tried for the murder, he was acquitted by an all-white jury.

The Civil Rights Commission in its report, the Voting Rights Act, 10 years after has indicated that in all the covered jurisdictions, there have been continuing acts of discrimination. The justification for enacting this law initially is still there. Hopefully, 10 years from now it will not be there.

This has nothing to do with busing, this has nothing to do with economic discrimination of another kind in other parts of the country. There may be that discrimination, we all know it and none of us are hypocrites on that point. We know that on various matters.

But voting rights have not been abridged the way they have in other re-

gions of the country on the basis of race or on the basis of color.

I just feel very strongly that any Senator who votes for this amendment is voting to kill the Voting Rights Act.

If that is what a Senator wants, fine. But let us not use the mellow language, the melifluent rhetoric that we are extending this act nationwide to justify killing the act.

Mr. BROOKE. Will the Senator yield?

Mr. NUNN. Will the Senator yield for one brief technical question?

Mr. BROOKE. I would just like to pursue my colloquy with the Senator.

Mr. NUNN. Will the Senator yield for one clarification, this will not take but 30 seconds?

Mr. BROOKE. I will be pleased to.

Mr. NUNN. I do not want to engage in a dialog, but reference has been made here that the Stennis-Nunn amendment deletes section 4 and thereby deletes the Federal registrars. The Senator from Georgia would like to point out that section 4 is a triggering device section. Section 6 is the section dealing with the Federal registrars. I think that ought to be clarified because that is extremely misleading. This does not repeal the section dealing with registrars.

Mr. TUNNEY. But what it does do is to repeal the triggering which has allowed those examiners and registrars to go down to the covered States at the discretion of the Attorney General.

Mr. NUNN. Of course, it covers the whole country now. The registrars would be able to go anywhere. That is the very purpose of the amendment.

Mr. TUNNEY. But it is not an automatic coverage. That is what section 4 provides for, the automatic coverage.

Mr. NUNN. All the States are automatically covered. The Senator's argument is erroneous and very misleading. Section 6 on the registrars would remain on the bill. There is no deletion of section 6.

Mr. BROOKE. I am glad the Senator from Georgia clarified that. Every State in the Nation is covered under this bill.

Mr. NUNN. Why did the Senator from Massachusetts vote against the amendment proposed a few minutes ago which would give the Attorney General the right to expand the other sections of this bill to all the States? That amendment was argued against and failed by three votes. If that amendment had passed we would have a national law. We would have everybody eating out of one pot. We would have every citizen in this country in the same position in relation to the Federal laws of this country.

I might add while I have just a moment, that if this amendment passes we will not have to worry about a filibuster, we will not have to worry about a conference report, we will not have to worry about any debate. We can have this bill passed in the next 20 minutes if that is what the Senators want.

Mr. BROOKE. I would like to suggest that the Senator from Georgia is exactly right. If this amendment passes, we will not have to worry about a filibuster because the Voting Rights Act will be dead. There is no question that if we take out section 4, which is the triggering device, as the Senator from Georgia describes it, it will gut the Voting Rights Act. I do not think any Senator wants to see the Voting Rights Act gutted. I think they want the Voting Rights Act. I think the President of the United States wants the Voting Rights Act. He wants it to apply to the country. We all want it to apply to the country. But I say to the Senator from Georgia: It already does apply to all States in this Nation. There are areas in the East, in the North, in the South, and in the West that have been found guilty under this trigger device of discriminatory practices.

Mr. NUNN. May I say to my colleague, the Senator from Massachusetts, I have a great deal of respect for his opinion on this matter or any other matter. But I would have to say if the Senator's argument is correct and if the argument of the Senator from California is correct, that we have a national act, we would hope that the President of the United States has some further knowledge. He sent a letter asking us to make it nationwide. I would say he is under some kind of severe apprehension. I would say the Attorney General had something to do with this letter. I would say if the Senator from California is correct and the Senator from Massachusetts is correct, the President of the United States and the Attorney General cannot read the law.

Mr. TUNNEY. He never said anything about amending the law.

Mr. NUNN. Will the Senator from California tell the Senator from Georgia how to make it nationwide without eliminating section 4?

Mr. TUNNEY. Let me read from section 2:

> No voting qualification or prerequisite to voting, or standard, practice, or procedures shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

That applies nationwide.

Mr. NUNN. The Senator picks out one section. Why do we not let the Senator from California have an amendment that would make this whole act apply all the way across the Nation? If he wants to do it in technical language——

Mr. TUNNEY. The reason that section 4 is in there is because there were certain regions of the country that had a history of discrimination and abridging the right to vote of blacks, a history that did not exist in other regions of the country.

Mr. NUNN. We have been through that over and over again. If the Senator wants to argue history, that is fine. But we are talking about trying to eliminate one form of discrimination which the Senator from Georgia hopes we can eliminate, not just in the South but throughout the country. But at the same time the Senator from Georgia hopes we do not set up by this act 10 years of further discrimination against a section of the country. I think that is exactly what the President of the United States is aiming for. If there is anything technically wrong with this amendment, if the Senator from California has the expertise and staff to be able to correct it and carry out the intent of making it nationwide in application, we would certainly accept it. But I do not think we should throw out red herrings about different sections applying across the Nation when everybody knows this act does not apply across the Nation. It applies mainly to the South.

Mr. TUNNEY. I would like to point out that the Civil Rights Commission in their report 10 years after indicated that there were still acts of discrimination existing in the covered States under section 4.

They point out that it is absolutely essential that the Voting Rights Act be extended, and that it be extended with section 4 and section 5 intact, not with section 4 eliminated, not with an extension of section 5 across the country, preclearance across the country, in a way that would be unconstitutional.

Mr. NUNN. Does the Senator from California have any suggestions about how we can perfect this amendment so that his great and I know sincere apprehensions are alleviated? In other words, does the Senator have any kind of perfecting amendment he could offer so that we can apply this whole act across the Nation without deleting section 4?

Mr. TUNNEY. I think that the act does apply across the Nation. If the Senator has some suggestions, I would be happy to listen to them. But I am not prepared to offer any other recommendations than the extension of the act.

Mr. NUNN. The suggestion we have is in the form of the amendment which the Senator has before him.

Mr. TUNNEY. I know. It is good, from the Senator's point of view, because it eliminates the act as far as it has worked in the past.

Mr. BROOKE. Will the Senator yield?

Mr. TUNNEY. Yes.

Mr. BROOKE. The Senator from Georgia raised the question about the President's letter. I think the President's letter states that he just wants to be sure that this act applies to the Nation. Well, I think we all say that. But I do not think the President has any intentions of eliminating section 4 of the Voting Rights Act. If we accept the Stennis amendment, it is clear that we will not have a Voting Rights Act in this country. And I think every Senator ought to understand that the acceptance of this amendment will gut the Voting Rights Act and we will not have a Voting Rights Act. I just cannot believe that here in 1975 on the floor of the Senate we are ready to say to the American people, black or white, red or brown, "You just cannot even be assured the basic right to vote in this country."

What kind of a Bicentennial year will we have in 1976 when we jeopardize the right to vote? We are not talking about busing. We are talking about voting. That is a basic right of every American citizen, and the Senator knows it is a basic right. I cannot believe that the U.S. Senate, and I do not believe the Senator from Connecticut, wants to see

us gut the Voting Rights Act by adopting the Stennis amendment.

Mr. NUNN. Will the Senator explain how we are gutting the act?

Mr. BROOKE. I can explain time and time again to the Senator how this amendment would gut the act. And I can also explain time and time again how the bill already covers the Nation.

Mr. NUNN. If he is assuming this bill covers the Nation and every section covers the Nation, the Senator has not read the bill. Nobody can stand on the floor of this Senate and say that every section of this bill covers every part of this country. That is impossible.

Mr. BROOKE. I say the bill covers the Nation, that we have a triggering device, and that all sections of the country are affected by it, if they are not in compliance with the law. The Senator knows that is right. He is an able lawyer. He can read the bill. He has read the bill, I am sure.

Mr. NUNN. That is as if the Senator is saying that if we pass a law saying that every State in the Union with a population of 100,000 is covered by this act, then the Senator from Massachusetts would stand up and say it is a national act, it applies to everybody.

That is impossible. That is the kind of national act we have here.

Mr. BROOKE. The Senator from Georgia knows there are no States mentioned in the act. Not one State is mentioned.

Mr. NUNN. The Senator from Georgia was brought up in the legislative process in Georgia where we passed all sorts of classification acts. We would say that all counties between the population of 50,500 and 50,505 were covered by this act.

We took the position that that was a State act only for the purpose of following a Supreme Court decision that said you could not classify it. If that is the kind of classification we have here, if the Senators just want to do it by population, they can do it by any device they want to. What we are doing is eliminating devices, making it clear that it applies to every State in the Union, and that every section of the act applies to every State in the Union.

Mr. BROOKE. How does it apply to New York? How does it apply to California? How does it apply to Massachusetts?

Mr. NUNN. I can answer the one on Massachusetts very quickly, because Massachusetts has had so-called de facto segregation of the schools rather than de jure. We have had de jure in the South, but the courts of this country have finally decided, as I think they should have years ago, that de facto is just as bad as de jure.

The Senator knows that "dual school system" as defined by the Supreme Court, covers only the South and nowhere else.

Mr. BROOKE. My friend knows that is not true. Moreover, we are not talking about busing, and we are not talking about school systems. We are talking about voting. We are talking about the Voting Rights Act of 1965.

Mr. NUNN. If the Senator would read the court decisions, he would find that a device under this act, a part of the triggering mechanism, is defined as a dual school system.

Mr. BROOKE. That is specious, as the Senator from Georgia very well knows.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

Mr. President, it was to be expected that the passage of this bill in the time we had to pass it would not be easy. What we see now is proof of that fact. I hope, Mr. President, that the proponents of the bill, who have been in very substantial number, will not be panicked by the fact that the President has sent the letter.

He has sent the letter, and it is entitled to great respect. But I have not seen every measure recommended by President Ford passed here, and those who are now wildly enthusiastic about the fact that he asks by this letter, in effect, that this amendment be adopted should not panic us either. There are plenty of measures the President wanted that he has not had. They have been denied not only by votes on the other side, but also by a good many votes here. So let us keep our heads straight on our shoulders.

The first thing the President himself wants is this bill passed, and he wants it to become law by August 6, 1975. He takes for granted the fact, and he says so, that if we adopt this amendment, "I am confident," says he, "the House of Representatives would concur."

Well, we are not confident. On the contrary, everything we know about the situation induces us to believe that exactly the dire results which the President predicts in prejudice to the whole voting rights concept would come to pass if we do not have a law by August 6, and those of us who are working hard for this bill believe that is exactly what will happen if we adopt this amendment. It is a fine rubric and a great slogan, "Make it national."

But the fact is it is national, and I will explain that in a minute. Irrespective of that banner, I hope the proponents of the bill, and they are a decisive majority in this Chamber, will not be panicked by the President's letter. We are going to give the President the essence of what he wants, to wit, a law by August 6. We are convinced that we cannot do it at this time in any other way than by turning down this amendment.

The manager of the bill has already promised, in complete good faith, joined by the Republican manager of the bill, that we will give consideration, through the committee, to any amendments which are of serious character, which would, of course, include this one.

So, Mr. President, I hope, first and foremost, while we can understand that naturally the opponents of this bill, who are deeply convinced of the rightness of their position, are going to leap aboard this vehicle for the purpose of exploiting it to the hilt, Senators will realize that does not mean the rest of us have to cut and run. The fact is, Mr. President, that this bill is indispensable, and the President himself says so, to the laws of the United States in the days ahead, and we are deeply convinced there is only one way to get it, which is by passing the House bill as it is. Otherwise, we believe this piece of legislation will get caught in the trap of rules, unanimous-consent requests, and conferences, and will go down the drain until after we come back from the recess, if indeed we do take a recess under those circumstances. So I hope very much——

Mr. JOHNSTON. Mr. President——

Mr. JAVITS. I do not yield at this time, Mr. President.

So I hope very much, in the first place, that above everything else, we will keep calm and appraise the situation in a fair and balanced way, giving every respect to the President's letter, but not being chased into a tailspin by it.

Now, Mr. President, what is at stake in addition to the bill itself, which will inevitably run into enormous complexities in getting passed by August 6 if we adopt this amendment, is the very nature of the measure itself. Originally it was designed to be a measure which would deal with some way of correcting past derelictions. The scheme of the legislation carries that out. Because it has been carried out in good faith, the trigger has worked, not only for States which have a heritage—and they do have such a heritage, there is no getting away from that—of bitter discrimination against blacks, but many other States, including my own. So I am a very fit person to speak to this issue. There are three very large counties in New York, it might interest Members to know, with a population in excess of 6 million, between 6 and 7 million, which are covered by the Voting Rights Act under the triggering procedure.

Mr. President, what we who are seeking extension of this act contend for is that the triggering procedure as well as the ability to come out from under the procedure continue in effect. That is just as national and as universal as any other law. The fact that we pass a law against trading in drugs does not mean that every American is guilty in trading in drugs. The law applies to those whom its terms cover, and we have good reason, and the Supreme Court has sustained us in this, based on the history of these jurisdictions, to seek the kind of coverage which the act gives, based upon the paucity of voting in areas which are heavily impacted with minority groups that have been discriminated against. So it is national in coverage, in the first instance, in the sense that it applies to every State and every political subdivision which qualifies under the definition of the law, and the law has been held constitutional by the Supreme Court.

Second, where the triggering mechanism may not work and there is discrimination, the Attorney General has, under section 3, the right to sue.

The question was raised here a few minutes ago as to why Senator BROOKE voted against the amendment which was proposed by Senator NUNN and Senator STONE. I voted against it, too, Mr. President. I believe it was an entirely proper and intelligent vote, for this reason: it proposed to place the restraints of the act upon a defendant simply because the Attorney General filed the suit. That,

Mr. President, is quite a stretch for a legal doctrine. The Attorney General is not God, either, and he files lots of suits, including lots of indictments, which are thrown out of court as inadequate or insufficient, or where juries and judges bring in verdicts the other way. So I voted against it because I consider it highly improvident jurisprudence to have a finding against the defendant merely upon the entry of a suit, without even a court being entitled to issue an injunction or other relief, whether pendente lite or permanently, based upon a hearing.

I think that amendment, quite substantively, without regard to any need for getting a law passed within the time limit we have, should not have been either approved or voted upon on the merits.

Coming now to the amendment, which, as I say, calls up the slogan of being national in effect, every law is national in effect, but it has certain restrictions and limitations which apply it to many places. For example, Mr. President, we do not make a general law about Indians.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. JAVITS. I yield myself another 3 minutes.

We do not make a general law about dams and other public works. We make a law specifically about a particular area. It may have a dam or some other public work. If we do make general laws, as we do in many cases, many States do and many States do not qualify. My State does not get very much out of the fact that we have some kind of support for cotton, for example, and the same is true of many other States.

So, Mr. President, it is as I say it is, a slogan that one can go for if one is not really thoughtful about it, but it is only a slogan.

Mr. President, finally there is very considerable question about the constitutionality of this amendment as to whether you can place these various requirements upon the States in terms of voting as far as a U.S. official is concerned where there has been no cause shown for it and simply because of "universal applicability."

I believe that with the combination, Mr. President, of running down the drain the trigger mechanism, that was worked and is working, and the fact that it is unnecessary to apply this law to many areas of the country and where it is necessary to apply it, either by the operation of the trigger or by litigation suit by the Attorney General, which is already provided for in law, the law can be applied; we have a perfect system for this legislation, which has worked for 10 years, is working now, and will continue to work, if we do not break it down ourselves by running it down the drain in this way.

The opponents of this particular measure have obviously seized upon this device—and that is what it is—with great pleasure and great alacrity, and I can very well understand that, if the Senate does not really think it through. But I believe the Senate has thought it through before, in its previous voting, will think it through now, and will not be panicked by the President's letter. The President is only a man, too, and he reflects in this letter, by the way, only his own history as a legislator. I yield to no one in my respect for President Ford, but like the rest of us, he is subject to the mores, the gods, and the ideas which he has served all his life. The fact that he sends a message up here—that is not magic in anything else—why should it be in this? We get lots of messages from the President upon which we do not act.

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

Mr. JAVITS. I will just finish the thought, I say to the Senator from Massachusetts (Mr. KENNEDY), if I may.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. JAVITS. I yield myself another 3 minutes.

So, Mr. President, let us just see what he says.

The President says that this has been his tradition. He says, and I read from page 2 of his letter:

> As I said in 1965, when I introduced legislation on this subject, a responsible comprehensive voting rights bill should "correct voting discrimination wherever it occurs throughout the length and breadth of this great land."

In other words, he is simply saying that for 10 years he has had this view of what the voting rights bill should do when he was a Congressman, et cetera.

That does not mean I have to follow his example or thinking. I respect it. I receive it thoughtfully, but I do not intend to follow it. I do not think the Senate should follow it in its own interest of getting a bill here which can do, does do, and has done for 10 years what needs to be done, without being frustrated at the 11th minute—at the 11th hour by the fact that it will adopt an amendment, which seems interesting on its face to a number of our Members, and yet which will run this whole scheme of legislation down the drain so that it will be impossible to reconstruct.

Mr. President, I hope very much, for all those reasons, that the Senate will not fall for this—and I think it is a curbstone way of expressing it, but it is the fact—and frustrate itself in terms of defeating this whole effort by adopting this amendment.

Mr. JOHNSTON. Mr. President, this amendment has been referred to as a smokescreen and generally as a trick by those who oppose the amendment, by those who oppose the Voting Rights Act, and by those in general who are opposed to extending the right to vote to all citizens of this Nation.

Mr. President, I, for one, would like to say that I voted twice for cloture, that I have indicated all across my State and in this Chamber that I was for the bill. I think it is totally unfair, improper, incorrect, unjust, and inequitable for that charge to be put upon us, who are in fact supporting the bill and supporting the right to vote.

Mr. President, all we are trying to do is to end a law which applies to one part of the country but which does not apply to the rest of it. Anything to the contrary, Mr. President, is just so much hogwash. This law does not apply nationwide, because it depends upon a trigger which depends, in turn, upon facts as they existed in 1964, and not upon facts that exist today.

Mr. President, last weekend I was home in Louisiana in a little town called Jonesboro. I was invited to be the featured speaker there at a black political action meeting, a voter's league meeting there in Jonesboro. Mr. President, at that meeting we had black elected officials from around north Louisiana, we had white elected officials, and we had leaders in both the black and white communities there.

We discussed, among other things, this voting rights bill. Among other things, I told the group that I was for a continuation of the bill and that sentiment was approved by both the black and the white community in that little town of Jonesboro which, with so many other towns of the South, has made such progress.

Mr. President, it was interesting to me to see in that small southern town the changes that had taken place in the 10 years since this bill has been in effect. One of the changes was that a lot of blacks are coming home to the South, coming home from Chicago, from Los Angeles, and from other places in the country, because they sense that things are doing better, they sense what Henry Grady calls a new South is coming to the South.

Mr. President, it is not only a feeling which one can see when one talks to people who come back from Chicago and from Los Angeles to the South, blacks that are coming back because things are better, but it is something one can prove, Mr. President, by looking at all of the statistics, by looking at all of the civil rights reports which show that the South has made more progress, and has done more integration than any other part of the country. So, herein, Mr. President, lies one of our deep-seated problems and deep-seated feelings in the South.

We feel that this act, which we have done so much under and under which we have achieved so much, ought to be applied equally across the Nation, because we think we would get no credit at all for the progress we have made, no credit at all.

Mr. President, I am voting for this amendment, not because the present law is discriminatory against the South, but because the present law is discriminatory against blacks in the North and because the present law is discriminatory against all those people who live out of those triggered areas that are not protected by this bill.

Mr. President, we are told this amendment is unconstitutional. Mr. President, that argument is so much hogwash. In the first place, there has been a decision of the U.S. Supreme Court which has held that, insofar as the act is now applicable, it is constitutional.

If, in fact, it is unconstitutional as applied to any other State in the Nation, the whole act does not fall. They do not throw out the voting rights bill with all its protection. All they would do, in effect, is declare this amendment unconstitutional, and no one would suffer. It would be simply unconstitutional as applied to California, or other States in the Nation.

So, Mr. President, the unconstitutional argument makes absolutely no sense at all.

Mr. President, we are told that if this amendment is tacked on something is going to happen to this bill and it is going to be killed over in the House of Representatives.

Mr. President, we have seen the vote in the House of Representatives. It is overwhelming. The House rules over there do not permit a filibuster. We have found, Mr. President, that there is overwhelming sentiment there. We can pass the bill with this amendment.

I think Senator MUSKIE really put his finger on the opposition to this amendment, and that is that other States do not want to have to clear their voting laws with the Attorney General. They do not want to have to clear them in advance.

Mr. President, I can well remember that in my State in 1965, when this bill was first passed, there were loud cries of dismay. People said:

> What is going to happen to us when we have a Voting Rights Act? What is going to happen when the Federal Government takes over?

I can remember all those old arguments that are almost antebellum in their quaintness.

We found that the sky did not fall under the 1965 Voting Rights Act, that things worked pretty well in the South, the deep South States of the old Confederacy, which readjusted their ways of thinking, readjusted their patterns of voting, readjusted their attitudes toward all people. It worked, Mr. President; it worked.

All we are asking is that that law, which worked so well, which has not been such a burden, be applied nationwide. It is an article of principle with us.

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

Mr. JOHNSTON. I yield to my distinguished colleague from Florida.

Mr. STONE. Is it not the case that there exist in parts outside the South gerrymandered districts, precincts that are gerrymandered in the sense that might have existed in the regions affected by this original bill?

Mr. JOHNSTON. Everybody in this Chamber knows that that is true.

Mr. STONE. Mr. President, will the Senator yield further?

Mr. JOHNSTON. I yield.

Mr. STONE. Is it not the case that some of the same offenses under which acknowledged progress has been made under this bill in the South exist in the North with regard to the multimember districts which are set up, as opposed to single member districts, wherein a single member district might elect a black representative but a multimember district might not elect a black representative in such districts?

Mr. JOHNSTON. Of course, that is correct.

Mr. STONE. In those cases, would it not be fair, just, and equitable for preclearance with the Attorney General, who would scrutinize it on the same basis that the Attorney General scrutinizes the same proposed laws and ordinances in the previously-covered territory?

Mr. JOHNSTON. Of course, it would.

Mr. STONE. Is that not what the Senator from Louisiana, who intends to vote for this bill, in all events, means, in the same way as the Senator from Florida, who already has announced not only his cloture votes but also his desire to vote for the bill on final passage?

Mr. JOHNSTON. Absolutely.

There is nothing magical about submitting one of these laws to the Attorney General. Either before or after the law is submitted, you send a copy of it to the Attorney General and say, "Is this discriminatory?" He will keep it for a few days and send it back and say, "No, it is not," or "I recommend these changes." There is nothing onerous or burdensome about that.

Why can it not be done in California, New York, and the other States? Why should blacks and minorities in all sections of this country not be entitled to that minimal protection? It escapes me.

Mr. President, we talk about a smokescreen. I have never heard such a smokescreen on the floor of the Senate, such wonderfully constructed arguments built out of nothing, to try to prove that the law should not be made applicable and its protections should not be made applicable to people all across this land. People should be entitled to those protections everywhere. They should have to meet the same standards everywhere.

Mr. President, we are told about discrimination in the South, and we plead guilty to lots of discrimination in the South in the past. But I challenge someone to compare the South today with Vermont or California or Illinois or Ohio or any of the other States. I challenge that, because I can prove, from the reports of the Civil Rights Commission, that we have made more progress and we have more real integration than in any other section of this Nation. It is sort of in that sense that we get no credit, that we are still looked upon as the land of magnolias and mint juleps, that we are not given any credit at all for having made progress and surpassed the rest of the country; and we are told that we need to be kept as some special little province down there.

I repeat: I want it to be well understood that I speak not as someone who wants to repeal this law or gut this law or end this law or curtail its operations or scuttle it or smokescreen it or do anything but pass it and extend it, not only to those people who live in my State, not only to those people who live in the States of the old South, but to people all across this country as well. If there is a smokescreen in that, if there is a trick in that, I would like to hear it explained to me, because no trick is intended and no smokescreen is intended; but there is, rather, a sentiment that we should extend these protections to all people.

Mr. KENNEDY. Mr. President, I yield myself such time as I may use.

During the course of the exchange here this afternoon, a good deal has been said about the existence of discrimination in different parts of the country. I say to my good friend from Louisiana, and to my friends from all the States which are represented in this body, that there is no attempt by any of us who support this legislation and who have cosponsored it to say that there is no discrimination in other parts of the country. There is not a Member in this Chamber who does not recognize that. There has been racial discrimination in all parts of the country. There is discrimination in the North, as well as in the South. As the result of the finding of a judgment, a Federal district court in Boston, Mass., such discrimination was found in the public school system. Now, the city from which I come is going through a painful situation in an attempt to adjust to that problem. I have stated my complete and unqualified support for the court order, and I believe that the city of Boston will meet its responsibilities.

I also point out, Mr. President, that when the Civil Rights Commission held hearings in Boston, in 1967, about racial discrimination in Massachusetts, I testified about the patterns of discrimination which existed in Boston and actually predicted some of the tragic results that we have experienced in recent times in that city if we did not take action at the local level. But I believe we are on the road now, and I wanted at least to give assurances to our friends in other parts of the country that I do not think that any of us who have supported the rights of all our citizens have been exclaiming with a holier-than-thou attitude on the question of discrimination.

I think there was one critical failure of our Founding Fathers 200 years ago, and that was the failure to face the race issue. As a result of failing to face the race issue, we had a civil war that divided this country, and we have paid a fearsome price in terms of discrimination in various sections of the country during our entire 200-year history.

We are now addressing ourselves to what I consider to be perhaps the most important civil rights legislation we could possibly enact, and that is the Voting Rights Act. I have heard a great deal of talk about how this is singling out different parts of the country. Yet, no Member of this body can suggest any place in this act where we name a State. Quite to the contrary. All one need do is read the language of section 3 of the Voting Rights Act, which says that when the Attorney General institutes a proceeding to enforce the guarantees of the 15th amendment "in any State or any political subdivision," the court may bring that State or subdivision under the full force of the law. In section (b), as well, it talks about the proceedings instituted by the Attorney General under any statute to enforce the guaranties of the 15th amend-

ment "in any State or political subdivision." There is no naming of particular States.

There are towns in my own Commonwealth of Massachusetts which fall within the triggering standards that are included in the Voting Rights Act, which fall within the purview of that legislation.

It is important to recognize that a triggering device was established in the Voting Rights Act to reach the patterns of discrimination which were attested to with the blood and agony and anguish of tens of thousands of American citizens. That record is clear. That record is clear and it is uncontroverted. So a triggering device, was established in legislation. And the Attorney General was authorized to bring the full force of the law upon "any State." It does not say all States but Massachusetts, or all States but Rhode Island, or all States but those in the North or the West or the East.

It is important that we understand that this is all-encompassing legislation. It does have, as I mentioned, the language which sets into motion triggering where the operative sections of the legislation go into effect. It was based upon the testimony not only that was taken in 1965 but which has been reinforced by the Civil Rights Commission and other witnesses in subsequent periods of time, including the hearings on this bill.

Now, after the invocation of cloture, we are asked by the President of the United States—who does a disservice to this body by his letter—to change the scope and standards of the bill. Let me read sections of his letter, and see what he suggests.

First of all, in his third paragraph, he says:

> My first priority is to extend the Voting Rights Act. With time so short, it may be best as a practical matter to extend the Voting Rights Act as it is for 5 more years—

So he wants to extend it for 5 years—

> or, as an alternative, the Senate might accept the House bill.

So on the one hand, he wants the extension for 5 years, but on the other hand, he wants the House bill, which has a 10-year extension.

In the rest of the letter, however, he comes out in support of a general dramatic revision of all the application and tests in the bill—the very heart of the whole legislation. He wants to have it all ways.

He says, I want it one way or another way, or I am prepared to support a completely different kind of alternative.

He cannot have it all those ways. We have a few hours left to consider this legislation and he proposes this particular measure in the final hours, after months of hearings by the Constitutional Rights Subcommittee, after hours of markup by the Committee on the Judiciary, and after debate and after cloture by the U.S. Senate.

I dare say, Mr. President, that this correspondence from the President, offering three different alternatives for the Senate, does very little to clarify the situation on this particular measure. I think, quite frankly, it does a good deal to confuse exactly what the position is of the President of the United States when we are faced with the final hours before the expiration of this legislation.

Mr. TUNNEY. Will the Senator yield?

Mr. KENNEDY. I yield on my time.

Mr. TUNNEY. I thank the Senator.

I point out that the date of the letter is July 21. Senator HRUSKA mentioned, on the floor of the Senate, that he had just gotten it. It leads me to believe that the President of the United States is playing politics with this bill. For 2 days, this letter has been floating around town somewhere before it came down to Senator HRUSKA's desk. We do not know when Senator MANSFIELD got the letter; I have not had the opportunity to ask him. Senator HRUSKA said he just got it. I wonder if this letter was cleared with the Attorney General of the United States.

Mr. MANSFIELD. Will the Senator yield?

Mr. TUNNEY. Yes.

Mr. MANSFIELD. I got the letter yesterday morning.

Mr. TUNNEY. I wish to say to the Senator from Montana that I wish he had showed it to me. I had no idea that the President in his letter was going to indicate that he felt that there ought to be nationwide coverage, which would then be used as a justification for knocking out section 4 and extending the preclearance covering to section 5. As the floor manager of the bill, I wish I had known that.

Mr. MANSFIELD. Mr. President, I did not show the letter to anybody. It was a privileged communication, as far as I was concerned, until I was prepared to read it to the Senate. I read it to the Senate because the last paragraph, the Senator will recall, of the letter says:

> I shall be grateful if you will convey to the Members of the Senate my views on this important matter. Sincerely, Gerald R. Ford.

So as a matter of courtesy, I believe there was nothing else that I could have or should have done. I feel that I acted properly, that I acted on my own, that I made available to the Senate a communication from the President of the United States, and that is the story, as far as I am concerned.

Mr. KENNEDY. Mr. President, if the Senator will yield, the letter that has been circulated is headed, "Dear Roman," the one I am reading from. That is what I understand has just been circulated. At least, it has just come to our attention. I wish the Senator from Nebraska were here and I would give him the opportunity to respond. That is the letter that is supposedly representing the President's position.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I hope that there is no allegation, implied or otherwise, that I am being used by the President of the United States in the reading of this letter. If there is such an allegation or such a thought in the mind of anyone, I wish that he would disabuse himself of that immediately and finally.

As far as the Senator from Nebraska is concerned, when I got through reading the letter, he got up and said that he had received a letter similar in content—exactly similar in content—to the one I had just read to the Senate. I had no knowledge that there were other letters about. I thought this was a letter to me. On that basis, I felt that it was necessary for me to read it to the Senate at that time.

Mr. KENNEDY. Mr. President, if the majority leader was on the floor when I referred to it, he would understand my confusion about the letter. It was not in any way suggesting anything but, as far as my interpretation is concerned, a matter of confusion about the letter. The President says on the one hand he is for the extension of the Voting Rights Act for 5 more years; on the other that the Senate might accept the 10-year House bill. He said he will support either approach. So he has it going either way with regard to those two alternatives.

Then in the next 2 pages of the letter, he comes forth with an entirely new test, which he expounds on.

The point I am making is, no matter how one wants to say it, whether it was yesterday or today or the majority leader or ranking Republican leader, I fail to understand how this kind of communication serves as any clarification of the President's view on this. That is my own personal interpretation of this correspondence.

I was asking the manager of the bill whether he did not have a similar interpretation or a similar confusion about the purposes of this correspondence. That was the point that I was making in my comments with regard to the President's letter.

Mr. MANSFIELD. If the Senator will yield, may I say that is a good point.

Mr. KENNEDY. I thank the leader.

Finally, Mr. President, I know that the argument has been made here that the constitutional aspects that have been raised by the floor manager of the bill, I thought with very great persuasion, are very real. The Constitution is quite clear in pointing out that determining the time, manner, and place of elections will be reserved for the several States. In reviewing those legal decisions which uphold the voting rights cases, it is quite clear that they stated that it was only with the obstruction of the basic and fundamental right to vote guaranteed by the 15th amendment, that the court has recognized the power of Congress to be able to initiate procedures or requirements that would strike down the various tests and devices and other voting procedures which have been used as means for discrimination.

I am talking about a vague proposal, Mr. President, and why many of us have serious reservations about the Stennis amendment. What we would be doing by adopting this amendment would be passing a bill that has got "Voting Rights Act" written all over it but it will be a mile wide and an inch deep, and fail to reach down to meet the particular problems that have existed and do exist in the area of the right to vote.

Mr. President, I reserve the remainder of my time.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Massachusetts knows that I hold him in the highest respect and affection. And he knows

that it is not my purpose in speaking to defend the President of the United States—yet in this regard I agree with the President, and I do not find duplicity nor do I find any chicanery or trickery in the submission of this particular amendment.

It was taken from Senator TALMADGE's amendment on yesterday, of which I was a cosponsor.

When the distinguished Senator from Massachusetts rises and he reads from section (a), which is very clear——

> Whenever the Attorney General or an aggrieved person institutes a proceeding under any statute to enforce the guarantees of the fourteenth or fifteenth amendment, in any State or political subdivision . . .——

That is fine.

But now, my distinguished deskmate does not read further. He, in a very clarion voice, says that no State is named in this bill.

On the contrary, I am going to show him where they name States. They paint a very clear selection as of 1965. If he will only turn to page 47 of the House report which, I think, is in the distinguished Senator's hand because we are considering the House bill—here is section (b) under this section 4 where it says, "The provisions of subsection (a) shall apply in any State or in any political subdivision of a State which"—ah, now they begin naming them, and you do not have to be a law graduate or a Member of the Senate to understand this kind of meaning. It is that old joke where they used to give the literacy test and they brought out the Chinese newspaper down there in Mississippi, and the poor black said, "Yes, I can read that. That means no black votes in Mississippi today." That is what it said.

Section (b) of that act is where they start naming—any State which "(1) the Attorney General determines maintained on November 1, 1964, any test or device and with respect to which (2)"—they want them narrowed down first, they do not want just any State, any test or any device determined by the Attorney General, but plus further description, further restriction by, "(2) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964"—that is further language of description, naming those States, but that was not good enough to make sure, so they said "that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 per centum of such persons voted in the presidential election of November 1964."

Now, in the name of voting rights and equality there is the language of inequality. In the name of nondiscrimination, there is the language of discrimination. In the name of equal justice under the law, there is the unequal justice under the particular political approach used in this bill, which the President of the United States is talking about, and which a substantial body of Senators has been concerned about, including the Senator from Connecticut.

What did the amendment say? What does the Stennis amendment say? It says to take that section 4 out and go to section 5 and reword it.

Incidentally, let me say what the Senator from California said about section 5. It reads on and on; it even describes my home town, the city of Charleston, and said how well it worked there, and he says in the Senate report, "For the reasons above, the committee is convinced that it is largely section 5 which has contributed to the gains thus far achieved in minority political participation." So section 5 is the real guts of this bill.

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

Mr. HOLLINGS. Yes.

Mr. KENNEDY. Just in reference to my earlier comments, I was listening to the Senator suggest what I did not suggest and then disagree with it with great eloquence, as I stated.

There is no naming. I also stated quite clearly that there was a procedure which went into effect which would qualify any particular State, not any particular Southern State but any particular State, under this language. The language that the Senator from South Carolina read is language that applied to Massachusetts. So what is the Senator from South Carolina suggesting? It is a test that was used to meet the problems of discrimination. The Senator still has not named a State. All the language that the Senator has stated will, under section (b) of section 4—as a matter of fact, that is the very provision that qualifies even, I believe, nine of my own counties under Massachusetts.

So I think it makes the point I was making that it does apply to any State. That section happens to catch Massachusetts. It catches a number of other counties, too, but it makes the very point I was making, and that is the language says any State, and then goes on to have a triggering device. The basis for that triggering device is a pattern or a use of tests or devices of discrimination, and that is the thrust of the Senator from Massachusetts' argument.

I fail at this point to be persuaded that that argument has been met by my good friend and distinguished colleague from South Carolina.

Mr. HOLLINGS. All right, Mr. President, I am going to turn to page 6. On page 6 there is a chart. If there is any doubt about that language of description, if there was any doubt about naming a State, there was not any in the Civil Rights Commission or in the Senator from California or in the House committee or anybody else who considered this particular bill, because the entitlement of the chart is "Registration by Race and State in Southern States Covered by the Voting Rights Act," and there is a chart and the named States. They do not name any Massachusetts there. They do not name any States anywhere else. It is Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia.

There is no use playing Mickey Mouse about this thing and what the language is. If the Senator feels that no State is named, then he should go along with the amendment. That is what the Senator from Mississippi (Mr. STENNIS) says, to eliminate that descriptive language, going all the way back to November 1964 which had, No. 1, the testing device; which had, No. 2, less than 50 percent registered; and which had, No. 3, less than 50 percent voting in the 1964 election. That is exactly how they restricted it.

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

Mr. HOLLINGS. In just a second, because now we will get back to section 5, which is the real heart of the bill, according to the Senator from California because he wrote this report, and if you get over here you see what the Stennis amendment does. Look at page 49 of the House report, and when you get to section 5, that presently reads, "Whenever a State or political subdivision"—ah, now we start naming, here is how we start naming—"with respect to which the prohibitions set forth in section 4(a) based upon determinations made under the first sentence of section 4(b)"—aha—name them, they renamed them, section 5 all over again. They want to make sure—there is no equal justice under the law there. They are still back to November 1964 and the election of November 1968, and so what does Senator STENNIS do? He says in his amendment, "Strike that and let it read 'Whenever any State or political subdivision shall enact or seek to administer' "—and that is his amendment, that was the Talmadge amendment and that is the Stennis amendment, and there is no gutting of any bill. The States are named. They know they are named, but they do not want to read the full text.

I will be glad to yield to the Senator from Florida.

Mr. CHILES. I just enjoyed listening to the discussion of the distinguished Senator from South Carolina.

As I recall, the Senator from South Carolina voted for cloture on this bill, did he not?

Mr. HOLLINGS. I certainly did.

Mr. CHILES. More than once?

Mr. HOLLINGS. I will again to get to the vote, and to get voting privileges all over the country. I hope we can extend these privileges to Massachusetts.

Mr. CHILES. The Senator voted more than once for cloture under the bill?

Mr. HOLLINGS. Yes. I am just fighting for the people of Massachusetts to get under this bill.

Mr. CHILES. The Senator from Florida also voted for cloture and expects to vote for this bill.

Mr. HOLLINGS. That is right.

Mr. CHILES. It seems that part of the debate here today, yesterday, and some other days on this particular bill, some of us were saying that we want to vote for a voting rights bill, we want to see there is no discrimination, but because there was a past history, do not hold that past history on a section of the country forever, do not hold a section of the country forever down to where they cannot ever show they worked their way out of it.

They are going to pass a 10-year act. Not only that, they are not going to allow an amendment to one district part or one tweedle of this particular bill.

Now, we saw all kinds of amendments, and regardless of the merit of the amendment, there was a motion to table.

Not the amendment, we want no amendment whatsoever. We want a 10-year act that is going to lock in so that there is no way to get out.

The State of Florida does not happen to be one of those named, so we are not worried about getting out, but it seems to me we should be talking about something that is going to apply.

Does this act, if we strike section 4, does this allow South Carolina, or Georgia, or Mississippi, or Louisiana, or Alabama, does this ease their burden in any way?

Mr. HOLLINGS. No, sir, it does not.

Mr. CHILES. Does it allow them to have any kind of discrimination, does it do any change from the present act in regard to those States if we eliminate this section?

Mr. HOLLINGS. No sir, it does not relieve any of the States covered.

I think that is the very important point to be made here, because I was in praise and I still stand in praise of our colleague, the Senator from Connecticut, who stood to support this. He became concerned at the dialog that took place on the floor, particularly with the junior Senator from Massachusetts, inferring only there be no bill, or somehow the States covered would all of a sudden by gimmick be relieved, and otherwise, and in contrast, what he was supporting in good conscience was really some intrigue or device to turn us around at the very last minute voting on a misunderstanding to ball up the voting rights law.

I went back into the cloakroom, double-checked this amendment, and compared the language, to clarify it a little. But of course, under the cloture rule we cannot clarify it further.

I think maybe that would be a pretty good idea, but there is no knowledge.

Mr. TALMADGE Could we not direct the Secretary of the Senate to make clerical and technical corrections of the errors?

Mr. HOLLINGS. The Secretary of the Senate certainly can be directed, but I do not think, really, there is anything technically wrong.

It just happens, if we read the reports about the States covered here, and if in every way they did it as in 1964 and 1965 when they originated this particular act, they were looking right at my State. They were not looking at Massachusetts. They never heard of busing. Mrs. Peabody was in St. Augustine. Does the Senator not remember Mrs. Peabody?

She was in St. Augustine 10 years ago.

So using the same measure of a 10-year vintage they do not want to change it to read the language loud and clear about any State and any political subdivision, but the section 4(b) and the section 5(a) and the guts of this bill, according to the committee report, refers every time back to those particular States, that is why this particular legislation is discriminatory.

Mr. CHILES. So that if we adopt this amendment, none of the Southern States, none of those States now under the act, would be relieved in any way, is that correct?

Mr. HOLLINGS. None of them would be relieved.

They would still have reports, and still be subject to the reviews, still have to submit our proposed amendments and changes, and still have Federal election registrars that would come down and observe us during an election time.

Mr. CHILES. But now, for the first time, there would be a uniform application in that the other States where they were attempting to change their election laws or attempting to change their boundaries, they would have to have some kind of a preclearance before the Attorney General, is that correct?

Mr. HOLLINGS. That is exactly right.

In fact, it is very interesting to read the Senate report and see that when they come to the one man, one vote decision, that really filling up the resolution and everything else that has been used in other sections of the country, gerrymandering, and other things of the citizenry at large, they say this is an unusual thing to occur.

But this is what is happening. The distinguished Senator from Georgia pointed it out on yesterday in that debate of different counties, in Indianapolis, New York City, Chicago, and various other places, but they do not want the language to apply to Massachusetts.

Mr. CHILES. I understand there is a problem again being raised——

Mr. KENNEDY. Will the Senator yield, or if he is going to yield to my friend——

Mr. HOLLINGS. Well, I am a U.S. Senator and I am delighted to represent Massachusetts.

Mr. KENNEDY. Just——

Mr. CHILES. Will the Senator yield for my question now?

Mr. HOLLINGS. I yield to the Senator from Massachusetts.

Mr. KENNEDY. I want to make it very clear, in spite of what my good friend from South Carolina says, Massachusetts is covered, Massachusetts is covered.

Now the Senator from South Carolina can go and say, and say it in a loud, booming voice, that it is not, but it is. And I can say it just as loud as the Senator from South Carolina can say that it is not.

So it is covered, Mr. President.

Mr. JOHNSTON. Will the Senator yield?

Mr. KENNEDY. Not until I finish these comments.

So I just want to make that extremely clear and no one is arguing in the development of the Voting Rights Act, and back in 1965, that a test was set on the basis of pattern or practices of discrimination. Some States fell in it, some did not, but that is the test that was applied, Mr. President.

I just say finally about any kind of comment about Mrs. Peabody, or about a number of other people that came from my State, there were three young people that came from Massachusetts who died in the Southern part of this country as a result of racial discrimination and I am not going to sit here and hear the ideals of any of those young people put on as some kind of a laughing or joking matter.

This is a serious matter, Mr. President, and all of us are attempting to meet our responsibilities seriously.

I, for one, will not remain silent when there are going to be aspersions or misrepresentations in terms of either the motivations or the attempt of any of the citizens of my State to battle against discrimination.

Mr. JOHNSTON. Will the Senator yield?

Mr. HOLLINGS. Wait a minute, now, Mr. President, I have still some time.

The PRESIDING OFFICER (Mr. GOLDWATER). The Senator from South Carolina has the floor.

Mr. HOLLINGS. I shall yield in just a minute.

Let me get this a bit in perspective.

I did not mean any aspersion against any persons from Massachusetts who died.

I did not talk about three people dying. I am just as serious as the Senator from Massachusetts is. He says all the tests. He finally admits there is a test. Some States come under it and some States do not. I wish I had the reporter here to read it back. Now the Senator is finally coming to agreement with the Senator from South Carolina on the test. They did not have this in Massachusetts on November 1, 1964. He said they did not qualify under that test and that is how they named them. So, we are at starting point 1. This, in and of itself, applies to those States that meet that very, very peculiar 10-year vintage test.

Now I yield.

Mr. CHILES. If the Senator will yield, I think it is interesting that the Senator from Massachusetts says that he is covered under the act, that he kind of wants his State to be covered under the act. That is what we want. Florida is covered under the act the way Massachusetts is now, but the Senators from Florida are willing for Florida to be covered under the act like the Senator from Connecticut is willing for his State to be covered under the act, like every other of the 49 States would be covered, so that we all could be covered exactly the same way. That is an inconvenience to Florida because we do not have to file now. We do not have to have a preclearance now. But we are satisfied that the Attorney General is going to be able to look at the history and the pattern of the State of Florida and know that we have not been discriminating and that we are not discriminating. He can make a pro forma clearance of those things that come up there. But then it allows, for the first time, for all of the States to be treated equally. It allows for South Carolina, which is doing better now, to hold its head up and say, "Yes, we are under the Voting Rights Act. We do not discriminate. Everyone is under it. We will get our preclearance like everyone else."

For the life of me, I cannot understand what is wrong with that. I heard some kind of argument that it would dissipate the resources. I do not see how it dissipates the resources for the Attorney

General to have a stamp made for a preclearance, and for every State. If it is Massachusetts not doing anything wrong, and they are complying with the law, what is wrong with the letter going up there and getting that preclearance?

Mr. TUNNEY. Will the Senator yield?

Mr. CHILES. I do not have the floor.

Mr. TUNNEY. Will the Senator yield to me?

Mr. KENNEDY. Will the Senator yield? Massachusetts was mentioned again.

Mr. HOLLINGS. We are not going home yet. We will be around.

When the Senator concluded his question, I wanted to yield to the Senator from Louisiana.

Mr. JOHNSTON. I wanted to make something clear as we have had so much confusion about covering and not covering. I would like to ask the Senator from Massachusetts: Does Massachusetts come under the present requirement that is imposed upon Louisiana to have its Voting Rights Act of its legislature and of its towns precleared by the Attorney General?

Mr. KENNEDY. The answer to that particular question would be no.

Mr. JOHNSTON. Second, does Massachusetts have the provision for Federal registrars as the Deep South States have?

Mr. KENNEDY. No, we do not.

Mr. JOHNSTON. Without reference to all the words and all of that, the point is that some of the Deep South States are covered by provisions, by requirements, by protections that are not applicable elsewhere. We are not trying to get out from under those protections. We are just trying to protect every citizen of this Nation, wherever he may reside, from arbitrary action, whether it be by a city council or a State. We know that States and towns everywhere, in all 50 States, are capable of that action. That is all we are trying to do. We are not trying to disparage the ideals, motivations, the actions or the sacrifices of all those who came South, from the Senator's State and elsewhere. That is not the point. We are saying that everybody in all 50 States enjoys the same right and the same protection.

Mr. KENNEDY. Just as a comment to the Senator, the point that I was making in the earlier time is that this is national legislation. All States are within the Voting Rights Act statute. None of us are trying to dodge the issue that there is established in here a triggering device that does apply where there is discrimination or where there has been discrimination.

I say my friend, the manager of this bill, has pointed out the existing situation based upon current testimony before the committee. But let me point this out: The Senator from Florida, the Senator from Louisiana and the Senator from South Carolina have all supported national legislation that had different tests. To listen to the arguments that have been made here suddenly a test is something entirely new on the Voting Rights Act. Florida gets a certain amount of food stamps and so does Louisiana. So does Massachusetts. But some States get more than others. We put a test in there based upon income and other qualifications. Some States get more under title I of elementary education. What is the basis for that? We say it is a national act. We set out in the statute various requirements.

Mr. JOHNSTON. If the Senator——

Mr. KENNEDY. Can I finish on this point?

It is not dissimilar from the kind of language that has been read into the RECORD. It has a different application, whether it is directed to food stamps, registration or health, whatever it might be. Nevertheless, there is language in there which qualifies some areas for food stamps, title I, health programs, whatever you might say. That is based upon what we have ascertained as to be a need—to be a need. The particular need in this area happens to be on the question of discrimination against the right to vote. I really do not understand those who are suggesting that suddenly the idea that we are going to have some kind of language that will be a triggering device based upon the findings and the testimony over a period of time is some entirely new, innovative and creative concept. It is as old as legislation itself.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. KENNEDY. I will yield for a comment and then I would like to reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. HOLLINGS. Mr. President, I will yield in a moment.

To equate the inalienable right of each and every citizen to vote without discrimination with economic conditions, rules, and regulations with respect to economic assistance under the food stamps, and with respect to income levels, tax levels, and everything else, with respect to schools and impact aid, is very specious indeed. All citizens are created equal. Certainly, the inalienable, fundamental, and primary right is to vote. Certain it is that the citizen of Massachusetts and the citizen of South Carolina are equal.

Why have different tests? Why have a test that would apply only to South Carolina? Why go back to the November 1964 test? Why not bring it up to date? This is 1975. There has been a marked change in many, many conditions. We have all grown and matured. We do enjoy a greater freedom today than we did 10 years ago. We are blessed in that particular regard. Then why not do what the President, Senator TALMADGE, and Senator STENNIS would do? Eliminate that yik-yak about the voting, how many people voted under the poll tax or whatever the device. We do not have poll taxes any more. We do not have literacy tests any more. If they are archaic, or extinct, then why use an archaic or extinct measure? That is all the Stennis amendment is saying. Equal justice under law.

I yield to the Senator from Georgia.

Mr. TALMADGE. It is a fact that even a convicted murderer in due course of time becomes eligible for parole.

Mr. HOLLINGS. That is right. But the murderers of Massachusetts are in better shape than the murderers of South Carolina because those in South Carolina are under this test of 1964. That is the thing that rankles everybody.

How in the name of equality, and in the name of voting rights, can we have Senators stand and deny the equal application of this law? How can we in good conscience do such a thing, unless we reworded it wrongly? That is why I was addressing my comments in specific to the support which has been given this particular measure by the Senator from Connecticut. There is no gimmickry involved. We are not trying to get out from under it. We are under it, and we intend to continue under it, but we would like the equal justice under the law doctrine to apply throughout its entire provision and not let 5(a), which has all the meaningful guts and the meaningful parts, refer back to 4(b) and 4(b) start that 1964 Attorney General, testing and everything else under it.

Mr. President, I yield the floor.

Mr. BROOKE. Will the Senator yield?

Mr. TUNNEY. Mr. President——

The PRESIDING OFFICER. The Senator from California.

Mr. TUNNEY. The Senator from Florida a few minutes ago, and I believe also the Senator from Louisiana, asked what was wrong with national coverage. I can only assume, inasmuch as the bill has national coverage, that they must be talking about what is wrong with having a national preclearance.

I will ask the Senator from Florida if that is what he meant by national coverage was a national preclearance?

Mr. CHILES. Having the bill apply uniformly across the Nation.

Mr. TUNNEY. Does he mean by that national preclearance?

Mr. CHILES. To the 50 States, that all the provisions of the bill would apply across the Nation to the 50 States.

Mr. TUNNEY. All of the provisions of the bill do apply nationwide.

Mr. CHILES. They do not apply when you have a corrective that you are going back and assessing on a record of history, on a record of what past discrimination has been. That is why we say, "If you are going to use preclearance, use it across the country."

Mr. TUNNEY. That is what I thought the Senator was referring to. The problem with that is that a national preclearance is unconstitutional, and the court has made it very clear that when you start at the Federal level to tamper with local election laws, you have to do it in a way that demonstrates that there was an urgent and clear need to do so. The court, in the Katzenbach case, uses the phrase "exceptional conditions can justify legislative measures not otherwise appropriate."

Mr. CHILES. Will the Senator yield further?

Mr. TUNNEY. Not at the moment. "Not otherwise appropriate." Exceptional circumstances. And the court found in the case of the six States totally covered and the one State that is half covered that those exceptional circumstances existed.

However, in the case of Oregon against Mitchell, the Supreme Court found that those exceptional circumstances did not exist, when it struck down an act of Con-

gress which would have extended the right to vote to 18-year-olds in State elections.

What is really happening here is that we are passing a law which is, on its face, unconstitutional, so we can get rid of the entire Voting Rights Act, so Senators can go home and say to their constituents, "We have done it; we have eliminated the Voting Rights Act, because we have passed an unconstitutional section; it will be struck down by the Supreme Court, and we will not have any Voting Rights Act."

We can do that, but I think it would be a tragedy.

Mr. CHILES. Will the Senator yield?

Mr. TUNNEY. On the Senator's own time.

Mr. CHILES. Section 201 of the act provides for a national prohibition against a literacy test. I do not think anyone would argue that that is unconstitutional, and yet it goes against the right of a registrar to impose a literacy test.

Having been a member of a State legislature for a number of years, and having heard lawyers argue whether a bill is constitutional or unconstitutional for a number of years, I would say that any of us who are handicapped with a law degree, I think, can stand up and say this is or is not constitutional, but I will take the other side and say there is nothing in the Stennis amendment that would be unconstitutional, absolutely nothing that would prohibit the Congress of the United States from passing a uniform application of law that would govern the constitutional giving of voting rights to citizens.

Nothing whatsoever would be unconstitutional. I would stake my reputation on that. I stake it on it today. I have no problem in doing that whatsoever, and just as the Senator from California can say it is unconstitutional, I say there is no way in the world anyone can determine that, but I have every confidence that the Supreme Court of the United States is not going to knock down a law seeking to protect, on a uniform basis, the rights of citizens to vote and not to have discrimination against them in the exercise of that right. There is no doubt whatsoever in my mind on that.

Mr. MATHIAS. Mr. President, repeatedly this afternoon the question has come up as to whether or not this legislation is sectional or national in nature.

I think it should be very clear to anyone who has followed the history of the act at all that it is national legislation. For anyone who has any doubt of it, I would suggest they turn to the Senate committee report on page 65, appendix A. I ask unanimous consent, Mr. President, that appendix A be printed in the RECORD at this point.

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

APPENDIX A: STATES AND SUBDIVISIONS COVERED BY THE VOTING RIGHTS ACT OF 1965

1965

Alaska.
Alabama.
Georgia.
Louisiana.
Mississippi.
South Carolina.
Virginia.
North Carolina: Anson County, Beaufort County, Bertie County, Bladen County, Camden County, Caswell County, Chowan County, Cleveland County, Craven County, Cumberland County, Edgecombe County, Franklin County, Gaston County, Gates County, Granville County, Greene County, Guilford County, Halifax County, Harnett County, Hertford County, Hoke County, Lee County, Lenoir County, Martin County, Nash County, Northampton County, Onslow County, Pasquotank County, Perquimans County, Person County, Pitt County, Robeson County, Rockingham County, Scotland County, Union County, Vance County, Wake County,[1] Washington County, Wayne County, Wilson County.
Arizona: Apache County,[1] Coconino County, Navajo County,[1] Yuma County.
Idaho: Elmore County.[1]
Hawaii: Honolulu.

APPENDIX B: STATES AND SUBDIVISIONS COVERED BY THE VOTING RIGHTS ACT AMENDMENTS OF 1970

1970

Coverage continued as to Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia, the 39 North Carolina counties, and Honolulu County, Hawaii. Newly covered jurisdictions were:

[1] Alaska: Anchorage Election District, Kodiak Election District, Aleutian Islands Election District, Fairbanks-Fort Yukon Election District.
Arizona: Apache County,[1] Cochise County, Coconino County,[1] Mohave County, Navajo County,[1] Pima County, Pinal County, Santa Cruz County.
California: Monterey County, Yuba County.
Connecticut: Southbury, Groton, Mansfield.
Idaho: Elmore County.[1]
New Hampshire: Rindge, Millsfield, Pinkhams Grant, Stewardstown, Stratford, Benton, Antrim, Boscawen, Newington, Unity.
New York: Bronx County, Kings County, New York County.
Maine: Caswell plantation, Limestone, Ludlow, Nashville plantation, Reed Plantation, Woodland, Unorg. Terr. of Connor, New Gloucester, Sullivan, Winter Harbor, Chelsea, Somerville plantation, Carroll plantation, Charleston, Webster plantation, Waldo, Beddington, Cutler.
Massachusetts: Bourne, Sandwich, Sunderland, Amherst, Belchertown, Ayer, Shirley, Wrentham, Harvard.
Wyoming: Campbell County.

Mr. MATHIAS. It makes it clear that this is a national bill. What are the States covered under the 1965 act? Alaska, Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia, and some counties in North Carolina, Arizona, Idaho, and Hawaii.

The question came up a minute ago as to whether Massachusetts was covered.

Look at appendix B, showing what happened under the 1970 amendments. I am not going to read the detail, because it will appear in the RECORD. Alaska, Arizona, California, Connecticut, Idaho, New Hampshire, three counties in New York which have to prefile, which have to send in their municipal ordinances to the Attorney General, from metropolitan New York.

It is a national bill. Counties in Maine, counties in Massachusetts, Campbell County in Wyoming.

[1] Obtained exemption via Section 4(a) lawsuit.

This is a national bill, and when people raise that question, if they will just refer to appendix A, it is all laid out there: A, B, C.

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

Mr. MATHIAS. It is my understanding that the——

Mr. HOLLINGS. On my time, just for a question.

Mr. MATHIAS. Yes.

Mr. HOLLINGS. Where is the State of Maryland? If it is a national bill, where is Maryland?

Mr. MATHIAS. There are States to the north of Maryland, States to the south of Maryland, and States to the west of Maryland that are all covered. There is not anything sectional about that.

Mr. HOLLINGS. What about Maryland?

Mr. MATHIAS. We have had the happy experience that we overcame this problem at an earlier date than some of the others.

Mr. HOLLINGS. Oh?

Mr. MATHIAS. There are some to the north, some to the west, and some to the south, and there would be some to the east if we had anything to the east.

Mr. HOLLINGS. I am looking at appendix A. I want to read it over again, and I shall ask that it be printed in the RECORD, with the notation under there, "Minus Maryland."

Mr. MATHIAS. Happily so, Mr. President. Happily so.

Mr. JAVITS. Mr. President, one of the questions as to this bill is whether the trigger mechanism would remain with the adoption of this amendment.

The amendment itself says no. The trigger mechanism would be wiped out by this amendment. If Senators will read page 1 of the amendment, lines 6 and 7, nothing could be more clear. It reads as follows:

SEC. 101. (a) Section 4 of the Voting Rights Act of 1965 is repealed.

Is there any doubt about that? We would be left, Mr. President, with only a bill which requires reports to the Attorney General on various redistricting and other matters. That would be a big burden, because in 10 years they had some 4,400 items of that kind to pass on, and that, relatively speaking, is a small part of the United States. One could, at a very minimum, multiple that by 5 or 10 times.

And this amendment, Mr. President, cannot be changed, because no one could anticipate what would occur, and therefore another amendment to change it does not qualify. It could only be changed by unanimous consent. So the Senate is locked into voting on this as it is.

That is very important, and for this reason: The figure relating to 10 years, Mr. President, is in section 4 of the bill. That is the figure that relates to 10 years. It is found at page 1 of the bill—now speaking of the bill, not the amendment—lines 4 to 6, inclusive, which reads as follows:

Section 4(a) of the Voting Rights Act of 1965 is amended by striking out "ten" each time it appears and inserting in lieu thereof "twenty".

Mr. President, if that is stricken out because all of section 4 is stricken out, including what is in this bill as well as what is in the old law that has carried over into the new law, then this becomes a bill without a date at all, in perpetuity. Therefore, every State in the United States would have to qualify before the Attorney General on anything it does about voting.

I think that raises a most serious question as to whether it stands up at all in terms of constitutionality. And even if it should survive that, it is an extremely cumbersome and unintended action on the part of the U.S. Senate, and for those reasons alone, Mr. President, this amendment ought to be rejected.

Mr. DOMENICI. Mr. President, can the Senator from New York answer a question that is disturbing to me?

Mr. JAVITS. I yield for a question.

Mr. DOMENICI. First of all, I think the notion that we would want to apply this everywhere in the United States certainly is one that every Senator can easily associate himself with. I would like to say that although some parts of this bill disturbed me, in that three counties in my State are covered under one section because of the triggering mechanism, and I do not think that those three counties, because of the way the triggering mechanism was, written really have any discrimination. Two of them happen to have military institutions in them of a large size and they are triggered because not more than 50 percent of the registered voters voted during that election that we use as the new triggering date. I certainly would not want to be supporting an amendment to this bill on that score alone because I think we can rectify that eventually.

I am rather concerned that we might be voting for an amendment that could render the bill unconstitutional, and that is what is bothering me. I do not want to vote for such an amendment. Yet I want to support an amendment that broadens the scope as much as possible within constitutional limits.

I do not subscribe to the argument that the triggering mechanisms have made this a national bill because what they have done is to the extent that they make sense they have brought those States and counties within its scope, but to the extent that that 5 percent and 50 percent do not make sense they are arbitrary.

I will vote in favor of the bill rather than see it destroyed by an unconstitutional amendment.

So I ask the Senator from New York: I have tried to read the amendment. It is very difficult for me to put it into context. Would the Senator explain to me in light of the major cases in point what his views are as to the proposed amendment versus the total constitutionality of the act?

Mr. JAVITS. I believe that the amendment, because there is no basic cause, even historic cause, for bringing about this kind of regulation, the voting procedures in the States, raises questions of very doubtful constitutionality. I believe those questions are made even stronger against the amendment by the fact that, if we pass it as I have just demonstrated, it will be a law without date. It will be in perpetuity. Therefore, I believe there are very serious questions, and it is very doubtful this amendment, if enacted, would stand up.

On the basic issue of national applicability, I will read just one paragraph which answers the question in the Katzenbach case. I think the Senator's own assistant had it. At least, it was just here in front of me a minute ago.

The Katzenbach case answers the question of the national character of this bill by saying, and I quote from page 334 to 335 of the opinion, speaking of this act:

> The Act suspends new voting regulations pending scrutiny by federal authorities to determine whether their use would violate the Fifteenth Amendment. This may have been an uncommon exercise of congressional power, as South Carolina contends, but the Court has recognized that exceptional conditions can justify legislative measures not otherwise appropriate.

It cites a case:

> Congress knew that some of the States covered by § 4(b) of the Act had resorted to the extraordinary stratagem of contriving new rules of various kinds for the sole purpose of perpetuating voting discrimination in the face of adverse federal court decrees. Congress had reason to suppose that these States might try similar maneuvers in the future in order to evade the remedies for voting discrimination contained in the Act itself. Under the compulsion of these unique circumstances, Congress responded in a permissibly decisive manner.

The court, therefore, sustained the constitutionality of that section.

The rest of the national coverage is completed by the fact that section 3 gives the Attorney General the power to sue in situations which are not covered by the trigger. So that in terms of liability for voter discrimination based upon, first, the trigger, which has been sustained, or discrimination, otherwise, the act gives complete coverage to every person and every State in the United States.

Mr. CHILES. Mr. President, will the Senator from New Mexico yield for some further comments with regard to constitutionality?

Mr. DOMENICI. I am glad to yield to the Senator from Florida.

Mr. CHILES. I am not sure the Senator was in the Chamber at the time I rendered my opinion. I felt that this would not in any way hold the act to be unconstitutional. I stand by that opinion.

Mr. DOMENICI. I am interested in the Senator's explanation. I apologize for not being present. I think it would be only fair to those of us who were not present but then did hear the Senator from New York to hear the Senator from Florida once again. It is on my time. So I would like him to express his views to me.

Mr. CHILES. I say to the distinguished Senator from New Mexico that, if he has any problems in that regard of the constitutionality, I really do not think he needs to have them. If he listens to the language of the Katzenbach case, the reason for the court's discussion and how the court was really sort of agonizing for a reason in that case, it was on the basis that in 1965 and when the amendments were passed what Congress had done was to say to a section of the States as to the trigger provision that these States are going to be treated differently. The court was reaching for how one could do that and have it be constitutional, without having the unequal application of the law, without applying the law unequally. That was the real concern of the court, and that was the concern of that decision and the language cited.

I do not think the court would have had any problem, and I do not think they will have any problem in this act, by saying that we, the public policymakers of the country, are going to pass an act that is going to apply uniformly to all 50 States, and the purpose of that act is to protect the voting rights of the citizens of the United States, and that we are going to see that no one in any State discriminates against those citizens, regardless of what their past actions have been, regardless of what their future actions would be.

I really think the court would not have had any problem in the Katzenbach case, and it could have rendered a decision, with no problem at all, had all of the States been covered at that time.

But because they only covered a section of the States, that was the reason for the language in the Katzenbach case and that was the reason that the court had to go through an agonizing process to determine whether one could give that unequal application. That is the only problem in that case and the only real reason.

So to cite it to say that it now would raise some specter that this act would be unconstitutional, because of the uniform application, I think is the furthest thing from any problem.

I assure the Senator from New Mexico that the act will be constitutional.

Mr. TALMADGE. Mr. President, will the Senator yield for an observation?

Mr. DOMENICI. Let me ask the Senator from Florida one question. Then I shall be delighted to yield.

Would the distinguished Senator look at the language in the amendment which charges the U.S. Attorney General with the responsibility set forth in the amendment and indicates he is to report back as to exemptions under it by July 1, 1976?

Mr. CHILES. No. That language gives him the duty to report back to Congress what he thinks the States have done. That does not exempt any State, if the Senator will read that language. It does not give him the right to exempt any State. It tells him to give his recommendations, give his report of what he finds the history has been going on and what his proposal is, because many of us feel that we should have a way, or any State should have a way to be able to earn its way out of this and, if we are going to cover the 50 States, provide that would have him report his findings. In no way does that give him any discretion.

I do not think that should give the Senator any concern.

Mr. NUNN. Mr. President, may I add that: Is the Senator talking about the report language in this amendment?

Mr. CHILES. Yes.

Mr. NUNN. The Senator from Florida is entirely correct on that. This is strictly asking for the Attorney General to give the report to Congress by which he could recommend criteria to allow States to so-called bailout, in other words, to earn their way out from under this act. All it is is a report.

Mr. DOMENICI. What criteria does he use in the meantime?

Mr. NUNN. Under this provision everyone would be covered.

Mr. DOMENICI. No.

Mr. NUNN. This covers everyone in the United States.

Mr. DOMENICI. What criteria do we use in the United States in the meantime?

Mr. CHILES. It would be the same criteria he is using today, and as to any one of the five or six States that are covered, when they are having a voting act law changed or they are changing a boundary or changing a polling place, then it has to come to the Attorney General for preclearance. If he feels it is a State that has no history of discrimination, he gets the stamp out and he says "clear."

Mr. DOMENICI. What criteria does he use to determine whether or not they are clear, under the Senator's last explanation? Is that from the Attorney General of the United States?

Mr. CHILES. I cannot tell the Senator, other than the same criteria he is using with respect to the States that are covered.

Mr. DOMENICI. We have a statute that specifically tells him what to use right now. Is that going to be carried over in this?

Mr. CHILES. It would be. There is nothing here to repeal that. Anything he has would not be changed. It is just that he would be applying it to all the States, including my own State of Florida, because we are not under the act. He would be applying that criteria to Florida as well as to Alabama and everywhere else.

Mr. DOMENICI. And any new criteria in this bill would also be applied across the land by the Attorney General, under the Senator from Florida's interpretation of the Senator from Mississippi's amendment. Is that correct?

Mr. CHILES. That is correct.

Mr. DOMENICI. There would not be any pure discretion on his part as to what is discrimination or is not? The Senator is saying that it would be statutorily defined?

Mr. CHILES. No different from what it is today. If he has some kind of wide discretion today over those six States, he would have it over all of them.

Mr. DOMENICI. If we pass this bill with this amendment, with the other criteria in this bill, it would be applied nationally by the Attorney General, under the Senate's amendment?

Mr. CHILES. That is correct.

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

Mr. DOMENICI. I yield.

Mr. TALMADGE. The distinguished Senator from New Mexico made an inquiry as to whether or not the proposed amendment would invalidate the constitutionality of the act. I think the distinguished Senator from Florida correctly answered that it would not. However, I wish to read from the highest authority in the United States—to wit, the Constitution of the United States:

AMENDMENT XV

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

I certainly think that under this provision, congressional action, such as the proposed amendments, to guarantee the right of citizens to vote would be declared constitutional.

Mr. DOMENICI. Would the Senator from Georgia care to comment on the case the Senator from New York discussed? Is it the Senator's interpretation of that case——

Mr. TALMADGE. The Katzenbach case?

Mr. DOMENICI. The Katzenbach case.

Mr. TALMADGE. I believe that the interpretation of the Senator from Florida was correct. Under the 15th amendment, which I have just read, Congress can pass legislation to guarantee the right to vote, and that legislation would be upheld, under the provisions of section 2 of the 15th amendment.

Mr, DOMENICI. I thank the Senator.

Mr. TALMADGE. I thank the Senator from New Mexico.

Mr. MATHIAS obtained the floor.

Mr. BROOKE. Mr. President——

Mr. MATHIAS. Does the Senator from Massachusetts seek recognition?

Mr. BROOKE. Yes.

Mr. MATHIAS. Mr. President, I surrender the floor.

Mr. BROOKE. Mr. President, we have had a very lengthy debate on this issue. It may be the most important vote that the Senate takes on the whole question of the Voting Rights Act. With all the debate we have heard, I do not think any of the proponents of the so-called Stennis amendment have said that the effect of the Stennis amendment would be to repeal section 4 of the Voting Rights Act of 1965. In fact, the language in the amendment clearly spells out that its purpose, its primary purpose, is to repeal section 4 of the Voting Rights Act.

If that is true, if that is clear, and there is no dispute as to that, then there is further no doubt that by repealing section 4 of the Voting Rights Act of 1965, we are gutting the Voting Rights Act.

The Senator from South Carolina said that we all wanted to get under the tent. Well, there would not be any tent if we were to adopt this amendment, because repealing section 4 of the act would remove the tent. So we would not be talking about anything—we would not have a Voting Rights Act.

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

Mr. BROOKE. I yield.

Mr. CHILES. It seems to me that the tent is section 5, if the Stennis amendment is agreed to. No State comes out if the amendment is agreed to. South Carolina is still under the act; Alabama is still under the act; Georgia is still under the act; Louisiana is still under the act; Mississippi is still under the act.

The only thing we do if we adopt the Stennis amendment is to add some 44 more States. We enlarge the tent. Section 3 is still there. There is no way in the world that we take anybody out.

The Senator says we repeal the trigger. We extend the trigger. We make it apply to everybody. We repeal language that says, "You go back and take the history prior to 1965." We repeal that, and we say that every citizen in this country is entitled to have his voting rights protected, in every State.

The Senator from Massachusetts is making a mistake if he says we are relieving any State, any Southern State that is now under the act, from anything, from any provision.

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

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

Mr. BROOKE. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, it is easy to carry things away forensically in a debate of this kind, on a very delicate question of constitutionality; but the point is that the whole structure of the law is dismantled by this amendment.

The structure of the law depends for its constitutionality on the fact that there has been a history in given areas based upon the triggering device of patterns or practices of the denial of voting. So the court has sustained constitutionality, based upon the fact that there is an antecedent state of facts. But the proponents of this amendment are sweeping away that state of facts. Therefore, all they are doing is saying that the Attorney General of the United States is given authority, with no criteria, to review everything that relates to voting. That is all he is told.

The PRESIDING OFFICER (Mr. STONE). Does the Senator from Massachusetts yield to the Senator from New York for a question?

Mr. BROOKE. Yes.

Mr. JAVITS. It is on my time, anyway.

The PRESIDING OFFICER. That is not the rule. It is only for a question.

Mr. JAVITS. I ask the Senator from Massachusetts this question: Is it not a fact that this amendment sweeps away the whole constitutional justification for the act as found in the Katzenbach case and gives to the Attorney General simply power to review everybody's voting procedures and voting actions, with no criteria at all?

Mr. BROOKE. Which is an impossible situation.

Mr. JAVITS. And which must be declared unconstitutional.

Mr. BROOKE. I am sure that the proponents must know that it is an impossible situation. I called it a smoke screen, because obviously it is. The Senators know that the Attorney General could not possibly do that. Of course, the Senator from New York is correct.

Let us stop fooling ourselves, and let us stop fooling the people. We know what the effect of the repeal of section 4 would

be on this act. We just would not have a Voting Rights Act.

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

Mr. BROOKE. I yield.

Mr. HOLLINGS. Following the thought of the Senator from Florida, which I share: Is it not a fact—asking a question—that what is being done is updating the entire 1965 act to 1975 and that in the updating thereof, different experiences are being added? One experience is the bilingual situation and the testing going on.

Another situation is under Baker versus Carr, where there was redistricting and gerrymandering. There are all kinds of tests now that this particular law updates, and when you go back to section 4, that is the old test, the literacy test, the poll tax, and not having less than 50 percent as certified.

What you are doing is enlarging that test. You are not extinguishing that test at all, but you bring in all the States, a general test for every one of the 50 States. That does not relieve the State of South Carolina one iota from submitting, under the voting rights laws as proposed in this legislation. Is that not correct?

Mr. BROOKE. I respect the opinion of the Senator from South Carolina, but I disagree with him. I do not believe that is the effect of the amendment at all.

I believe the effect of repealing section 4 is to do away with the Voting Rights Act.

Mr. CHILES. Will the Senator yield?

Mr. TUNNEY. Will the Senator yield?

Mr. BROOKE. Yes, I yield.

The PRESIDING OFFICER. The Senator yields to the Senator from California?

Mr. BROOKE. Yes, on his time.

Mr. TUNNEY. I wish to read to the Senate a letter which was sent by Stanley Pottinger on June 2 to Congressman EDWARDS, who is chairman of the Subcommittee on Civil Rights and Constitutional Rights in the House of Representatives and floor manager of the bill in the House. What was at issue was an amendment that Congressman WIGGINS had introduced, which would have applied nationwide. It would have extended the preclearance provisions to every State, every municipality, every jurisdiction in which there was less than a 50-percent turnout of a minority. A minority was defined as blacks or the language minorities. In other words, a national coverage under preclearance.

Pottinger replies, and to save time, I shall not read the whole letter, but I will read the last paragraph:

I believe it would be entirely appropriate for Congress to consider various approaches to omnibus voting rights legislation once the Voting Rights Act of 1965 has been extended. Presently, the paramount concern of Congress in this area should be extension of the Act. I do not believe that consideration of radically new approaches this late in Congress' deliberations on extension would be consistent with the Administration's position that first priority must go to the enactment of an extension act by August 6, 1975. Each of H.R. 6985's—

That is the amendment—

changes which is listed above raises considerable legal, administrative and policy issues. I do not believe such issues could be adequately explored on the floor of the House without prior committee hearings. While I am sympathetic with the goal of designing permanent, national voting rights legislation, I recommend that the Congress extend the Voting Rights Act promptly, so that it will then be in a position to give mature, reflective consideration to proposals such as H.R. 6985.

That is signed by Pottinger.

I have tried for the past 45 minutes to get the Attorney General of the United States on the phone—Mr. Levi. He indicated, apparently to his secretary, that he was on the phone; that he would call me back. We called again; he said he was on the phone; he would call me back. Forty-five minutes have gone by. He still has not called me back. I have to assume that Stanley Pottinger, who is the Assistant Attorney General for the Civil Rights Division, still speaks for the administration. He testified at the House hearings and this is his letter saying, let us get an act and let us not get involved in byways with mischievous amendments that may very well undermine the very nature of what this bill is about.

Mr. STENNIS. Will the Senator yield?

Mr. BROOKE. I have the floor.

Mr. TUNNEY. On the Senator's time?

Mr. BROOKE. I think I have the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. TUNNEY. I ask unanimous consent to have the letter printed in the RECORD.

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

DEPARTMENT OF JUSTICE,
Washington, D.C., June 2, 1975.

Hon. DON EDWARDS,
Chairman, Subcommittee on Civil Rights and Constitutional Rights, Judiciary Committee, U.S. House of Representatives, Washington, D.C.

DEAR CHAIRMAN EDWARDS: This is in reply to your letter of May 28, 1975, requesting our opinion of the appropriateness of H.R. 6985 as a substitute for H.R. 6219.

H.R. 6985 appears designed to serve as permanent nation-wide voting rights legislation. It provides for several notable changes from the Voting Rights Act of 1965:

1. The trigger formula would rely solely on statistics, and not on any discriminatory practices;

2. Coverage would be redetermined every two years;

3. Covered jurisdictions would be required to submit all their voting practices and procedures for federal review rather than limiting such review to changes in practices and procedures;

4. The Act would forbid discrimination on account of national origin;

5. The Bureau of Census would be required to conduct a biennial survey of voting age persons to determine voter registration and participation by race, color, or national origin. All persons would be required to provide this information.

I believe it would be entirely appropriate for Congress to consider various approaches to omnibus voting rights legislation once the Voting Rights Act of 1965 has been extended Presently, the paramount concern of Congress in this area should be extension of the Act. I do not believe that consideration of radically new approaches this late in Congress' deliberations on extension would be consistent with the Administration's position that first priority must go to the enactment of an extension act by August 6, 1975. Each of H.R. 6985's changes which is listed above raises considerable legal, administrative and policy issues. I do not believe such issues could be adequately explored on the floor of the House without prior committee hearings. While I am sympathetic with the goal of designing permanent, national voting rights legislation, I recommend that the Congress extend the Voting Rights Act promptly, so that it will then be in a position to give mature, reflective consideration to proposals such as H.R. 6985.

Sincerely,

J. STANLEY POTTINGER,
Assistant Attorney General,
Civil Rights Division.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. STENNIS. Will the Senator yield to me to ask one question of the Senator from California?

Mr. BROOKE. Yes; I am very pleased to yield.

Mr. STENNIS. The Senator says the letter is dated June 2. I am sure he heard the President's letter this afternoon, dated yesterday. When it comes to speaking for the administration, is it not rather clear that the letter from the President, dated yesterday, is the voice of the administration, more so than a letter by an Assistant Attorney General in June?

Mr. TUNNEY. The President's letter states that, "My first priority is to extend the Voting Rights Act."

Mr. STENNIS. Yes, I know.

Mr. TUNNEY. So I think we have to take the President's letter at face value. He says his first priority is to extend the Voting Rights Act.

Quite honestly, I tell my friend from Mississippi, I do not see anything in the President's letter that specifically addresses itself to the problem that is posed by the amendment of the Senator from Mississippi, namely, the repeal of section 4 and the extension of the preclearance provisions to every district in the country.

Mr. STENNIS. Is it not clear that the President has advocated in that letter the application of this act nationwide? Is that not the substance of a major part of his letter?

Mr. MATHIAS. Will the Senator yield?

Mr. TUNNEY. I think it is fair to say that the letter does state that the President would like to see a nationwide law, but he does not refer to what he wants in such a nationwide law. He does not say that he would like to see section 4 repealed. Nor does he say that he would like to see the preclearance provisions of section 5 extended nationwide. It just says he wants a nationwide law.

Mr. STENNIS. Every Senator can judge for himself. I wanted to point out the difference in the dates and that the President has written a strong letter.

Mr. MATHIAS. Will the Senator yield?

Mr. STENNIS. I do not have the floor.

Mr. MATHIAS. Will the Senator from Massachusetts yield to me on my own time for just 1 minute?

Mr. BROOKE. Yes.

Mr. MATHIS. The distinguished Senator from Mississippi has made some point of the chronological sequence of the letter from the Assistant Attorney General and the letter from the President. I think we ought to take this letter from the President in some historical perspective.

I was serving with the President in the other body in 1965, when this bill was first passed. The President, at that time, moved to substitute, which would have virtually destroyed the bill at that time. That was his position. He has been perfectly open and consistent and forthright about it.

In 1970, when the extension of the bill was up, the President moved what was, at that time, called the Mitchell bill, or the Mitchell amendment. The President moved it as a Member of the House. That was his position. It is on the record. His position has not changed in that letter. It is the same position he had in 1965, the same position he had in 1970, and the same position he expresses in the letter. It is all on the record.

So the letter really does not add anything to this debate, nor does it take anything away.

Mr. BROOKE. Mr. President, the Senate has acted twice, overwhelmingly, to invoke cloture. Those votes indicate the Senate's desire to take up and to resolve this question of the extension of the Voting Rights Act of 1965. We have heard a rather lengthy, sometimes very spirited debate on this issue. And now the distinguished Senator from New Mexico, who has indicated already, by his votes, that he favors an extension of the Voting Rights Act of 1965, has raised some valid questions. He is concerned as to whether the repeal of section 4 would make this act unconstitutional.

Lawyers will disagree as to the constitutionality of the act. That is why we have the Supreme Court of the United States. I cannot tell the distinguished Senator from New Mexico any more than the distinguished Senator from Florida can tell him whether this act will be unconstitutional or not. I personally believe that if section 4 is repealed the act would be unconstitutional. The Senator from Florida personally believes it will be constitutional. But the distinguished Senator from New Mexico will have to decide the question on his own. I respect him for having raised that question and I hope some assistance will be given to him as to whether it is constitutional or not.

Mr. DOMENICI. Will the Senator yield?

Mr. BROOKE. I am pleased to yield.

Mr. DOMENICI. I have read the case and I think, with respect to this bill and with respect to that bill, they are both right. I do not think the case stands for anything with respect to constitutionality. I think that, under one interpretation, it could be valid; under another interpretation, it could be invalid. I think we shall have to wait for a decision by the Supreme Court.

I think the Senator from Florida finds some excellent language in there indicating that they were squirming to find it constitutional because it applied only to a region. I think the Senator from New York found some other language in there that they found some very valid national reasons, even though it was only regional. That is the essence of the question as to constitutionality. So I do not think that case stands squarely for either proposition.

Mr. BROOKE. I think the Senator from New Mexico has arrived at a very understandable conclusion. I think the Senator from New York unquestionably is one of the most able lawyers in the country, and I think the Senator from Florida is a most able lawyer. I think the Senator from New Mexico is right; we are going to have to wait for the Supreme Court to decide on the issue of constitutionality.

Mr. DOMENICI. Will the Senator yield?

Mr. BROOKE. Yes.

Mr. DOMENICI. I want to ask the Senator from Massachusetts this question and I want to ask the Senator from California this question. If the Senator from Florida wants to comment on it, I should appreciate his comment.

If the Senator from California will give me his attention, as I read the amendment, the section that is stricken from the bill is a section that, for the first time, brings into play the language barrier problem of the Spanish-American, the Indian, the Alaskan Indian, and the Asian speaking. That is not in any old bill. That is brand new, is that not right?

Mr. TUNNEY. That is correct.

Mr. DOMENICI. If we strike it then what we have done is taken out of this bill, excellent motives to make the bill apply nationally, but we have taken out the new thrust that the President of the United States said in his letter he hoped we would keep in, to wit, the extension of this bill to those who have linguistic problems because of their heritage, mentioning specifically Spanish-Americans.

I look at the bill——

Mr. TUNNEY. That is correct.

Mr. DOMENICI (continuing). And we strike that section and then there is no other criterion or reference to discrimination based upon inability to communicate and, therefore, no statutory basis to find the action by a State which might or might not deny voting rights because of that inability, and there would be no statutory basis for that; is that correct?

Mr. TUNNEY. That is correct.

Mr. DOMENICI. The Senator from California knows I have been arguing with him about the procedure which did not permit us to make some proper amendments to these procedures, to these triggering mechanisms, and the Senator from Massachusetts knows of my concern that section 3 covers some counties under the guise of Spanish-speaking discrimination that really if you looked into them you should have supported an amendment that would clarify them.

I do not think we are going to get an opportunity to make those amendments. But I make this point: We could have cleared them up if we were not in this bind of accepting no amendments. I think every Senator here who is concerned about Spanish Americans and discrimination against them ought to understand that we are deleting the section that is any statutory basis for an Attorney General, even under the amendment of the distinguished Senator from Georgia, if it were the law, and we no longer have any criterion that is linguistically related to culture and heritage for him to base discrimination on or voter discrimination on in any of those States.

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

Mr. DOMENICI. Yes.

Mr. BROOKE. I am cognizant of the Senator's very unusual ethnic problem in the State of New Mexico, and I very well recall the Senator's amendment. But I think the Senator is primarily interested in seeing that the voting rights of his constituents, all of his constituents, are protected. And I can clearly say to the Senator—and I do not think this is a matter for interpretation—that if you repeal section 4, you will not get that protection.

Mr. DOMENICI. I can tell the Senator, whether or not I find that the triggering mechanism is not terribly reasonable in terms of my State, that rather than support an amendment that will delete all reference to discrimination based upon one's language, in particular the 25 million-some-odd Spanish Americans, I will vote for the onerous burden on my State for a few years if we cannot clear it up in dialog as to the intentions so as to clear the inconsistencies between the preamble, the purpose clause, and section 3.

If you can clear them up, we do not have any terribly onerous problem, but I will take the problem rather than delete totally reference to that kind of discrimination, which is just as real as the kind the Senator is trying to cure when we passed the first act.

Mr. BROOKE. I respect the Senator for what he has tried to do. And I also respect the Senator for his decision on this particular amendment.

Mr. President, we have had, as I said, a very lengthy debate. I said earlier in the debate that I thought it regrettable that in 1975 the Senate of the United States had to spend so much time on legislation which guarantees all Americans the basic right to vote.

As I said before, this is not a busing issue. This is the Voting Rights Act. And I think everyone will agree, both proponents and opponents alike, that the Voting Rights Act has been effective, it has been good for this country, and it will continue to be good for the country.

And I say once again that a vote for the Stennis amendment, which would repeal section 4 of the Voting Rights Act will, in effect, gut the Voting Rights Act. It will remove the strongest weapon we have to assure American citizens of their voting rights.

Thus, Mr. President, I move to table the Stennis amendment.

Mr. STENNIS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield and withhold that for just a minute?

Mr. BROOKE. Yes.

Mr. MANSFIELD. Mr. President, the pending amendment before us, the Stennis amendment, does that state that section 4 of the Voting Rights Act of 1965 is repealed?

Mr. BROOKE. Yes, it does; it says it specifically; the language is very clear.

Mr. THURMOND. Mr. President, I was pleased to join the distinguished Senator from Mississippi in his proposal to extend the application of the Voting Rights Act to the entire Nation. This act should not just be focused on the South.

It has been my contention since the inception of this act that if the act should be applied at all, it should be applied on a nationwide basis. No one in this body is foolish enough to think that voting discrimination exists only in the South. Voting discrimination knows no particular section nor State of the country.

Mr. President, the South has borne this burden too long. What obligations are imposed on the South should be imposed on the rest of the Nation. Discrimination is not a phenomenon known only to one section of the country, as recent events have demonstrated. Discrimination should be eliminated wherever it exists, whether in the South, in the North, in the East, or in the West.

I challenge my colleagues to apply the same rules equally across the Nation. America is one country. It is unfair and unjust to treat one section of our Nation differently from other sections. Furthermore, it is unconstitutional to do so.

I urge my colleagues in the name of fairness and justice to adopt this amendment, which I am pleased to cosponsor.

Mr. DOLE. Mr. President, certainly the substance of this amendment proposed by the distinguished Senator from Mississippi (Mr. STENNIS) addresses the very foundation stone of the entire voting rights, indeed the civil rights movement. It speaks directly to our most basic of all legal guarantees—the right to equal and uniform application of the law.

I have no doubt whatsoever that the people of Kansas, indeed the people of this Nation, demand and cherish the safeguards given to them by the 14th amendment. Accordingly they are not ready to promote any abridgement of or variation from those criteria as a feature of legislation which we develop in this Congress.

The times have changed, Mr. President, and no longer are the voting abuses that persisted through the early 1960's a matter of regional identification. The progress which has come about as a result of the Voting Rights Act of 1965 should be a signal to us that it is time to ease the selective nature of the law and expand it to include every citizen in every State.

As the distinguished Senator from Nebraska (Mr. HRUSKA) pointed out earlier, there is no justification for utilizing discriminatory Federal statutes to address situations which are themselves labeled as discriminatory. In my view, that is exactly the practice we would be endorsing if we fail to agree to this amendment—thereby extending a punitive policy which not only lacks positive incentives, but also fosters bitterness and divisiveness.

It seems to me that is contrary to the whole spirit of our American heritage, something we should be especially mindful of as we celebrate our Bicentennial year. If we act in keeping with that tradition and adopt this amendment, I have no doubt it will serve as a springboard to a new and refreshing feeling of unity and joint resolve throughout our Nation.

I am confident that is part of what the President had in mind when he took the highly commendable initiative of delivering the letter which was read in our Chamber this afternoon. I believe he expressed the true sentiment of the grassroots citizenry of this country when he said that—

> This is one nation, and this is a case where what is right for fifteen states is right for fifty states.

President Ford further spelled out his personal observations about the thrust of this legislation when he noted that, as in 1965:

> A responsible, comprehensive voting rights bill should correct voting discrimination wherever it occurs throughout the length and breadth of this great land.

So again, it comes down to a question of equal protection of the law—which includes the voting rights law. I am impressed by the fact that no one is asking for special treatment here—only that they be covered uniformly and without exception to the principles which that landmark measure encompasses.

The Senator from Connecticut (Mr. RIBICOFF) said in very eloquent fashion near the beginning of this discussion that he had no reservations whatsoever about his State being in full conformity with the provisions of this bill. Why, therefore, he submitted, give cause to question their practices by excluding them from its reaches?

I feel precisely the same way about my State of Kansas—and want to be on record as expressing pride in the operation of our electoral process there over the years. Were the Voting Rights Act to be expanded to include us, I think we might perhaps have only one county which would even meet the 5-percent "triggering" conditions established in this extension bill—yet we would have the greater and more significant satisfaction of knowing that our voting system was evaluated in the same manner as that of Georgia, California, or New York.

By that I mean we would welcome such an opportunity to demonstrate that our registration and voting provisions are among the best in the country. In responding to that challenge, I firmly believe a new air of reassurance that their voting rights were in fact being protected would evolve for not only the residents of Kansas, but for those in every jurisdiction.

This has already been the experience in some areas of my State where a substantial Spanish-speaking minority resides. And just to reflect our initiative in those locations, special arrangements have been made to insure that voting instructions are given in both Spanish and English, and that upon request, one is accompanied in the voting area by a person fluent in English.

I am certain that other States are enjoying similar success in implementing the voting guarantees of the 15th amendment—including our friends in the South. But the point is, we can stimulate even greater advances in the future by implementing uniform standards for everyone and working together toward a common, not partitioned goal.

This amendment is essential if we are to convince those we represent that we believe in evenhandedness and do not ourselves condone discrimination in the name of eliminating that very stigma. It is also necessary if we are to avoid the serious paradox which is presented when a well-intentioned majority seeks to limt the rights of one minority in the name of protecting the rights of another.

I, for one, would like to get away from the principles embodied in H.R. 6219 which presume guilt for some areas and presume innocence for others. Moreover, I find it extremely difficult to reconcile the argument that since "resources" do not permit application of the same Federal standards—be they preclearance requirements or whatever—to all States, we should sanction a policy of selective enforcement in only a few.

Mr. President, I urge all my colleagues to carefully consider the ramifications of this amendment and to join me in defeating the tabling motion. The President has alluded to the unique opportunity we have here to be a voice for fairness and equality across the land. I am hopeful we will use it wisely.

Mr. STENNIS. Mr. President, in view of the colloquy here, I ask unanimous consent that I take at least 1 minute to respond to the inquiry.

The PRESIDING OFFICER. Without objection, it is so ordered, and the Senator from Mississippi is recognized for 1 minute.

Mr. STENNIS. Mr. President, let me say this now: After having charges made more or less that this was just a scheme to get the Southern States out from under the operation of law, all these provisions were given the most microscopic examination, and we all concluded that it did not change anything as to the Southern States; that they would have to continue to meet the requirements, but it would just apply nationally, and that is the effect of it. That is all I wanted to say, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts to lay on the table the amendment of the Senator from Mississippi. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, may we have quiet? We cannot hear.

The VICE PRESIDENT. Order, please, in the Senate.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The VICE PRESIDENT. Order in the Senate, please. Senators will please take their seats.

The assistant legislative clerk resumed and concluded calling the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from Mississippi (Mr. EASTLAND) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

The result was announced—yeas 58, nays 38, as follows:

[Rollcall Vote No. 312 Leg.]

YEAS—58

Abourezk	Hatfield	Nelson
Beall	Hathaway	Packwood
Biden	Huddleston	Pastore
Brooke	Humphrey	Pearson
Burdick	Inouye	Pell
Case	Jackson	Percy
Church	Javits	Proxmire
Clark	Kennedy	Roth
Cranston	Leahy	Schweiker
Culver	Magnuson	Scott, Hugh
Domenici	Mansfield	Stafford
Eagleton	Mathias	Stevens
Fong	McGee	Stevenson
Ford	McGovern	Symington
Glenn	McIntyre	Taft
Gravel	Metcalf	Tunney
Hart, Gary W.	Mondale	Weicker
Hart, Philip A.	Montoya	Williams
Hartke	Moss	
Haskell	Muskie	

NAYS—38

Allen	Fannin	Nunn
Baker	Garn	Randolph
Bellmon	Goldwater	Ribicoff
Bentsen	Griffin	Scott, William L.
Brock	Hansen	Sparkman
Buckley	Helms	Stennis
Bumpers	Hollings	Stone
Byrd, Harry F., Jr.	Hruska	Talmadge
Byrd, Robert C.	Johnston	Thurmond
Cannon	Laxalt	Tower
Chiles	Long	Young
Curtis	McClellan	
Dole	McClure	
	Morgan	

NOT VOTING—3

Bartlett	Bayh	Eastland

So Mr. BROOKE's motion to lay on the table was agreed to.

Mr. BROOKE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. TUNNEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. The Senator from West Virginia.

AMENDMENT NO. 721

Mr. ROBERT C. BYRD. Mr. President, I call up my amendment and ask that it be stated.

Mr. PASTORE. May we have order, Mr. President.

The VICE PRESIDENT. The Senate will be in suspension for a second until everyone has the chance to take their seats. Will Senators please take their seats? The Senate cannot proceed until it is quiet in the Chamber.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia, for himself, Mr. RANDOLPH, and Mr. NUNN, proposes an amendment No. 721.

The amendment is as follows:

On page 1, line 6, strike the word "twenty" and insert the word "fifteen".

TIME-LIMITATION AGREEMENT—S. 521

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 521, a bill to increase the supply of energy in the United States from the Outer Continental Shelf Lands Act, and for other purposes, is called up and made the pending business before the Senate, there be a time limitation thereon of 4 hours to be equally divided between Mr. FANNIN and Mr. JACKSON; that there be a time limitation of 1 hour on any amendment, with a time limitation on any amendment to an amendment of 30 minutes, and a time limitation on any debatable motion or appeal of 30 minutes.

Mr. ALLEN. Reserving the right to object, which bill is this?

Mr. ROBERT C. BYRD. This is on the Outer Continental Shelf Lands Act.

Mr. PASTORE. Mr. President, may we have order? We cannot hear the speakers.

The text of the agreement is as follows:

Ordered, That, during the consideration of S. 521 (Order No. 277), a bill to increase the supply of energy in the United States from the Outer Continental Shelf Lands Act; and for other purposes, debate on any amendment in the first degree shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any amendment in the second degree, debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided*, That in the event the manager of the bill is in favor of any such amendment, debatable motion, appeal, or point of order, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

Order further, That on the question of the final passage of the said bill, debate shall be limited to 4 hours, to be equally divided and controlled, respectively, by the Senator from Arizona (Mr. FANNIN) and the Senator from Washington (Mr. JACKSON).

Mr. ALLEN. I have no objection.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered

Mr. PASTORE. I did not hear the request.

Mr. TALMADGE. What is the request?

Mr. ROBERT C. BYRD. That on the Outer Continental Shelf Lands Act, at such time as that bill is called up——

Mr. TALMADGE. What is the number of that?

Mr. ROBERT C. BYRD. S. 521.

Mr. TALMADGE. I have no objection.

Mr. HUGH SCOTT. It has been cleared on this side, I assume.

Mr. ROBERT C. BYRD. It was cleared with Mr. FANNIN.

Mr. SYMINGTON. Reserving the right to object, Mr. President, and I shall not object, may I ask when it is expected that this bill will be brought up?

Mr. ROBERT C. BYRD. Certainly not before the pending measure is disposed of, may I say to my distinguished friend.

Mr. President, was my request agreed to?

The VICE PRESIDENT. Yes, it was.

AMENDMENT OF THE VOTING RIGHTS ACT

The Senate continued with the consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I am willing to enter into a time agreement on my amendment. I am willing to agree to a 20-minute time limitation or a 10-minute time limitation, equally divided.

Mr. TUNNEY. Reserving the right to object, is the Senator talking about his amendment to this bill?

Mr. ROBERT C. BYRD. Yes.

Mr. TUNNEY. There are a number of Senators, I know, who would like to address this issue. I think that 30 minutes to a side would be appropriate.

Mr. ROBERT C. BYRD. Mr. President, this very simply cuts back the extension of provisions of the Voting Rights Act from 10 years to 5 years. The Senate, when it enacted the original legislation in 1965, provided that that act extend for 5 years. Then in 1970, when the Congress extended the act, it was for 5 years.

The PRESIDING OFFICER (Mr. STONE). Will the Senators take their seats? Will the Senators in the rear of the Chamber please move to the cloakrooms?

The Senator from West Virginia.

Mr. ROBERT C. BYRD. So, Mr. President, the Senate has established a pattern of 5-year periods. I take the position that the Congress ought not to extend this act 10 years on this occasion, basing its decision today on the conditions that were prevalent when the act was first passed 10 years ago. This amendment would simply mean that in 1980 the Congress would again take another look at the act and, based upon the circumstances at that time, could extend the period again if necessary.

Mr. GOLDWATER. Will the Senator yield for a question? I believe I heard the clerk read that as reducing it from 20 to 15 years.

Mr. ROBERT C. BYRD. That is technically correct, but it really means that the extension of the act would be only for 5 years instead of 10 years.

Mr. PASTORE. Mr. President, will the Senator yield to me?

Mr. ROBERT C. BYRD. I yield.

Mr. PASTORE. We are all here on the floor, and I think this is a very simple amendment, whether you are for it or against it. I think we can cut down the time to about 15 minutes for each side, and we will all stay here and listen to the eloquence, and then make our judgment.

Mr. ROBERT C. BYRD. Mr. President,

as I say, I am willing to have a short time limit on this amendment, say 10 minutes, 5 minutes to the side. I can make my statement in 5 minutes, and the distinguished Senator from California can make his statement in 5 minutes. Every Senator understands what the issue is. We either extend the act for 10 years or we extend it for 5 years. If we extend it for 5 years, we take another look in 1980. It is as simple as that.

I ask unanimous consent that there be a time limitation of 10 minutes on the amendment, to be equally divided between myself and the Senator from California (Mr. TUNNEY).

Mr. TUNNEY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. Then, Mr. President, I ask unanimous consent that there be a 20-minute time limitation.

Mr. KENNEDY. I would object to that, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. I do so with the full understanding that we may very well arrive at a vote earlier, but there are some very important implications that are suggested by this proposal, and I think we do not want to be foreclosed from the opportunity to debate it.

Mr. TUNNEY. Thirty minutes to a side I have no objection to.

The PRESIDING OFFICER. Is there objection to a time limitation of 30 minutes to a side? Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, I did not vote for the Voting Rights Act in 1965, for constitutional reasons, it being my understanding of article I, section 2, and article II, section 1, and the 17th amendment to the Constitution that under the Constitution and the amendment thereto, the States had the prerogative of determining the qualifications of voters.

However, the Court has since held the act to be constitutional, and I intend to vote for the passage of the bill in this instance. But my purpose here is to provide that Congress take another look at the act in 5 years rather than 10 years.

Although some here present may regard the review of voting rights as an onerous chore, I welcome it as a necessary ingredient of our responsibility to enforce the 15th amendment by appropriate legislation.

Briefly, the Congress in common with all legislative bodies has a two-fold responsibility—to enact laws as required by the Nation's needs, and to exercise a continuing vigilance over their execution—the so-called oversight function.

The 5-year durational period not only gives Congress the opportunity; it forces Congress to survey developments in this very important area.

There is no doubt that much progress has been made in the States in the 10 years the Voting Rights Act has been in effect.

I believe the Congress would pursue the wiser course in extending the act for another 5 years, rather than 10 not only because the previous periods were for 5 years and in that time the injustices being legislated against may have been eliminated and it would be unjust to continue Federal intervention in those areas; but also, new conditions may well arise which the Congress may need to take action to correct.

The Voting Rights Act Amendments, at 5-year intervals, makes a convenient vehicle for consideration of changing patterns of voting rights discrimination, and forces the Congress to address this issue on 5-year intervals, rather than 10-year periods.

Mr. RANDOLPH. Mr. President, will my colleague yield?

Mr. ROBERT C. BYRD. If I may finish my statement first.

I believe we lose nothing in choosing a 5-year extension rather than a 10-year extension; and I believe we gain, not only the ability to consider ceasing Federal intervention where it is no longer necessary, but also to correct new or recently discovered, injustices relating to voting rights on a more regular basis working within the framework of amendments to the Voting Rights Act of 1965.

I hope the Senate will adopt this amendment and keep the voting rights extension on a 5-year basis, rather than a 10-year term.

I yield to my colleague from West Virginia, that he may be recognized in his own right as a cosponsor of this amendment.

Mr. RANDOLPH. Mr. President, I have noted that the able Senator from Massachusetts (Mr. KENNEDY) has indicated, in reference to the time for discussion of this amendment, that he felt that perhaps the limitation requested was improper. He used the words that he felt the amendment had been offered with "certain implications." That was his wording, "certain implications."

Mr. KENNEDY. No, if the Senator will let me proceed on my own time, I just had——

Mr. RANDOLPH. Yes, I——

Mr. KENNEDY. On my own time, I just want to clarify it. I meant no reflection, or any implications other than those that would follow on the basis of the statutory change. The substantive implications. There were no other implications. The substantive implications, as I am sure the floor manager will indicate, were that a 5-year extension would make the expiration of the act fall during the census of 1980 and it was to be sure that that census would be covered, and to bind that in, which was the reason for the prolonged extension. I know that the floor manager will make these points, and I shall, also; but that was the only implication I felt there ought to be. I felt this could not be done in 10 minutes, quite frankly, and the floor manager in the points he will make, will show why.

Mr. RANDOLPH. Mr. President, I regret that I read into the Senator's actual words an implication that was not implied.

I want the RECORD to be very clear, as a cosponsor of this amendment, being joined by Mr. NUNN, and with its chief sponsor (Mr. ROBERT C. BYRD). I was vigorous in my support of the voting rights bill of 1965. I was equally vigorous in support of the voting rights bill in 1970.

So I am on record, in 1965 and in 1970, as voting and working for the passage of the voting rights bills.

I am in favor of the pending amendment, because we are doing what we have done before in 1970, after we had originally passed the important measure in 1965.

Mr. President, there is merit in the amendment, and I trust that there will be a recognition of the validity of the proposal. If our amendment is not carried on the rollcall I shall regret such an action. I will vote for the 10-year extension on final passage of this legislation.

Mr. President, voting rights for all Americans is a precious—yes an inalienable right. I hope the Senate will provide an assurance, as we did in 1965 and 1970, that basic rights of participation with the ballot is an essential part of responsible citizenship.

Mr. TUNNEY. Mr. President, I rise in opposition to the amendment. First, I would like to say that I am very deeply appreciative of the help that we have received from the distinguished majority whip, the Senator from West Virginia, in getting this bill to the floor, and the support that he has given us on the cloture motions, and I rise reluctantly to speak against an amendment which he has offered.

However, I feel in conscience that I must do so and I would like to explain the reasons why.

There is nothing magical about a 5-year extension or a 10-year extension. When the House of Representatives originally passed the Voting Rights Act of 1965, they had a 10-year term, which was reduced to 5 years in conference because the Senate provided for a 5-year term.

Why today, after 10 years, do we want to have a 10-year extension? Why not another 5 years?

I think that the most important reason is that the Bureau of the Census is going to conduct a national census in 1980, and that census will then be the basis for reapportionment and redistricting, not only of House seats in the Congress of the United States, but also the State legislative seats.

If we take a look at the submissions under section 5, which have been reviewed by the Department of Justice between the years 1965 to 1974—and section 5 is the preclearance section—it is noteworthy that the largest number of submissions have occurred in those years right after the Census when there was this redistricting and reapportionment.

Just to be more specific, in 1965 there was one submission; in 1966 there were 26 submissions; in 1967 there were 52 submissions; in 1968 there were 110 submissions, in 1969 there were 134 submissions; in 1970 there were 255 submissions; in 1971 it jumped up to 1,118 submissions; in 1972 there were 942 submissions; in 1973 there were 850 submissions; and in 1974 there were 988 submissions.

The very reason that we had so many submissions starting in 1971 was because the Bureau of the Census had come up with the Census which then was used as the basis for reapportionment and redistricting.

I also point out that over a third of the rejections of the submissions by the Attorney General occurred as a result of redistricting and reapportionment.

The Justice Department objected to over 100 of 163 of total objections, since 1965, in the area of redistricting and reapportionment; so almost a third of the objections, or over a third of the objections, have occurred as a result of that reapportionment and redistricting.

I think it is important to just look at what can happen in the way of voter discrimination if we have a redistricting or a reapportionment.

The report of the Washington Research Project, called The Shameful Blight, just gives some examples. I am only going to quote one, because of the time.

In 1970 the board of supervisors of Adams County adopted new districts for the county. The old districts had varied in population from 800 to 16,832. In its instructions to Comprehensive Planners, Inc., a private firm responsible for much of the redistricting in Mississippi, the supervisors indicated that in addition to equating the population of the different districts, CPI should also equalize "as best it could . . . the mileage of roads for county maintenance, and the square mile area of each district." Because the land area of the county is mainly rural and the population is mainly urban the instructions "dictated a plan which would consolidate urban and rural areas into each district. As the new plan was developed therefore, each district converged in spoke-like fashion from a broad rural base into the City of Natchez." Since "[t]he black population of the county is heavily concentrated in the city of Natchez, with the concentration extending into the rural areas that border northwestern Natchez and comprise the northwestern corner of the county," the result was districts that were fairly balanced between blacks and whites. The county is 48 percent black. The method of districting resulted in the reduction of the black percentage in beat 4 from 75 to 67 and prevented the creation of a second majority black district.

I do not have to go any further into the specific examples because it is clear to all of us in the Chamber of the Senate. We are all politicians. We all know what can be done with districting and what can be done with apportionment. One can take a person who is totally set in one district and reapportion him, redistrict him out of that seat, and he can be beaten. It is very simple to do, and it has been done time and time again in this country.

The thing that concerns those of us who would like to see this Voting Rights Act finally come to an end at some point in time is that if we should end it in 1980 it will be before the Bureau of Census has had an opportunity to come up with its census report and before there has been a redistricting at the State level.

I think we ought to extend the coverage beyond the census to cover the redistricting period. That is mainly why I have to object to the amendment.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. TUNNEY. Yes, on the Senator's time, I will be happy to yield.

Mr. ROBERT C. BYRD. The Senator has half the time.

Mr. TUNNEY. But we are operating under——

Mr. ROBERT C. BYRD. No; we are operating under a unanimous-consent order.

Mr. TUNNEY. Oh, I am sorry. I was not aware this was not charged against my time.

Mr. ROBERT C. BYRD. It is charged against the Senator's time if he yields.

Mr. TUNNEY. I will be happy to yield on the Senator's time.

Mr. ROBERT C. BYRD. Well,——

Mr. KENNEDY. Mr. President, I yield to the Senator from California, if he wants to yield on my time.

Mr. ROBERT C. BYRD. The Senator from California has the time, which is 30 minutes, and I have 30 minutes.

Mr. TUNNEY. I have 30 minutes and he has 30 minutes.

Mr. ROBERT C. BYRD. That is right.

Mr. TUNNEY. I am happy when I talk to talk on my time and when he talks he talks on his time.

Mr. ROBERT C. BYRD. I want to ask the Senator a question.

Mr. KENNEDY. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. Will the Senator state his inquiry.

Mr. KENNEDY. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. KENNEDY. Are the rules of cloture still applicable in terms of the amount of time by which each Senator is governed?

The PRESIDING OFFICER. They are.

Mr. KENNEDY. So, even though there is a time distribution of a half hour to each side, any time that a Senator uses is still charged against his hour, as I understand.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Could I further ask how many amendments are left at the desk under the cloture motion so any of us who want to participate will have some idea?

The PRESIDING OFFICER. There are 82 amendments.

Mr. KENNEDY. Eighty-two amendments.

I thank the Chair.

Mr. BUMPERS. Mr. President, an additional parliamentary inquiry.

Mr. KENNEDY. I will be delighted to yield, unless there is objection, to the Senator from California.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for a parliamentary inquiry. After his recognition, we will return to the Senator from California.

The Senator from Arkansas.

Mr. BUMPERS. Does the 1-hour time limitation on the cloture rule apply to the manager of the bill?

The PRESIDING OFFICER. It does.

The Senator from California is recognized.

Mr. TUNNEY. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. GOLDWATER. Mr. President, parliamentary inquiry.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a question?

Mr. GOLDWATER. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. Will the Senator state the parliamentary inquiry?

Mr. GOLDWATER. How much time does the Senator from California have remaining?

The PRESIDING OFFICER. The Senator from California has 40 minutes remaining.

Mr. GOLDWATER. Is that out of his hour?

The PRESIDING OFFICER. Of his hour.

Mr. TUNNEY. I am happy to answer any questions and use my answers on my time, if the Senator from West Virginia will understand that I want him to use his time in asking the question while he is talking.

Mr. ROBERT C. BYRD. Mr. President, let me say this: If this is the attitude of the distinguished Senator from California, I have not objected today—and I am yielding on my own time.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. I have not objected today to Senators interrogating other Senators on the time of the interrogator. I could have objected many times. If this is the game we are going to play, may I say that I will start objecting and the cloture rule will be strictly enforced and, if it is, the Senator who is managing the bill is the Senator who is going to be hurt most.

Mr. TUNNEY. We all will be hurt most.

Mr. ROBERT C. BYRD. Now the Senator must not forget that I was one of the footsoldiers who helped to establish the original beachhead for him. Now he sits in the catbird seat. But now, if we are going to take this attitude that we will only yield when he has 30 minutes and I have 30 minutes, and we will only yield to each other on each other's time, then we will enforce the cloture rule without fear or favor after this vote.

Mr. President, I yield, if there is no objection, to the Senator on my time, and I will ask him a question. I will yield 1 minute to him to answer that question. He has raised the prospect of a problem with respect to the 1980 census. The answer is this: Congress can simply take a new look at this act in 1980 and extend it again if necessary. It is just that simple. What Congress has done before, it can do again. But I shall make an offer.

Would the Senator agree to a 6-year extension rather than a 5-year extension so as to carry the act to 1981? This would carry the act beyond the year of the census.

Mr. TUNNEY. I think that a 7-year extension would be more apt, because most of the redistricting takes place within 2 years after, but I point out that

I think that what we are really anxious to have here is an extension beyond the reapportionment.

I think that most of the reapportionment and redistricting takes place in the 2 years after the census.

Mr. ROBERT C. BYRD. Will the Senator agree to a 6-year extension?

Mr. TUNNEY. I cannot agree to a 6-year extension.

Mr. ROBERT C. BYRD. Will the Senator agree to a unanimous-consent request that I be allowed to modify my amendment to provide for 7 years?

Mr. TUNNEY. Mr. President, reserving the right to object, is it the Senator's intention to go through all the reapportionment actions which are going to be taken up if there were a 7-year extension?

Mr. ROBERT C. BYRD. Now the Senator is yielding to me on whose time?

Mr. TUNNEY. I yield 1 minute to the Senator. He has been so generous to me.

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

I asked the Senator a question as to whether or not he would lodge an objection to my modifying my amendment to provide for a 7-year extension. He can answer yes or no.

Mr. TUNNEY. I reserve the right to object, and I should like to get a clarification of what the Senator wants.

Is the Senator saying that in his 7-year extension, if he should so modify his amendment, he would like to cover all the cases that are arising under the 1980 census reapportionment and redistricting?

Mr. ROBERT C. BYRD. Mr. President, I am simply responding to the Senator's statement earlier that to have a 5-year extension would create problems in connection with the 1980 census. I have asked the Senator whether or not a 6-year extension would relieve such a problem. He indicated that he would object to that kind of extension. I then asked if he would be willing to have a 7-year extension. It seems to me that it is a simple answer—yes or no. He has said that a 7-year extension would be more appropriate.

Mr. PASTORE. Mr. President, will the Senator yield to me on that question, on my time?

Mr. TUNNEY. I yield.

Mr. PASTORE. I understand that the thrust of the manager of the bill right along has been that because this act does expire on August 6, we are very anxious to accept the House version, so that we will not have to go to conference and then, chances are, come back with a situation in which we might have to have either another filibuster or another motion to shut off debate.

Mr. TUNNEY. That is correct.

Mr. PASTORE. My question is this: The bill has not been amended thus far. Is that correct?

Mr. TUNNEY. That is correct.

Mr. PASTORE. I ask my distinguished colleague from West Virginia whether he has any assurance at all that if we do make this 7 years, it will be acceptable to the House.

Mr. ROBERT C. BYRD. No, I do not have any assurance from the House, I say to my distinguished friend from Rhode Island. But I have served in the House, and I have a very strong feeling that the House would not send this bill to conference if the Senate were to adopt a 5-year extension. That does not change the substance of the act.

I do not think the Members of the House would take the risk of sending this bill to conference over a trivial, minor amendment of that nature—merely establishing the same 5-year period as heretofore.

I may say, further, that if this amendment were adopted, and if it came back from the House in the conference report to the Senate, I heard the distinguished Senator from Alabama say earlier today that he would not raise any questions about the conference report if the amendment stays in.

Mr. President, I can understand the concern on the part of those who oppose my amendment.

But I think it only stands to reason that the House would not take a chance—with an August 1 recess confronting Congress—on sending this measure to conference, when there has been no substantive change in the act, the only change being that of amending the 10 years, to make it 5—so as to fit the pattern that Congress has established all along.

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

Mr. ROBERT C. BYRD. I yield.

Mr. PASTORE. In a sense of compromise, because it is a quarter past 6 on this very long day, would the Senator accept 8 years if it were agreeable to the committee?

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

Any Member can object to this, and I do not have to protest my friendship for Senator BYRD. He and I have been very close and work together, and we always will. I would not feel justified in accepting that change tonight. Frankly, I would like to look into the question of how the other House would feel about it.

Having gone this far and struggled this hard to keep this bill as it is—and with the President, himself, saying that is his second priority, even though we were almost torpedoed earlier by his letter—it seems to me, in fairness to ourselves, those of us who slaved over this hot stove, we should find out where we are.

Mr. PASTORE. It is not a matter of slavery. As a matter of fact, the original law was 5 years. We have taken it upon ourselves to make it 10 years. That is an arbitrary decision. I do not question it, but it is a decision that was arbitrarily made.

The majority whip now wants to make it 5 years, consonant with what it was originally. We have reached the point where we have gone 5 years, 6 years, 7 years, 8 years; and it strikes me that if we get it up to 8 years, there will not be that much of a contest in the House, provided we bring them a clean bill. I think it is a sensible compromise.

It is not a matter of slaving over anything. If anybody slaves around here, I think the Senator from Rhode Island slaves as much as anybody else. The point is that the art of politics is the possible. The request is reasonable, and if the Senator will modify his amendment to 8 years, I will be inclined to go along with it.

Mr. ROBERT C. BYRD. I would be perfectly agreeable to make it 8 years, but I have a feeling that someone else will object. But I leave it up to them.

Mr. President, I ask unanimous consent that I may be allowed to modify my amendment to provide for an 8-year extension rather than a 5-year extension.

Mr. JAVITS. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. Mr. President, will the Senator withhold that request for two or three moments and permit the suggestion of the absence of a quorum, to permit the floor manager to make some determination? I think those of us who are interested in it are attempting to accommodate. Personally, I think this could be an entirely appropriate situation. If we could permit a brief quorum call, with the time not charged, we might resolve it.

Mr. President, I suggest the absence of a quorum, without the time being charged.

Mr. PASTORE. Charge it to my time, because I am not going to talk too much on this matter.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. ROBERT C. BYRD. Mr. President, I hope that the distinguished Senator from California will attempt to get a 7-year extension. That would take care of the 1980 census. There is an amendment at the desk which provides for 7 years. There is an amendment at the desk that provides for 6 years. There is an amendment at the desk that provides for 5 years. I hope the Senator will try to get the 7-year extension.

Mr. TUNNEY. In fairness to other Members of this body, I mention that I am going to make a telephone call to the Representative from California, DON EDWARDS, who is chairman of the Constitutional Rights Subcommittee, and ask him his opinion. Also, I will call the chairman of the full Judiciary Committee of the House of Representatives, PETER RODINO. I will get a reading from them as to what their attitude is.

When I spoke to Representative EDWARDS today, he said that under no circumstances would they take 5 years. They want to go through the reapportionment period. They said they held something like 13 days of hearings, they heard more than 30 witnesses, they spent hundred of hours, and they felt they should have a bill that would go through the reapportionment period.

Let me give those two men a call, and I will try to get an answer, so that we can allow this unanimous-consent request to go through, because I understand the goodwill of the Senator from West Virginia and why he wants this.

Mr. ROBERT C. BYRD. May I say that it does not make one whit of difference

to this Senator whether it is 5 years or 10 years. This cuts no ice either way in West Virginia. I just think that the South is entitled to some consideration for the efforts that it has made over the past 10 years to comply with this law. We have established a pattern of a 5-year period. I think it nothing but just and reasonable and right that we extend it for 5 more years and then take a look at it again.

Mr. President, I hope that the Senator will try for 7 years. There is an amendment at the desk for a 7-year extension. There is one for a 6-year extension; there is one for a 5-year extension. We can vote on all three, but I hope he will try for the 7 years, which does, I am sure, relieve the problem with respect to the census; a problem which he professes to see; a problem which I do not admit.

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

Mr. GOLDWATER. Will the majority whip yield to me for a question?

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. GOLDWATER. I want to ask the Senator from West Virginia, while this telephone communication is taking place, what is planned tonight? We are sort of spread over this body without knowing much about what we are doing tonight.

Mr. ROBERT C. BYRD. I say to the distinguished Senator, I shall have to consult with the distinguished majority leader before making a statement in answer to his question as to whether we will go on beyond this vote tonight or whether we will try to dispose of this aspect of the legislation tonight and then go out.

Mr. GOLDWATER. Mr. President, is there any chance that we may try to finish the bill tonight?

Mr. ROBERT C. BYRD. I would say the chances will be very slim.

Mr. GOLDWATER. Will there be any chance at all?

Mr. ROBERT C. BYRD. I doubt it.

Mr. GOLDWATER. I have seen slim chances run like the devil.

Mr. ROBERT C. BYRD. I doubt it. If I thought that chance existed to the extent that it would be a 50–50 possibility, then I should say we would try to stay in.

Mr. GOLDWATER. The Senator from Rhode Island has missed his plane. I have missed a good trip down the river. Many of us have missed things. Why not finish the bill tonight and we might be able to play a bit on Friday?

Mr. PASTORE. Will the Senator yield to me on that question?

Mr. GOLDWATER. Certainly.

Mr. PASTORE. I have every confidence that if we can compromise this, we are well on our way to reaching a final vote.

Mr. ROBERT C. BYRD. Mr. President, there are at least 75 amendments at the desk. I do not think we can finish this bill tonight.

Mr. GOLDWATER. I have heard 82, but I cannot believe they are all serious.

Mr. ROBERT C. BYRD. They are serious if they are called up and voted upon.

Mr. BELLMON. Mr. President, I say to the distinguished majority leader that I have an amendment I wish to call up tonight. I hope we can address that possibility.

Mr. ROBERT C. BYRD. Mr. President, I am sure that can be done if need be. 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.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I be permitted to modify my amendment to provide for a 7-year extension instead of a 5-year extension so that the problem which some see as real—which I do not see as real—with respect to the 1980 census would be circumvented.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Reserving the right to object, and I shall not object, I would like to ask the Senator the following question: As I understand it, he also has an amendment at the desk for 7 years.

Mr. ROBERT C. BYRD. There is an amendment at the desk for 7 years.

Mr. JAVITS. Do we know whose it is?

Mr. ROBERT C. BYRD. I have an amendment at the desk for 6 years. Senator ALLEN has one at the desk for 7 years.

Mr. ALLEN. I have one at the desk.

Mr. PASTORE. Reserving the right to object, I realize that we have an impasse here, and I think there has got to be a sense of cooperation. I mean, I am the one who asked our distinguished majority whip whether or not, under the circumstances, he would not agree to 8 years.

Frankly, I would have to vote against the 7 years, but I would vote for the 8 years, and I think it is a fair compromise.

I was wondering, in the spirit of cooperation that, after all, we have been struggling with this bill for a long time, it is legislation that expires on August 6, could the majority whip, in his good grace, as he is always very gracious, consider the matter of 8 years, and let us take it, and without any fracas, and see what we can do with it because I really would not want to see a yea-and-nay vote on this. I do not like to vote against my majority whip, he knows that. There is a tremendous amount of affection between us, and I would hope that he would agree to the 8 years, as he did spontaneously at one time and then, of course, I do not blame him when resistance was made, in the spirit of cooperation that he had acted, he felt a little resentful about it, and I do not blame him for it for one moment. But if he would only agree to 8 years, why do we not have it over with, I mean, we are struggling over 1 year, and this is all ridiculous.

Mr. ROBERT C. BYRD. Mr. President, I appreciate the compliments and the kind words that the distinguished Senator from Rhode Island has placed into the RECORD, but initially I said I would not object to an 8-year extension. But resistance to that suggestion was encountered.

Now, Mr. President, if we make it 8 years, why not make it 9; if we make it 9 why not leave it at 10?

Now, I have agreed to 7 years. That gets us by this bugaboo with respect to a 1980 census, and every Senator in this body is kidding himself if he thinks that the House of Representatives is going to send this bill to conference simply because the Senate has tacked on a 7-year extension. Now, that is simply not going to be done.

I have heard some talk that one objection in the House will send this to conference and prevent the House from accepting a Senate amendment.

The House can go to the Committee on Rules, it can get a rule to take this matter off the Speaker's desk and such rule would specify that the House concur in the amendment, or concur with an amendment, or send the matter to conference. So there are ways for the House to get around a single objection to taking the matter from the Speaker's desk, and I am not about to believe the House is going to kill this bill with an August 1 recess just because the Senate amended the bill to provide for an extension of 5 or 6 or 7 years instead of 10.

Mr. PASTORE. Will the Senator yield?

Mr. ROBERT C. BYRD. Now, my answer to the distinguished Senator—and I apologize——

Mr. MATHIAS. Would the Senator not give his answer yet, just hold that answer for 1 minute while I, reserving the right to object, join in the plea of the Senator from Rhode Island, and I do it not only in the spirit of comity and friendship that he has invoked here this evening, but for an additional practical reason.

Mr. PASTORE. Will the Senator yield?

We see that the majority whip has been a marshal of our forces here.

Mr. ROBERT C. BYRD. Absolutely.

Mr. PASTORE. A good one. As a matter of fact, we could not exist without him.

Mr. ROBERT C. BYRD. Oh, really.

Mr. PASTORE. We could not exist without him, so we are calling upon him in a spirit of cooperation, as he has pleaded with us.

Mr. ROBERT C. BYRD. I recognize that.

Mr. PASTORE. As I say why not make it 9 years——

Mr. MATHIAS. Will the Senator yield?

Mr. PASTORE. Why not 7 years?

Give me a chance, I have not reached my crescendo yet.

Mr. MATHIAS. All right, we will get home for dinner with the family yet.

Mr. PASTORE. Very seriously, I would hope if we go along with 8 years, let us

have it done. After all, the Senator does want to clear up this calendar.

Mr. ROBERT C. BYRD. I do.

Mr. PASTORE. Before August 1. Now we are hassling for over an hour, and we talk about 7; all right, 9, or 6, what difference does it make? Let us make it 8 and get going for the simple reason, while the Senator is absolutely right, there is merit to their argument as well, and after all, the art of politics is the possible, and if the Senator gets his amendment he can go home and beat his breast and say, "Look, I am the only one that had his amendment accepted."

The PRESIDING OFFICER. The Chair reluctantly calls time on the Senator from West Virginia.

Mr. MATHIAS. Mr. President, reserving the right to object, let me suggest that——

The PRESIDING OFFICER. On the Senator from Maryland's time?

Mr. MATHIAS. On my time.

The PRESIDING OFFICER. Yes, proceed.

Will the Senator from California yield to the Senator from Maryland?

Mr. TUNNEY. I yield to the Senator from Maryland, yes.

Mr. MATHIAS. If we take 7 years, that throws us into 1982.

Mr. ROBERT C. BYRD. Yes.

Mr. MATHIAS. It is a congressional election year. It is not a good year to have this recurrent issue, this very debate we have now.

Mr. ROBERT C. BYRD. How about 6 years then? That would be 1981.

Mr. MATHIAS. Eight years, the Rhode Island formula, it seems to me, is the answer.

Mr. PASTORE. Look, I had it made until the Senator got into it.

Mr. ROBERT C. BYRD. Well, Mr. President, I have to reluctantly say that I believe that there is consent on both sides of the aisle to allowing me to modify my amendment and make it 7 years instead of 5.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. I hope no Senator will object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is so modified.

The amendment, as modified, is as follows:

On page 1, line 6, strike the word "twenty" and insert the word "seventeen".

Mr. JAVITS. Mr. President, I think what is overlooked—and I have no objection to the modification, but I would like to address myself to the point made by Senator PASTORE—I think what is overlooked in this situation is that we have felt strongly and have struggled very hard on the amendment presentations which can tie us up in the other house, and though Senator BYRD says what he does—and he is very knowledgeable on the rules—I have served over there for a long time. I think I know a thing or two about them, too.

There is some very, very determined opposition over there to this bill, and we have been on the phone, Senator MATHIAS, Senator TUNNEY, and myself, with various opposite numbers over there and we do run the risk, we will run a serious risk in relaxing our strong effort to avoid any amendments and bring about a bill that goes right to the President.

I join with my colleagues in the willingness to run that risk in the spirit Senator PASTORE described.

I do not think for a moment those points of view and the indications which we have had on our side from those we have talked with that the number of years named by Senator PASTORE—I am willing to take the chance, or frankly, I did not think I would. I felt very, very strongly about this, but I have been persuaded before just as the Senator has. He could not serve in this body if he were not, and I am persuaded that we have a slight chance to get by without a lot of grief if we take the eight-year figure, and I am willing to take a chance on it.

I suggest to the Senate the possibility of deferring that question until the end, but the Senator from West Virginia has very good reasons, I heard him very carefully, for feeling that we cannot do that. I understand that.

The Senator from West Virginia (Mr. ROBERT C. BYRD) may not think that this is a serious risk. I submit those facts to our colleagues. I do not plan on impulse; it is not my way or his; but I submit those facts to my colleagues as an explanation for why this seems to me to be, everything considered, a fair way out. I hope very much that is the way it may go.

We will run our risks. The Senator will have a material concession, and I am very hopeful neither of us will have any cause to regret it.

Mr. ROBERT C. BYRD. Mr. President, may I say to the able Senator, it makes no difference to me as the Senator from West Virginia whether it is 5 years or whether it is 10 years.

This bill does not cut either way in West Virginia. It does not slice either way. West Virginia is untouched, no matter what happens. But I do feel that having established the pattern of a 5-year period that the Congress ought to continue in that pattern. In 1980, we could take another look, just as we are now reviewing the matter in 1975.

I believe that those areas of the country which have attempted to comply with the law should be shown some approving consideration for their having complied with this act now, and I do not think we show those areas due consideration when we come in here and say now we will extend this act 10 years on the basis of the circumstances that existed 10 years ago but which no longer exist. I don't think it is fair to the handful of States that have been under the act for 10 years and have complied with it. Congress can take another look at extending the act in 5 or 6 or 7 years just as easily as in 10 years.

The country has made great progress under this act. In renewing it for 5 years, as I originally suggested, this would allow Congress to exercise oversight in connection with the act; it would be fair; it would be just; it would be reasonable; and it would be in accordance with the pattern that the Congress has already established.

When the distinguished Senator from California suggested that one of the problems with this 5-year extension was that of the 1980 census, I said, "Will you accept 6 years?" The answer was no.

I believe he said, "Will you make it 7 years?" I agreed to 7 years. Then the distinguished Senator from Rhode Island said, "Will you make it 8?"

I said I would not object, but then the resistance began to build from those who oppose any amendment to the bill.

Having rethought the matter, I think a 7-year extension is a fair compromise, and I will stay with that.

The PRESIDING OFFICER. All the time on the amendment has expired. The question is on agreeing to the amendment.

Mr. JAVITS. Mr. President, I move to lay the amendment on the table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. CRANSTON. Will the Senator withhold for one moment?

Mr. JAVITS. I withhold.

The PRESIDING OFFICER. Time on the amendment has expired.

Mr. CRANSTON. May I have unanimous consent to speak for 30 seconds?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CRANSTON. The manager of the bill, who has been working with Senator BYRD and others, had an understanding that the manager would not move to table. With that understanding, I would ask that the Senator withhold that tabling motion and let the amendment stand on its merits.

Mr. TUNNEY. I did have that understanding with the majority whip.

Mr. JAVITS. I withhold it.

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

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate and will the Chair keep the well clear?

The PRESIDING OFFICER. Regular order has been called for. Senators will clear the well and take their seats so that the clerk can conclude the rollcall.

The legislative clerk resumed the call of the roll.

The PRESIDING OFFICER. Will Senators clear the aisles? Will Senators who wish to converse please go to the cloak rooms? The Senate will be in order.

Will the Senators in the rear of the Chamber please withdraw to the cloak rooms or take their seats?

The legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr.

EASTLAND), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

The result was announced—yeas 52, nays 42, as follows:

[Rollcall Vote No. 313 Leg.]

YEAS—52

Allen	Ford	Metcalf
Baker	Garn	Morgan
Bellmon	Goldwater	Moss
Bentsen	Gravel	Nelson
Brock	Griffin	Nunn
Buckley	Hansen	Randolph
Bumpers	Hart, Gary W.	Ribicoff
Burdick	Haskell	Roth
Byrd, Harry F., Jr.	Helms	Scott, William L.
Byrd, Robert C.	Hollings	Sparkman
Cannon	Hruska	Stennis
Chiles	Huddleston	Stevens
Curtis	Johnston	Stone
Dole	Laxalt	Talmadge
Domenici	Long	Thurmond
Fannin	Mansfield	Tower
Fong	McClure	Young
	McGovern	

NAYS—42

Abourezk	Hathaway	Pastore
Beall	Inouye	Pearson
Biden	Jackson	Pell
Brooke	Javits	Percy
Case	Kennedy	Proxmire
Church	Leahy	Schweiker
Clark	Magnuson	Scott, Hugh
Cranston	Mathias	Stafford
Culver	McGee	Stevenson
Eagleton	McIntyre	Symington
Glenn	Mondale	Taft
Hart, Philip A.	Montoya	Tunney
Hartke	Muskie	Weicker
Hatfield	Packwood	Williams

NOT VOTING—5

Bartlett	Eastland	McClellan
Bayh	Humphrey	

So Mr. ROBERT C. BYRD's amendment (No. 721), as modified, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 710

Mr. BELLMON. Mr. President, I call up amendment No. 710, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. BELLMON), for himself and Mr. BARTLETT, proposes an amendment numbered 710.

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

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

Mr. BELLMON's amendment (No. 710) is as follows:

On page 7, strike the period at the end of line 14, and insert the following: ", and whose dominant language is other than English.".

On page 10, strike the period at the end of line 7, and insert the following: ", and whose dominant language is other than English.".

Mr. BELLMON. I ask unanimous consent that the names of Senators STEVENS, GOLDWATER, and METCALF be added as cosponsors of the amendment.

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

Mr. BELLMON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BELLMON. If the distinguished majority whip would like to have a short rollcall, I would be all for it.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for the rollcall vote be limited to 10 minutes.

The PRESIDING OFFICER (Mr. STONE). Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Does the Senator wish to have a time limitation on the amendment?

Mr. BELLMON. On the amendment, 10 minutes on a side would be agreeable.

Mr. ROBERT C. BYRD. Ten minutes on a side?

Mr. DOMENICI. Mr. President, reserving the right to object——

Mr. KENNEDY. Mr. President, some of us do not even know what the amendment is.

Mr. BELLMON. Amendment No. 710.

Mr. KENNEDY. That helps a lot.

Mr. TUNNEY. Mr. President, I would object to 10 minutes on a side. Let us wait until the Senator explains his amendment, and understand what it is, and then go for unanimous consent.

Mr. BELLMON. Mr. President, the amendment is simple.

The purpose clause in section 203, title II, states it is the purpose of this bill to remedy voting denials for minority citizens whose "dominant language is other than English." Yet because of the definition of "language minorities" in titles II and III as "persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage," bilingual elections will be "triggered" in many counties where there is no dominant language other than English.

My amendment simply adds the words "and whose dominant language is other than English."

It seems to make no sense at all, in a State like Oklahoma, where we have fairly large numbers of American Indians, to require ballots to be printed in more than one language, where those Indians are as competent in the English language as most of us are.

This amendment is perfecting in nature. It would simply clarify the sections in titles II and III, defining the term "language minorities," by adding to the various groups listed—American Indians, Asian Americans, Alaskan Natives, of Spanish heritage—the qualifying phrase "and whose dominant language is other than English." This clause more properly defines those single language minorities who should be subject to protection under the Voting Rights Act. It should be emphasized that the language added by this amendment is not foreign to the bill. The phrase, "and whose dominant language is other than English," is identical to the purpose clause stated in the congressional finding section, section 203, found on page 4, beginning on line 19, which states:

The Congress finds that voting discrimination against citizens of language minorities is pervasive and national in scope. Such minority citizens are from environments in which the dominant language is other than English.

The goal of the new bilingual provisions contained in titles II and III is a good and just one—to insure that no citizen is denied the right to vote because his dominant language is other than English. I fully support this goal and the remedial device, bilingual elections, as a means to guarantee full participation and equal voting rights. However, there is one major defect in these provisions. Because of the failure to add the qualifying language from the purpose clause, "and whose dominant language is other than English," in the definition sections stating which minority groups are covered, many political subdivisions will be forced to conduct bilingual elections even though there is no single language minority where 5 percent of the voting age citizens have a dominant language other than English.

Let me explain. In reviewing this proposal, especially after reading section 203, I naturally assumed that the traditional Voting Rights Act remedies of "preclearance" with the Justice Department, Federal registrars; and the new remedy, bilingual elections, would be employed only in areas where the dominant language of 5 percent of the voting age citizens in a minority group is something other than English. But when one examines the definition sections for the meaning of the term "language minorities," there is absolutely no mention of this phrase previously stated in the purpose clause. For example, the definitions sections simply states, that if you are an American Indian you are in a minority language group. This makes the false assumption that one automatically has a dominant language other than English if he is an American Indian. Obviously, if the definition sections are not changed to conform to the purpose clause this bill will be improperly applied to many counties where it is absolutely not needed.

Bilingual elections will be held in counties where there is in fact no single language minority, no 5-percent group whose dominant language is other than English. Applying a congressionally mandated, costly bilingual election when there is no demonstrated need will only frustrate the purpose of this act and further erode the credibility of Congress. Unless the definition sections of titles II and III are modified to conform to the purpose clause, as proposed by my amendment, two Oklahoma counties, Choctaw and McCurtain, will unnecessarily be covered by title II with no assurance that a bilingual election is needed because 5 percent of the voting age citizens have a dominant language other than English. In addition, 23 Oklahoma counties will be required to conduct bilingual elections where there is, in fact, no single language minority simply because 5 percent of the voting age citizens of these counties are American Indians.

It is highly inaccurate to assume that

every American Indian has a dominant language other than English. The definition of "language minority" contained in the bill demonstrates a basic misunderstanding of conditions existing in my State. I seriously doubt if there is a county in Oklahoma where 5 percent of the voting age population is not American Indians. It is incorrect to assume that because less than 50 percent of the voting age citizens registered or voted in the last Presidential election that this low turnout is due to the citizens' failure to speak or write the English language. It is incorrect to conclude that because the illiteracy rate, as defined in the bill, is below the national average there is another language—American Indian—used by these citizens. Based on these faulty premises, the remedial devices of the Voting Rights Act contained in titles II and III are triggered. It is ridiculous to force a bilingual election simply because 5 percent of the voting age citizens are American Indians without the additional assurance that their dominant language is other than English. There is no casual connection whatsoever between the trigger mechanisms contained in the bill and the remedies required.

This oversight in the bill can lead to an absurd result, a bilingual election with all the costs and problems inherent in such an election when, in fact, only a few or none of the voting age citizens have a language other than English.

In my opinion, this problem would have been corrected if more of my colleagues fully understood the condition of the Indian citizen in Oklahoma. Most Oklahoma Indians are proud, well-educated people. They are fully assimilated into society and yet have managed to maintain their traditions and culture. For example, contrary to popular opinion, we do not have Indian reservations in Oklahoma.

Mr. President, this week I was visiting with Sylvester Tinker, chief of the Osage Tribe. In explaining this bill's provisions to Chief Tinker, he was amazed. He proceeded to explain to me that although far more than 5 percent of the voting age citizens in Osage County are Osage Indians, only a very few of the tribe can read or speak the Osage language. Even as chief of the tribe, he has difficulty himself in reading the Osage language although he can speak it fluently. This one illustration can be multiplied and is analogous to practically every, if not all, tribes in Oklahoma.

To lend further absurdity to this situation, one must consider the different dialects and tribal languages there are in Oklahoma. Once covered by title III, a county may have to print its bilingual ballots in five, six, or seven different languages even though all the voting age citizens speak the English language. There is only one fair way to prevent this from occurring, and this is for the Senate to adopt the language of my amendment, which will insure that the costly and burdensome bilingual registration and voting mechanism will only be applied where there is an actual need to assure citizens' voting rights because of an English deficiency.

This change will strengthen the bill. The remedies and triggering provisions of titles II and III are still intact. No instance of voting discrimination cited in either the House or Senate reports will fail to be corrected because of the adoption of this amendment.

Mr. President, I ask unanimous consent that a concurrent resolution adopted by the Oklahoma Legislature be printed in the RECORD at this point.

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

RESOLUTION No. 41

A concurrent resolution memorializing Congress to prevent the expansion of the voting rights act of 1965 to include any counties in Oklahoma; and directing distribution

Whereas, the Congress of the United States is considering legislation to expand the Voting Rights Act of 1965; and

Whereas, one proposal would place two counties in Oklahoma, McCurtain and Choctaw, under provisions of the Act; and

Whereas, another proposal would place twenty-three counties in Oklahoma, Harmon, Tillman, Adair, Latimer, Okfuskee, Craig, Blaine, McCurtain, Osage, Delaware, Caddo, McIntosh, Ottawa, Hughes, Cherokee, Mayes, Rogers, Johnston, Coal, Muskogee, Pushmataha, Seminole and Sequoyah, under provisions of the Act; and

Whereas, the reason presumably is that the American Indians residing in said counties constitute a "language minority" and thus do not participate fully in the election process; and

Whereas, said counties on the contrary have outstanding records of voter participation, including participation by said American Indians; and

Whereas, no evidence has been offered by anyone to show that a single Oklahoma citizen was denied his opportunity to vote because of his inability to speak English; and

Whereas, inclusion of certain counties in Oklahoma would require that the county election boards in those counties obtain approval by the United States Department of Justice before performing such routine tasks as changing polling places and precinct boundaries; and

Whereas, counties affected by the Act would be required either to print election materials in an Indian language or to provide interpreters at each stage of the voting process; and

Whereas, imposition of the Voting Rights Act on these counties in Oklahoma would prove to be expensive and unworkable and would not accomplish its intended purpose of increasing voter participation.

Now, therefore, be it resolved by the Senate of the 1st session of the 35th Oklahoma Legislature, the House of Representatives concurring therein:

Section 1. The Oklahoma Congressional delegation is hereby memorialized to oppose proposed legislation that would expand the Voting Rights Act of 1965 to include any counties in Oklahoma.

Section 2. Copies of this resolution shall be transmitted to both United States Senators from the State of Oklahoma, and to each member of the United States House of Representatives from the State of Oklahoma.

Adopted by the Senate the 3d day of June, 1975.

Mr. BELLMON. The purpose of the bill was to deal with problems where there is a dominant language other than English. My amendment simply applies that rule in sections 2 and 3.

I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I previously pointed out that there are 20 languages besides English in use in Alaska in an oral form. These languages have been reduced to writing by the University of Alaska. Yet unless the amendment of the Senator from Oklahoma is adopted, the mere fact that the language exists could lead to the interpretation that all these ballots must be printed for these people in a language they cannot read.

I think that they ought to really make sense out of it. The Senator from Oklahome has found the key. The Senator from California and I previously had a discussion about the problem of language. If the dominant language upon which they rely in written form is in fact other than English, we join in seeking to have the ballots printed for them. But in this circumstance, this language was not a traditional language in a written form. It was traditional only in an oral form in Alaska. Therefore, there is no reason, in my opinion, for the type of provision that is in the bill unless it is amended to be consistent with the prior concept of being the dominant language that is in use. The dominant language throughout my State is, in fact, English. I support the amendment of the Senator from Oklahoma because of that.

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

Mr. STEVENS. I yield to the Senator.

Mr. DOMENICI. Mr. President, I repeat what I have said before.

In this instance, what we are doing in section 3 is talking about giving people the ballot in more than one language.

Instead of talking in the bill about what language they understand or use, we talk about their heritage. So what we have is in my State we include Spanish heritage people. But we for many years had bilingual ballots. In other words, we already knew we had a problem both of understanding and of heritage.

But the Senate ought to know that the State of New Mexico in the year of 1969 decided that it was optional with each county whether they wanted bilingual ballots or not. So we have already reached the point where there is a gap between heritage and dominant language.

But in this bill we will not relate what the dominant language is to the ancestral background. If in fact the triggering mechanism system comes along, it will be put in effect even if the dominant language is not the language of the minority group.

We have some Spanish Americans who do not speak Spanish. But the Senator would count them in the group and supposedly give them a ballot in the Spanish language.

In our State we have already grown to the point where we do not have to do that any more. So it appears that the request of the Senator from Oklahoma that we tie the dominant language to the ancestral background is a very logical and reasonable request.

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

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

Mr. DOMENICI. I am glad to yield.

Mr. TUNNEY. I am extremely sympathetic with the purposes of the amendment of the Senator from Oklahoma. But the problem is that he uses some words of art in his amendment which I just feel is going to destroy the effectiveness of the language minority of the section of the bill before us here.

The Bureau of the Census does not have any data on dominant language. They have data on mother tongue, and they have data on national origin, but they do not have any data on what is a dominant language in a household. We are using now the data of the 1970 census, we are not going to be able to apply the provisions of title 3 if this amendment is accepted. I just feel that it is unfortunate that the amendment of the Senator is worded in this way.

Mr. BELLMON. Mr. President, if the Senator will yield, if the Senator will look at page 4, line 22, he will find precisely the language used in my amendment. The language is out of the bill. We are trying to make the bill consistent in sections 2 and 3 of titles II and III with the language in the purpose clause.

Mr. TUNNEY. Yes, that is correct. But its significance in the purpose clause is not as a word of art as it is in the amendment that the Senator has offered to the body.

Being used as a word of art, it is a trigger for the operation of the entire section dealing with language minorities. The Census Bureau would be unable to relate statistics on dominant language.

So, whereas, I am very sympathetic with the point that the Senator makes, I have to object to the amendment and say that it is my opinion that it is going to very seriously impair the operation of this bill as it relates to language minorities.

Mr. STEVENS. It is not correct. We are not changing the triggering device. We are changing the definition portion of the bill. This is the portion that defines what is a language minority or a language minority group. We have not changed the triggering device, which is what I want to do. I have amendments up there to do it.

This means that my State can come along, as we did after the 1965 act and after the 1970 act, and prove that our minority group is a language group, that English is the dominant language, and we can trigger ourselves out of this act. Unless this language is in there, we cannot do it. But this does not affect the triggering mechanism that is in here for the 5 percent. We still have to have that requirement but it gives us a chance to trigger ourselves out of this act, as we have done before.

Mr. TUNNEY. But the triggering device refers to language minority, and then we define what is a language minority.

Mr. STEVENS. Right.

Mr. TUNNEY. What the amendment of the Senator from Oklahoma does is to change the definition and it talks about, for instance, an American Indian or a person of Spanish heritage whose dominant language is other than English.

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

Mr. TUNNEY. The Census Bureau has no information on that.

Mr. GOLDWATER. Will the Senator yield at that point?

Mr. TUNNEY. Certainly.

Mr. GOLDWATER. I point out—and I believe that it is a grave mistake in that particular paragraph—the Senator says, "Oral Spanish heritage." That would exclude Mexicans in my State, Puerto Ricans in New York, Guatemalans wherever they might live in this country, or any other American who happened to come from some other origin than Spanish. Spanish has a real meaning in our Southwest. He is of Spanish origin. He is not of Mexican origin.

But with this language I am afraid if one wants to get a real sharp lawyer, we are going to exclude anyone except those whose forefathers were from Spain.

Mr. TUNNEY. The Senator from Arizona raises a good point in support of that, but the Census Bureau considers Mexican-Americans as persons of Spanish heritage. We made this definition conform with the Census Bureau data.

Mr. GOLDWATER. Why not make that slight correction, because I can assure the Senator that one can be beaten in court on this by not too smart lawyers.

Mr. TUNNEY. In the committee report, we say that persons of Spanish heritage are identified as persons of Spanish language in 42 States and the District of Columbia, persons of Spanish language as well as persons of Spanish surname in Arizona, California, Colorado, New Mexico, Texas, and persons of Puerto Rican birth in New York, New Jersey, and Pennsylvania.

Mr. GOLDWATER. The Senator uses Spanish surnames. These are not Spanish surnames. They are Mexican surnames.

I am very interested in this. I believe in what the Senator is trying to do. I think it would be much better if we just put the word "Spanish-speaking heritage" in there. As far as the amendment of the Senator from Oklahoma, I am in complete sympathy with that. We have 15 Indian tribes in my State.

They speak three different languages. Not a single language is written, nor is there any way to write it. The dominant language is English, although we must come under this act because that language is included.

Actually, when we print our ballots in Spanish, many people of Mexican origin ask, "What are you trying to do? None of us speak Spanish."

I wish the Senator would listen to the problems of these States and not just ceremoniously say, "We cannot take the amendment." These are real problems, believe me. I am going to vote for this bill. I would have voted for it had I been here in 1965. But it has a lot of these little harassing mistakes that haunt the States of the Southwest and the Far West, where there are a sizable number of Spanish-speaking people and Indians.

I think the Senator should pay attention to these amendments.

Mr. TUNNEY. I appreciate the comments of the Senator from Arizona. But this amendment is drafted in a way that we will never be able to get the statistical data from the Census Bureau, and the Census Bureau will not be able to make the determinations which the amendment assumes they will make.

Mr. President, I am prepared to vote. I think almost all the Senators are in the Chamber, and they understand what it is all about.

Mr. STEVENS. I am prepared to vote, too, but I think the Senator is being unfair to state that the burden of proof would be on the Federal Government. The burden of proof is on the State to show that it should be triggered out. We are asking for a fair definition of what the situation is with regard to heritage versus language in this bill. We have that burden of proof, but we cannot get out under this bill, although we have been twice in the past.

Mr. DOMENICI. Mr. President, will the Senator yield 1 minute, so that I may ask a question of the Senator from California?

Mr. BELLMON. I yield.

Mr. DOMENICI. Will the Senator from California refer only to title III? I am not talking about title II, just subsection (e) of title III. That is not a section that has anything to do with triggering. It has already been triggered. This has to do with how you decide whether or not you give people one ballot in one language, two languages, three languages, and so forth.

I ask the Senator whether or not the intent of that section—section (e), which I am talking about—is that you would be required to give the ballot to a voter in a language other than English if they are from one of these minority groups in sufficient proportion and their dominant language is not English. I am talking about intention. I am not trying to argue the amendment.

Mr. TUNNEY. The intention is to require bilingual assistance in those instances where the language the minority speaks is their basic language, a language other than English.

Mr. STEVENS. Whether they can read it or not?

Mr. DOMENICI. If their dominant language is English but they happen to be in the minority group, the Senator does not intend that they get two ballots or get a ballot in a language other than English? It is just the way the statute is drawn, and that is the way it might be?

Mr. TUNNEY. If the person is illiterate, I say to the Senator from Alaska, he will get oral assistance in a language other than English. We want to give to people who are language minorities an opportunity to know for whom they are voting and on what they are voting. If they are illiterate, they can get oral help. If they are literate, they get a ballot in their language, if they qualify under other sections.

Mr. STEVENS. I would concur 100 percent if the House had done that. Unfortunately, they have us in the position where if there is 5 percent or more of a minority group as defined in this bill, we must provide bilingual printed materials, even though no one can read the language. The written form was prepared by the University of Alaska. They speak

the language but cannot read it. Giving them printed material in a language they cannot read will confuse them rather than help them in terms of voting procedures.

Mr. BELLMON. Mr. President, I am ready to vote.

Mr. HANSEN and Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized, and then the Chair will recognize the Senator from Massachusetts.

Mr. HANSEN. Mr. President, I am delighted that, so far, the distinguished floor manager of the bill has not yielded on this point. I perhaps am motivated by different reasons than are those who support the amendment. I oppose it, and I do so for this reason.

I think the application of this bill should be made nationwide. I spoke on that earlier today. Anything that makes its application broader than may have been intended, I say, is all to the good. If it is a good law, we should all enjoy it; we should all have the opportunity of working under it. I hope the distinguished manager of the bill does not yield on this point.

I am well aware that he said that if we amend the bill in any way, the law may lapse, because the House is adamant. It will take no amendments. We cannot amend it at all.

With some reluctance, I voted earlier this afternoon to shorten the time, because if something is good, it seems to me that one would want it for 10 years instead of 7. But I was persuaded by my good friend from California to support it, so I did. But I hope that on this point he will not yield.

Let us make it apply all the way around; and if it catches more States, perhaps the next time we can get all 50 States under it. I see no reason not to have it apply to all 50 States. I hope my good friend from California stands fast. [Laughter.]

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the role.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD (after having voted in the affirmative). Mr. President, I have a live pair with the distinguished Senator from Minnesota (Mr. HUMPHREY). If he were present and voting, he would vote "No." If I were permitted to vote, I would vote "Yea." Having already voted in the affirmative, I now withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Idaho (Mr. CHURCH), the Senator from Montana (Mr. METCALF), the Senator from Mississippi (Mr. STENNIS), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Nebraska (Mr. HRUSKA) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

The result was announced—yeas 26, nays 59, as follows:

[Rollcall Vote No. 314 Leg.]

YEAS—26

Allen	Domenici	Roth
Baker	Fannin	Scott, William L.
Bellmon	Garn	Sparkman
Brock	Goldwater	Stevens
Buckley	Griffin	Thurmond
Byrd, Harry F., Jr.	Johnston	Tower
Cannon	Laxalt	Young
Curtis	Long	
Dole	McClure	
	McIntyre	

NAYS—59

Beall	Haskell	Nelson
Bentsen	Hatfield	Nunn
Biden	Hathaway	Packwood
Brooke	Hollings	Pastore
Bumpers	Huddleston	Pearson
Burdick	Inouye	Pell
Case	Jackson	Percy
Chiles	Javits	Proxmire
Clark	Kennedy	Randolph
Cranston	Leahy	Ribicoff
Culver	Magnuson	Schweiker
Eagleton	Mansfield	Scott, Hugh
Fong	Mathias	Stafford
Ford	McGee	Stevenson
Glenn	McGovern	Stone
Gravel	Mondale	Taft
Hansen	Montoya	Tunney
Hart, Gary W.	Morgan	Weicker
Hart, Philip A.	Moss	Williams
Hartke	Muskie	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Byrd, Robert C., for.

NOT VOTING—13

Abourezk	Helms	Stennis
Bartlett	Hruska	Symington
Bayh	Humphrey	Talmadge
Church	McClellan	
Eastland	Metcalf	

So Mr. BELLMON'S amendment was rejected.

Mr. ROTH. Mr. President, to those of minority races and nationalities there is almost no piece of legislation of more importance than the voting rights bill. Since I have been in the Congress I have always supported voting rights legislation and find this new bill even more meaningful than past ones because it includes Spanish-speaking minorities as well as racial minorities.

Many Americans may have forgotten the abuses and injustices which made this legislation necessary in the first place. It was the result of long years of withholding or abusing voting rights for a large segment of the population of some States through various devices such as the literacy test.

These devices have been used to thwart the constitutional rights of blacks and Spanish-speaking minorities as well and we must extend this legislation to prevent a return to past abuses and to preclude future attempts to disenfranchise Americans from exercising their right to vote. All of us regardless of race, color, creed, or national origin have this right and must continue to exercise it if our democratic heritage is to be maintained and if our system of Government is to continue to be a viable one.

An American citizen has no greater right than the right to cast a ballot for the candidate of his choice in an election. And in my view there is almost no greater transgression against an American's freedom than the abuse or loss of that right by whatever means. That is why it is so important that this legislation be passed. All Americans are equal under the law, and any equivocation with this important constitutional principle denies its full meaning—not just to those whose rights are being abused but to all Americans who believe in true representative government.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, has there been any morning business today?

The PRESIDING OFFICER. There has not been any morning business today.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes each for the purpose only of the introduction of bills, resolutions, petitions, memorials, and statements into the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. And reports of committees, the Chair inquiries?

Mr. ROBERT C. BYRD. I have no objection to that.

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

Is there morning business?

AMENDMENT OF THE VOTING RIGHTS ACT

Mr. ALLEN. Mr. President, I ask unanimous consent that in view of the fact that the distinguished Senator from California (Mr. TUNNEY) has to answer all of the amendments that are brought up he be extended an additional hour of time during debate on this bill.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I certainly recognize the problems of the manager of any measure when cloture is invoked, and I am not going to object to this request. I think it is a reasonable request, and I think that the distinguished Senator from California should have another hour and, as a matter of fact, if the Senator from Alabama wants to make it 2 hours, I will not object.

But I will say this: The Senate has been operating under a pretty freewheeling procedure today. Under the cloture rule a Senator can only yield for a question, and under the rule a Senator cannot yield another Senator time upon objection. A Senator cannot interrogate another Senator and have the time charged against the interrogator if an objection is raised.

I have not raised any objection because

I have felt that the distinguished Senator from California is the one Senator here who, under this cloture motion and who, having to manage this bill, is the one Senator who really needs the time, and I have not objected today, although the rule was transgressed many times.

But I want the Senator from California to know that I could object and it would make it very difficult for him to oppose amendments because his 1 hour under the rule would quickly expire. So I want the Senator to know there are such things as rules in the Senate, and that when the cloture motion is invoked it is the greatest parliamentary bear trap that has ever been devised and, if the rules are enforced, the manager of the bill is the first individual to feel the grip of the bear trap.

So I will not object. It may be that later when the Senator from California needs another hour I will not object again. But I just want to say to him that I did not take very kindly to his remarks today when he had the bit in his mouth, so to speak—which was made in a tense situation, and which I am not going to hold that against him—if I did hold it against him he would be in a difficult situation now that the Senate has invoked cloture. [Laughter.]

Mr. TUNNEY. Reserving the right to object, I want to say, first of all——

Mr. ROBERT C. BYRD. I have not objected.

Mr. TUNNEY. But I want to say something.

Mr. ROBERT C. BYRD. The Senator is not going to object.

Mr. TUNNEY. I want to thank the Senator from Alabama for his great courtesy, and it is deeply appreciated by me. I think it is very typical of the Senator from Alabama to do it because he always has been very courteous, fair, and generous with me.

I also want to thank the Senator from West Virginia for what he said and the fact that he has been kindly disposed to the Senator from California. I recognize that he could have on a number of occasions interposed an objection, and I appreciate that he did not.

I hope that he believes, as I do, that I certainly did not intend ever to violate the rules of the Senate, and he knows that I did not. I have always been trying the best I could in answering these amendments to argue on the basis of the merits as I saw them. I know that sometimes there is a difference of opinion, and I have never in my life held any statement on the floor against any Senator, and I would hope that no Senator would hold anything that I say on the floor against me when we are talking about issues.

I have never talked in personalities and I have never intended to.

I appreciate the kind words of the Senator from West Virginia and also the efforts of the Senator from Alabama.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, in a more serious vein now, I think we have to realize that the Rules of the Senate under cloture are going to have to be enforced. Perhaps not to the utmost degree, but if half of the amendments at the desk are called up, this would mean that at least 40 amendments would be called up for votes, and action on the bill would not be completed this week. I do not know how many amendments will be called up, it may be that only a few of the remaining 75 or 80 amendments will be called up, but if they are called up and debated and if rollcall votes occur thereon and if there are live quorums, the Senate would be very hard put to dispose of this bill this week without having all night sessions Thursday night and Friday night.

So, I say all that to say this: There are going to be times when the cloture rule in its entirety may have to be enforced without fear or favor if we are to finish with this bill this week.

I have observed today a number of times in which Senators would say, "Well, would the Senator from California yield for a question on my time?"

Under the rule, that cannot be done if there is an objection.

Now, when there is no objection, that is a way of transferring one's hour to another Senator. That cannot be done except by unanimous consent. But it is a way of transferring the hour to another Senator, and if we do that we can utilize the full 100 hours on this bill, and any Senator can count for himself, if we ran 8 hours a day, how many days would pass before the 100 hours would be consumed—and that would not count the time consumed on quorum calls.

I spoke earlier facetiously, but I speak now seriously, and I say it for the benefit of those who are proponents of the measure, that if they really want to get this bill and get it tomorrow or Friday, somebody is going to have to start observing the rule, and if they do not observe the rule, somebody will have to start asking the Chair to enforce the rule.

So I say all of this without any unfriendly feeling toward anyone. I am just calling it to the attention of Senators if we expect to get this bill passed this week. We cannot operate under cloture as we would operate otherwise under usual procedure.

Mr. MATHIAS. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. MATHIAS. I think the Senator has made a valid point.

I think perhaps we have taken advantage of his good nature and we should give him some assistance. I would like to volunteer in any way that I can because I do think it is important and, of course, it is vitally important that we complete action on this bill if there is going to have to be a conference. If there is going to be a rule obtained in the House all time becomes of the essence.

I think the Senator has given us a lot of leadership through out this whole debate. I listened very carefully to him tonight, and I heard what he said.

Mr. ROBERT C. BYRD. I thank the able Senator.

Mr. President, what I said was not meant to be pointed toward any particular Senator or group of Senators. I merely wanted to call the attention of the Senate to the fact that under cloture, the rule ought to be reasonably enforced, and if this bill is to be passed within a reasonable length of time, the cloture strictures are going to either have to be voluntarily observed or they will have to be enforced.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLEN. The time yielded by Senators during this period for the transaction of routine morning business which is being transacted by unanimous consent is not charged against Senators' time under the cloture motion?

The PRESIDING OFFICER. The Senator is correct.

Mr. ALLEN. Mr. President, the statement has been made, and we have read it in the press and we have heard it on the media, that the Voting Rights Act will expire on August 6, 1975.

That is not correct. The Voting Rights Act will not expire on August 6, 1975. In fact it will not expire.

That is a careless statement to say the Voting Rights Act is going to expire on August 6. The provisions will continue. The only change that will be made with regard to any expiration is the expiration of the ban on literacy tests that was put into the law in 1970. It is true, that will expire.

That is a ban, however, on literacy tests in areas outside of the covered States and one would assume that since they are not being used for purposes of discrimination they would not be used even though the bill did expire.

What about this 7-year extension, or 10-year extension, or 5-year extension?

That is a misnomer, Mr. President, in that what takes place is that the time during which a State operates without a test or device is to be extended for 10 years or 7 years or some length of time——

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. ROBERT C. BYRD. Mr. President, if the Chair will recognize me, I will yield my 3 minutes to the Senator.

The PRESIDING OFFICER. The Senator from West Virginia is so recognized.

Mr. ALLEN. I thank the distinguished Senator from West Virginia.

So this time of the sentence, the time of the length of proof of compliance, is what is changed. The Voting Rights Act would continue on, and even though nothing was done the Voting Rights Act would still be in full force and effect except for the ban on tests outside of the covered area.

What is being done is that the sentence against these covered States is being extended. They had a sentence of 5 years, then just as they were about to get out from under that, they added another 5 years. Now they are going to add another 7 years to the sentence, not to the time during which the Voting Rights Act would be in full force and effect, and the statement has been made

here on the floor many times today that we have a nationwide Voting Rights Act.

Well, nothing was said about the nationwide Voting Rights Act expiring on August 6 and what is being talked about is not an extension of the act. That is a misnomer.

It is an extension of the time of the sentence imposed on the covered States.

I think that is a point many Senators are overlooking and the public generally is overlooking that, because this law will not expire and all of this frantic hurry, haste, "Let us not amend anything, let us ram this through," all that is needless.

This added sentence could be added later because the act goes on and on.

I would like to point that out during this period for the transaction of routine morning business and possibly on tomorrow I will also point it out. The Voting Rights Act will not expire, and I think it is time that that point is called to the attention of the Senate.

I yield back the remainder of my time.

ORDER FOR RECESS UNTIL 8 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 8 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order tomorrow morning, the following Senators be recognized, each for not to exceed 15 minutes and in the order stated, and without the time being charged against them under the cloture rule: Mr. HARRY F. BYRD, JR., Mr. CULVER, Mr. ROTH, Mr. CHURCH, Mr. TOWER, Mr. FORD, and Mr. MANSFIELD, after which the Senate resume consideration of the voting rights bill.

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

TIME-LIMITATION AGREEMENT—S. 1587

Mr. ROBERT C. BYRD. Mr. President, this request has been cleared on the other side of the aisle. I ask unanimous consent that when S. 1587, a bill to amend the Public Works and Economic Development Act, has been called up and made the pending business before the Senate, there be a time limitation thereon of 3 hours to be divided between Mr. BROCK and Mr. MONTOYA; that there be a time limitation on any amendment of 1 hour, to be equally divided between the mover of the amendment and the manager of the bill; if the manager of the bill supports the amendment, then the time in opposition thereto be under the control of the Republican leader or his designee; that there be a time limitation on any debatable motion or appeal of 20 minutes, to be equally divided in the same way; that there be a time limitation on any point of order if the Senate is allowed to discuss such point of order by the Chair's sufferance, of 20 minutes, to be equally divided between the majority and the minority leader; and that the time limit on debatable motions be applied to any motion to reconsider.

Mr. MATHIAS. Reserving the right to object, would the majority whip again tell us what number it is?

Mr. ROBERT C. BYRD. Calendar Order No. 278, S. 1587.

Mr. MATHIAS. I am just wondering about the senior Senator from Tennessee, who is the ranking minority member of the committee with jurisdiction.

Mr. ROBERT C. BYRD. It was my understanding that it was cleared with him. This comes out of the Committee on Public Works. I had discussed it with Mr. RANDOLPH, Mr. MUSKIE, and Mr. MONTOYA. They had discussed it with Mr. BROCK and I thought it had been cleared with Mr. BAKER.

Mr. President, I ask that the time for debate on the bill, S. 1587, be under the control of Mr. MONTOYA and Mr. BAKER, or their designees.

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

ORDER TO VITIATE THE VOTE ON SECOND CLOTURE MOTION—H.R. 6219

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to vitiate the vote on the second cloture motion on H.R. 6219.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Time for morning business has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for morning business be extended for another 10 minutes.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. LEAHY) laid before the Senate messages from the President of the United States submitting the nomination of Clarence A. Brimmer, Jr., of Wyoming, to be U.S. district judge for the district of Wyoming; and withdrawing the nomination of Clarence A. Brimmer, Jr., of Wyoming, to be U.S. attorney for the district of Wyoming, which were referred to the Committee on the Judiciary.

MESSAGES FROM THE HOUSE

At 11:02 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 504. An act to amend subchapter III of chapter 83 of title 5, United States Code, to provide for mandatory retirement of employees upon attainment of 70 years of age and completion of 5 years of service, and for other purposes;

H.R. 3350. An act to amend title 38 of the United States Code in order to make certain technical corrections therein, and for other purposes;

H.R. 7053. An act to amend chapter 83 of title 5, United States Code, to eliminate, subsequent to the death of an individual named as having an insurable interest, the annuity reduction made in order to provide a survivor annuity for such an individual.

The message also announced that the House agrees to the concurrent resolution (H. Con. Res. 349) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 5522, in which it requests the concurrence of the Senate.

The message further announced that the House agrees to the resolution (H. Res. 605) disapproving the amendment to the regulation under section 4(a) of the Emergency Petroleum Allocation Act of 1973.

At 3:10 p.m., a message from the House of Representatives delivered by Mr. Berry announced that the House agrees to the amendment of the Senate to the bill (H.R. 7767) to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and to increase the rates of dependency and indemnity compensation, and for other purposes, with an amendment in which it requests the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled bill and joint resolutions:

H.R. 6950. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

H.J. Res. 560. Joint resolution to amend the Defense Production Act of 1950, as amended, to extend the National Commission on Supplies and Shortages.

S.J. Res. 23. A joint resolution to restore

posthumously full rights of citizenship to General R. E. Lee.

The enrolled bill and joint resolutions were subsequently signed by the Vice President.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF THE DEFENSE CIVIL PREPAREDNESS AGENCY

A letter from the Secretary of Defense transmitting, pursuant to law, the 1974 annual report of the Defense Civil Preparedness Agency (with an accompanying report); to the Committee on Armed Services.

PROPOSED LEGISLATION BY THE DEPARTMENT OF THE ARMY

A letter from the Acting Secretary of the Army transmitting a draft of proposed legislation to provide for more efficient disposal of lost, abandoned or unclaimed personal property that comes into the custody or control of military departments (with accompanying papers); to the Committee on Armed Services.

PROPOSED LEGISLATION BY THE FEDERAL DEPOSIT INSURANCE CORPORATION

A letter from the Chairman of the Federal Deposit Insurance Corporation transmitting a draft of proposed legislation to amend the Federal Deposit Insurance Act, and for other purposes (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

REPORT OF THE DISTRICT OF COLUMBIA BAIL AGENCY

A letter from the Director of the District of Columbia Bail Agency transmitting the report of the agency for the period June 1, 1974 through May 31, 1975 (with an accompanying report); to the Committee on the District of Columbia.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a list of reports of the GAO for the month of June 1975 (with accompanying papers); to the Committee on Government Operations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Productivity Programs in the Federal Government Fiscal Year 1974" (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION BY THE DEPARTMENT OF THE INTERIOR

A letter from the Commissioner of Indian Affairs transmitting a draft of proposed legislation to amend certain laws relating to livestock trespass on Indian lands (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION BY THE CIVIL SERVICE COMMISSION

A letter from the Chairman of the Civil Service Commission transmitting a draft of proposed legislation to amend the Federal employees health benefits law, title 5, United States Code, chapter 89 (with accompanying papers); to the Committee on Finance and the Committee on Post Office and Civil Service, jointly, by unanimous consent.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a communication from the U.S. Civil Service Commission proposing to amend the Federal employees health benefits law be referred jointly to the Committee on Finance and the Committee on Post Office and Civil Service.

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

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. METCALF, from the Committee on Interior and Insular Affairs, with an amendment:

S. 391. A bill to amend the Mineral Leasing Act of 1920, and for other purposes (together with minority and additional views) (Rept. No. 94-296).

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

S. 253. A bill for the relief of Janice Elaine Groves and her daughter, Anna Groves (Rept. No. 94-297).

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. 907. A bill to authorize the Smithsonian Institution to plan museum support facilities (Rept. No. 94-298).

S. 1657. A bill to amend the National Portrait Gallery Act to redefine "portraiture." (Rept. No. 94-299).

H.R. 5327. An act to reserve a site for the use of the Smithsonian Institution (Rept. No. 94-301).

S. Res. 217. An original resolution temporarily suspending rule IV of the rules for the regulation of the Senate Wing of the U.S. Capitol to permit a photograph of the Senate in session (Rept. No. 94-300).

H. Con. Res. 143. A concurrent resolution to authorize the printing of the hearing on nomination of Nelson A. Rockefeller to be Vice President of the United States (Rept. No. 94-302).

By Mr. CANNON, from the Committee on Rules and Administration, with amendments:

S. Res. 37. A resolution authorizing additional expenditures by the Committee on Aeronautical and Space Sciences for inquiries and investigations (Rept. No. 94-303).

S. Res. 15. A resolution authorizing additional expenditures by the Committee on Agriculture and Forestry for inquiries and investigations (Rept. No. 94-304).

S. Res. 87. A resolution authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations (Rept. No. 94-305).

S. Res. 57. A resolution authorizing additional expenditures by the Committee on Banking, Housing and Urban Affairs for inquiries and investigations (Rept. No. 94-306).

S. Res. 50. A resolution authorizing additional expenditures by the Committee on the Budget for inquiries and investigations (Rept. No. 94-307).

S. Res. 63. A resolution authorizing additional expenditures by the Committee on Commerce for inquiries and investigations (Rept. No. 94-308).

S. Res. 71. A resolution to authorize a study of the purpose and current effectiveness of certain Federal agencies (Rept. No. 94-309).

S. Res. 30. A resolution authorizing additional expenditures by the Committee on the District of Columbia for inquiries and investigations (Rept. No. 94-310).

S. Res. 51. A resolution authorizing additional expenditures by the Committee on Finance for inquiries and investigations (Rept. No. 94-311).

S. Res. 84. A resolution authorizing additional expenditures by the Committee on Foreign Relations for a study of matters pertaining to the foreign policy of the United States (Rept. No. 94-312).

S. Res. 49. A resolution authorizing additional expenditures by the Committee on Government Operations for inquiries and investigations (Rept. No. 94-313).

S. Res. 66. A resolution authorizing additional expenditures by the Committee on Interior and Insular Affairs for inquiries and investigations (Rept. No. 94-314).

S. Res. 72. A resolution authorizing additional expenditures by the Committee on the Judiciary for inquiries and investigations (Rept. No. 94-315).

S. Res. 40. A resolution authorizing additional expenditures by the Committee on Labor and Public Welfare for inquiries and investigations (Rept. No. 94-316).

S. Res. 52. A resolution authorizing expenditures by the Committee on Post Office and Civil Service (Rept. No. 94-317).

S. Res. 44. A resolution authorizing additional expenditures by the Committee on Public Works for inquiries and investigations (Rept. No. 94-318).

S. Res. 53. A resolution authorizing additional expenditures by the Committee on Veterans' Affairs for inquiries and investigations (Rept. No. 94-319).

S. Res. 47. A resolution authorizing additional expenditures by the Select Committee on Small Business (Rept. No. 94-320).

S. Res. 54. A resolution continuing and authorizing additional expenditures by the Select Committee on Nutrition and Human Needs (Rept. No. 94-321).

S. Res. 62. A resolution continuing and authorizing additional expenditures by the Special Committee on Aging (Rept. No. 94-322).

S. Res. 10. A resolution continuing and authorizing additional expenditures by the Special Committee on National Emergencies and Delegated Emergency Powers (Rept. No. 94-323).

By Mr. DOLE, from the Committee on Agriculture and Forestry, with an amendment:

S. 1649. A bill to amend the Act of March 4, 1927, to authorize the Secretary of Agriculture to accept and administer on behalf of the United States gifts or devises of real and personal property for the benefit of the National Aboretum (Rept. No. 94-324).

By Mr. HARTKE, from the Committee on Veterans Affairs, with an amendment:

S. 1711. A bill to amend title 38, United States Code, to provide special pay and other improvements designed to enhance the recruitment and retention of physicians, dentists, nursing personnel, and other health care personnel in the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes (together with minority views) (Rept. No. 94-325).

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that today, July 23, 1975, he presented to the President of the United States the following enrolled bill and joint resolutions:

S. 435. An act to amend section 301(b)(7) of the Agricultural Adjustment Act of 1938, as amended, to change the marketing year for wheat from July 1-June 30, to June 1-May 31.

S.J. Res. 41. A joint resolution to provide for the reappointment of Thomas J. Watson, Jr., as citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 42. A joint resolution to provide for the reappointment of Dr. John Nicholas

Brown as citizen regent of the Board of Regents of the Smithsonian Institution.

HOUSE BILLS REFERRED

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

H.R. 504. An act to amend subchapter III of chapter 83 of title 5, United States Code, to provide for mandatory retirement of employees upon attainment of 70 years of age and completion of 5 years of service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3350. An act to amend title 38 of the United States Code in order to make certain technical corrections therein, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 7053. An act to amend chapter 83 of title 5, United States Code, to eliminate, subsequent to the death of an individual named as having an insurable interest, the annuity reduction made in order to provide a survivor annuity for such an individual; to the Committee on Post Office and Civil Service.

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. ABOUREZK:

S. 2163. A bill to establish a Solar Energy Loan Administration to assist homeowners in purchasing and installing solar heating or combined solar heating and cooling equipment, including solar hot water systems, by providing low-interest long-term loans. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HUGH SCOTT (by request):

S. 2164. A bill to amend the National Environmental Policy Act of 1969 so as to make administration of that act more effective by prohibiting the retroactive application of regulations, guidelines or policies and procedures promulgated under such act, and to establish a time limitation on the filing of suits to review environmental impact statements pursuant to such act. Referred to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON (by request):

S. 2165. A bill to amend the provisions of title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance. Referred to the Committee on Commerce.

By Mr. NUNN:

S. 2166. A bill to amend the Federal Property and Administrative Services Act of 1949 to establish procedures for the use of Federal property and services for the protection of the President of the United States and other persons. Referred to the Committee on Government Operations.

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

S. 2167. A bill to provide for the recording and public disclosure of lobbying activities directed at the Congress and the executive branch and for other purposes. Referred to the Committee on Government Operations.

By Mr. RANDOLPH:

S. 2168. A bill to amend the Clean Air Act to provide for regulation of emissions from railroad locomotives and other railroad equipment. Referred to the Committee on Public Works.

By Mr. ABOUREZK:

S. 2169. A bill to amend the definition of "rural area" in the Consolidated Farm and Rural Development Act and title V of the Housing Act of 1949 in order to permit towns of thirty thousand or less inhabitants to be considered rural areas for purposes of those acts. Referred to the Committee on Agriculture and Forestry and the Committee on Banking, Housing and Urban Affairs, jointly, by unanimous consent.

By Mr. STEVENS:

S.J. Res. 112. A joint resolution to designate the third week of September of each year as "National Medical Assistants' Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ABOUREZK:

S. 2163. A bill to establish a Solar Energy Loan Administration to assist homeowners in purchasing and installing solar heating or combined solar heating and cooling equipment, including solar hot water systems, by providing low-interest long-term loans. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. ABOUREZK. Mr. President, I introduce today a bill to provide low-interest, long-term loans to assist homeowners in purchasing and installing solar heating and cooling equipment.

In brief, this measure establishes the Solar Energy Loan Administration to make low interest loans to homeowners, a separate agency to administer these loans. It provides for creation of consumer cooperatives or other nonprofit associations to take advantage of the provisions of this act.

Many of us in the Congress and many people of the Nation are convinced, Mr. President, that:

First. Solar cooling and heating equipment, including equipment for hot water, is the best opportunity available now, to provide a portion of our energy needs by this renewable resource.

Second. There are potential benefits to the homeowner in using this equipment.

Third. The nation would benefit in many ways from the earliest possible widespread use of this equipment, by conserving the nonrenewable fuels now being used for this purpose.

Fourth. That the single obstacle that prevents widespread use of equipment for solar heating and cooling is the cost.

Fifth. That the cost of this equipment will become competitive with equipment using other forms of energy when a mass-market is developed.

The bill that I introduce today will provide the means, I believe, to create a mass market for this equipment. In several ways, the act is patterned after the REA Act as it was adopted in 1936 and which was successful in bringing central station electric service to most of rural America.

The bill provides loans for the total cost of purchase and installation of this equipment at 2 percent interest for a period of up to 25 years.

It does so for these reasons:

It is in the national interest to develop as quickly as possible widespread use of alternative energy sources. To accomplish that important goal there must be sufficient economic incentive for the homeowners so that they benefit from the use of this equipment. To install solar equipment in a new home or to retrofit an existing home with this equipment costs in the range of $5,000 to $8,000, although there are special cases able to do so for about $3,000. The average cost for this equipment for the typical home is about $5,000. Most homeowners cannot afford this investment even though there may be savings in its long-term use.

Several measures introduced in this Congress provide for loans at the cost of money to the Government, plus one-half of 1 percent, or on today's market about 8.5 percent interest rate for the homeowner. I commend the sponsors of that legislation for their support of developing solar energy, but I do not think that these loan provisions are good enough to create the mass market quickly so that all homeowners can benefit from having solar equipment at no cost to the Government. Principal and interest payments on a $5,000 loan with 8.5 percent interest for an 8-year period—the terms specified in several bills—would require amortization payments of $72 monthly. For 15 year loans, the monthly payments to amortize a $5,000 loan with 8.5 percent interest would be $49. I do not believe that this provides enough incentive for the average homeowner to consider installation of solar heating equipment. In most cases, solar heating and cooling equipment provides only a part of the energy requirements for these purposes. Other equipment is needed; other fuels are needed. Even though there would be advantages after a loan of this type were fully paid, most homeowners could not afford these additional payments. The obvious answer to provide immediate economic benefits is thus to provide lower interest rates with a longer repayment period. A loan for $5,000 with an interest rate of 2 percent with a repayment period of 25 years requires $21.20 monthly payments for the principal and interest.

These 2 percent loans, I am convinced, would provide savings for homeowners using solar equipment to heat and cool their homes in nearly every region of the country.

There is a natural and understandable reluctance on the part of all of us when a new technology is developed to wait to see how the new model works, whether we are talking about a car, a television set, a new air conditioner or furnace. Solar heating and cooling equipment is a new technology. It is not being mass produced. There have been no shakedown periods. Those homeowners that are now installing this equipment on an experimental or demonstration basis are providing benefits for all of the future users of this equipment. Any incentive or Government program that has as its purpose the support of this new technology must, therefore, give these "pioneers" in using this equipment appropriate economic advantage for doing so.

Once that equipment is in place it will be costly to take out and put in new equipment. The homeowners who make possible mass production and marketing of this new equipment in most cases will not be able for economic reasons to take advantage of the lower-cost equipment which mass production will provide. That, too, is justification for giving them the benefit of the 2-percent, 25-year loans

so that they will benefit on something of an equal basis with those who use solar equipment at later dates.

I am convinced that making available substantial numbers of those low-interest loans would provide sufficient economic incentive so that in something like 5 to 10 years, solar equipment would be produced on a competitive market so that any of us could afford it without Federal assistance.

I am equally convinced that without such a program that it will be a slow process and the benefits of solar heating and cooling will be available only to the relatively wealthy. We will delay for many years the conservation of the fossil fuels that solar heating and cooling could provide.

There is an interesting parallel in this regard in the development of electric heat for homes and businesses. Until 1952, electric heat was used only for a supplemental source in the bathroom or in another room, with a small heater with an electrically heated conductor. A fan distributed the heat.

In 1952 and 1953 a new concept of electric heat was developed, using glass panels with electrical conductors fused into them. The heat was distributed without fans, by radiation. Development of these units and installing electric conductors in plaster in ceilings was the beginning of using electric heat for dwellings, as the only heat source, as we know it today.

Only a few companies made these products in the early 1950's. The products had imperfections. It was found, for instance, that square panels were sometimes noisy, that a door or some object too close to them could be a fire hazard. In 4 or 5 years, a new concept was developed, the baseboard unit, which spread out the unit over a longer area. Installation in existing homes was easier because of this improved design.

By 1955, 250,000 homes were heated electrically. Paul C. Greiner, vice president of Edison Electric Institute, New York City, reports the following growth of the electrical heat—dwelling units using electric heat:

1960	719,000
1965	2,200,000
1970	4,790,000
1971	5,540,000
1972	6,475,000
1973	7,626,000
1974 (estimate)	8,500,000

The bill that I introduce today provides for creation of a new agency, the Solar Energy Loan Administration. I propose a separate agency for this assignment for several reasons. The Department of Housing and Urban Development, which is administering part of the Solar and Cooling Act of 1974, has already more assignments than it can carry out. The Farmers Home Administration also has many programs to administer. Putting the responsibility of making loans for solar equipment in either of these two agencies would make it compete with hundreds of other programs already administered by HUD and FmHA.

The Energy Research and Development Administration is likewise charged with enough responsibility and again, the program envisioned here would compete with all of the other programs in that agency. The agency that is proposed here would only operate for 10 years under this act. By that time, if it does its job and creates a mass market for solar heating and equipment at competitive costs, there would be no longer any reason for its existence. Hopefully, by that time, solar heating and cooling equipment will be added to dwelling units at the rate of 500,000 to 1,000,000 units annually.

The act also provides that homeowners may allocate up to 10 per cent of the cost of purchasing and installing solar cooling and heating equipment to cooperatives and nonprofit organizations set up to take advantage of the provisions of this act. The purpose of that section is this:

Solar heating and cooling equipment is available from only a relatively small number of firms. The average homeowner would have difficulty finding out about the equipment, how it should be installed, what are the costs. The average homeowner would have difficulty dealing with a new Federal agency.

Those tasks, I believe, will be solved much easier and more quickly by groups of people working together. I think this provision would make it possible for groups of 50 to 100 or more people to form a cooperative or non-profit organization to handle their engineering, to prepare the plans for installing solar heat and cooling equipment, to prepare the forms for the new agency. Not all the members of these groups would want to use the same equipment, but there are certain to be economies associated with design, purchase and installation of this equipment. More importantly, from a standpoint of promoting this new industry, the new agency in many instances could approve applications in groups of 50 or 100 or more, with only minor variations in these plans that would have to be reviewed.

The cooperative principle, combined with long-term low-interest loans, made it possible to bring electricity to the rural areas of this Nation. I am convinced that we must use these same principles to make solar heating and cooling reality for a significant number of the Nation's dwelling units.

Forming cooperatives or nonprofit agencies has another special advantage. By combining a group of applications for loans into one single package, the bureaucracy necessary to administer these applications could be greatly reduced. Again the REA program is an interesting parallel. That agency has a staff here in Washington. It has representatives in each of the States, one or two for each State, I understand. One or two representatives in each State could review groups of applications, especially if they were similar in some respects. In effect, the nonprofit agencies would be doing work usually performed by a bureaucracy. Representatives of the Federal agency would be dealing with relatively few people, probably 50 to 100 in each State.

Mr. President, it took nearly 25 years for the electric industry to sell electric heating units to provide 12.5 percent of the total requirements for this purpose in the United States. That electric industry included the manufacturers of the heating equipment, it included wholesale and retail marketing organizations and the electric utilities selling the energy for these units. If we agree that it is in the national interest to heat and cool as many homes and buildings as possible with energy from the sun—as soon as possible—then we must match that worthwhile goal with the resources to accomplish it. I submit that low-interest loans, a new Federal agency free to act with consumer cooperatives and nonprofit agencies can get the job done, at a reasonable cost, in a reasonable time.

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

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

S. 2163

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

SECTION 1. This Act may be cited as the "Solar Energy Equipment Loan Act".

SEC. 2. The Congress finds and declares that—

(1) energy expended in residences for heating, cooling, and hot water accounts for approximately 25 percent of the nation's energy consumption;

(2) recent events have driven up the cost of fossil fuels and current estimates indicate a limit to the long-term availability of such fuels at a reasonable economic and social cost;

(3) present United States dependence on foreign petroleum and the unpredictability of costs of foreign petroleum create inflationary pressures with serious economic consequences;

(4) technical feasibility has been demonstrated for solar space heating and hot water heating, and combined solar heating and cooling systems are expected to be feasible within a few years;

(5) manufacturers are beginning to make solar heating and hot water heating systems and subsystems available now, but the current high cost of solar hardware for residential purpose inhibits its use on a large scale;

(6) a program of Federal assistance in purchasing and installing solar equipment in homes would expedite the use of this hardware;

(7) the widespread use of solar energy in place of conventional methods for residential purposes would have a significantly beneficial effect upon the environment;

(8) an increased public demand for domestic solar hardware resulting from the availability of low-interest loans will lead to the development of lower cost hardware through mass manufacturing; and

(9) the mass production and use of solar hardware for residential purposes will help to eliminate the dependence of the United States upon foreign energy sources and promote the national defense.

SEC. 3. As used in this Act—

(1) the term "homeowner" means an individual or family which owns and occupies a single family detached dwelling or a mobile home;

(2) the term "Administrator" means the Administrator of the Solar Energy Loan Administration; and

(3) the term "solar hardware" means equipment which utilizes solar energy to provide heating, cooling, or domestic hot-water, used alone or in combination (including all necessary fittings, and including cooling by means of nocturnal heat radiation, evaporation, or other methods).

The Administrator is authorized by regulation to prescribe such additional definitions as may be necessary to make the benefits available under this Act available to builders, condominium owners, and owners of multi-family housing projects.

SEC. 4. There is established as an independent agency of the executive branch a Solar Energy Loan Administration to provide financing to homeowners for the purchase and installation of domestic residential solar hardware. The Administration shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for an individual occupying a position under level 2 of the Executive Schedule. For the purpose of carrying out his functions under this Act, the Administrator shall have access to, and shall utilize to the maximum extent practicable, information services available from the Energy Research and Development Administration and other appropriate agencies.

SEC. 5. The Administrator is authorized to make loans in amounts sufficient to meet all expenditures related to the purchase and installation of solar hardware, including the costs of engineering or architectural planning and any fees under section 6. Any loan made under this section shall bear interest at a rate of 2 per centum per annum and shall be repayable over a period of not more than 25 years.

SEC. 6. The Administrator may authorize the payment out of the proceeds of any loan made under this Act of not more than 10 percent of the principal amount thereof as a fee for the purpose of compensating any cooperative or nonprofit loan referral agent certified and licensed by the Administrator who assisted the borrower in obtaining qualified solar hardware suitable to their needs.

SEC. 7. Any person who makes any false statement or misrepresents any material fact for the purpose of obtaining a loan under this Act, or who violates any provision of this Act or of a loan contract entered into under this Act, shall be fined not more than $1,000 or imprisoned not more than one year or both.

SEC. 8. Each application for a loan under this Act shall be accompanied by a detailed plan for the purchase and installation of the proposed equipment and an estimate of the costs involved. No such application shall be approved unless the Administrator finds that the proposed equipment is suitable and appropriate and will be effective, that the costs will not be excessive and that the purchase and installation of the equipment will not involve elaborate or extravagant design or materials.

SEC. 9. In making loans under this Act, the Administrator shall determine that the equipment to be installed meets the minimum standards as developed under the Solar Heating and Cooling Demonstration Act of 1974 (Public Law 93-409) with respect to durability of parts, acceptability of cost, technical feasibility of design or proven workability and other matters as the Administrator may consider relevant or appropriate.

SEC. 10. There are authorized to be appropriated not to exceed $100,000,000 to provide an initial amount for the program under this Act, and such additional sums thereafter as may be necessary to carry out such program. Amounts appropriated pursuant to this section shall be placed in and constitute a revolving fund which shall be available to the Administrator for use in carrying out this Act.

SEC. 11. The authority of the Secretary to make loans under this Act shall become effective six months after the date of the enactment of this Act, and shall expire ten years after such date.

By Mr. HUGH SCOTT (by request):

S. 2164. A bill to amend the National Environmental Policy Act of 1969 so as to make administration of that Act more effective by prohibiting the retroactive application of regulations, guidelines or policies and procedures promulgated under such act, and to establish a time limitation on the filing of suits to review environmental impact statements pursuant to such act. Referred to the Committee on Interior and Insular Affairs.

Mr. HUGH SCOTT. Mr. President, today I am introducing, by request, a bill to amend the National Environmental Policy Act of 1969. Mr. President, I ask unanimous consent to have the text of this bill printed in the RECORD immediately following my remarks, along with a copy of a letter to me from the Pennsylvania secretary of transportation, Jacob G. Kassab.

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

S. 2164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is amended by adding the following new sections at the end of title I thereof:

"SEC. 106. Any regulations, guidelines or policies and procedures promulgated for the purpose of determining full compliance with the purposes and provisions of this Act shall not be applied to any major Federal action for which a final statement pursunat to section 102(2)(C) has been filed with the Council on Environmental Quality prior to such promulgation.

"SEC. 107. After the thirty day period following the date on which the notice of availability with respect to any final statement pursuant to section 102(2)(C) is published in the Federal Register by the Council on Environmental Quality, such statement shall not for the purposes of this Act be subject to review by any court in any suit instituted after such period.".

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Harrisburg, Pa., May 21, 1975.

Hon. HUGH SCOTT,
U.S. Senate,
Old Senate Office Building, SW.,
Washington, D.C.

DEAR SENATOR SCOTT: I am enclosing herewith copies of draft legislation for amendments to the National Environmental Policy Act. These amendments were drawn up by the attorneys in the Environmental Law Section of our Legal Bureau. The purposes of the amendments are to provide a statute of limitations for the institution of suits to enjoin projects which are federally aided, as well as to avoid the problems of retroactive application of new guidelines and regulations designed to implement the National Environmental Policy Act.

These amendments are necessary in order to insure that the purposes for which the National Environmental Policy Act was created are indeed carried out. As the law currently stands and as it has been currently interpreted by the courts, the purposes for which the National Environmental Policy Act was created are not being implemented. Many environmental groups under the current law can sit back and allow a project to go forward without making comments or recommendations as to how a given project should be designed, located or constructed in order to avoid environmental problems. The reason such groups do this is that they are aware that due to the state of the art of environmental sciences being in a constant flux new regulations and guidelines will be developed in order to incorporate new technological advances in the environmental sciences. When these new guidelines are promulgated the environmental groups attack a project not on substantive grounds as to environmental harm but on procedural grounds as to violation of the new procedures established in the guidelines in order to incorporate the new technological advances.

The various governmental agencies which are responsible for the development and implementation of the various projects have always been willing to accommodate new technological advances. However, given that new guidelines are established it is virtually an impossibility for any project once initiated to procedurally comply with the new requirements. Therefore, while the agency may be more than willing to adopt a new design or a new location or a new plan in order to eliminate a newly discovered environmental problem or hazard, it will not be able without considerable increase in cost to reprocess the project under the new procedures.

The cost of the retroactive application of these new procedural guidelines is considerable, as the environmental groups can enjoin a project until the new procedures are followed regardless of whether or not the actual environmental harm is being eliminated or reduced. The reason environmental groups do this is that they are in opposition to any given project regardless of what attempts and measures are taken to eliminate environmental harm.

This is not the purpose for which NEPA was enacted. The National Environmental Policy Act was enacted in order to insure that governmental projects do not unnecessarily infringe upon the environment and to insure that the environment is given full and complete consideration in the planning process for the project. NEPA was not intended to prevent the implementation of governmental projects nor of private projects requiring federal approval.

The amendment calling for a statute of limitations in which an environmental suit can be instituted is designed to insure that the environmental groups come forward with their information prior to the implementation of the project to a point where the costs of retracing or redoing the project are prohibitive.

As the law now stands, it is possible for "environmentalists" to wait until the time of construction before filing suit. In fact, numerous major projects in Pennsylvania as well as in other States have been stopped well after construction has begun. You can well imagine the increased costs which are engendered when projects are stopped at this point. (I have quoted the word "environmentalists" to differentiate between those whose main object is obstruction of projects, as noted earlier, rather than those groups who have a true concern for the environment and whose interest could be better protected during the planning of the project).

The statute of limitations will insure that the environmental groups come forward during the planning process rather than when the planning process has been completed and the implementation of the plan is about to begin. This too will insure that unnecessary cost increases do not result. It will also insure that environmental considerations be taken into account during the planning process when they can be accommodated and protected rather than during the implementation of the project when it may be too late or too costly. Also, without retroactive application of new procedural guidelines it

will be possible to accommodate newly discovered environmental concerns by shaping the further major incremental actions during the implementation of the project without incurring the substantially greater costs involved in reprocessing the project.

It is our belief that the proposed amendments will insure that the basic principles for which the National Environmental Policy Act was created are indeed carried out.

Very truly yours,

JACOB G. KASSAB,
Secretary of Transportation.

By Mr. MAGNUSON (by request):

S. 2165. A bill to amend the provisions of title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce, by request, for appropriate reference, a bill to amend the provisions of title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance, and ask unanimous consent that the letter of transmittal and the bill be printed in the RECORD.

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

S. 2165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1312 of Title XIII of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1542), is amended by striking out the words "September 7, 1975", and by inserting the words "September 7, 1980" in place thereof.

SEC. 2. Section 1306(a) of the Federal Aviation Act of 1958, (49 U.S.C. 1536(a)), is amended by inserting at the end thereof the following: "Upon the request of the Secretary of Transportation, the Secretary of the Treasury may invest or reinvest all or any part of the fund in public debt obligations of the United States. The interest and benefits accruing from such securities shall be deposited to the credit of the fund."

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., July 16, 1975.

Hon. NELSON A. ROCKEFELLER,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for appropriate referral and introduction is a draft bill, "To amend the provisions of Title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance."

Section 1 of the draft bill would amend section 1312 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1542) (hereinafter called the Act), to extend the authority to provide aviation war risk insurance and reinsurance under Title XIII of that Act until September 7, 1980. This authority otherwise would expire on September 7, 1975.

Title XIII of the Act, as amended, authorizes the Secretary of Transportation, with the approval of the President, to provide premium and non-premium war risk insurance for the protection of aircraft and of persons and property transported aboard them, and against other liabilities of a kind that insurance would customarily cover, when commercial insurance cannot be obtained on reasonable terms and conditions from U.S. insurers.

Under Title XIII, a department or agency of the United States may, with the approval of the President, procure from the Secretary of Transportation war risk insurance if it enters into an agreement with the Secretary to indemnify him against all losses covered by the insurance provided under the Act. This insurance is provided without premiums and is presently provided to air carriers that have contracts with the Departments of Defense and State.

The premium war risk insurance program is intended to provide coverage for American carriers in addition to what is available commercially. This coverage of war risks is necessary because the ordinary aviation insurance policy covers only the usual perils of fire, damage, and other risks, and excepts certain named "war risks" from coverage. Commercial policies usually include a clause, or clauses, excluding from coverage any claim for loss or damage occasioned by war, hostilities, insurrection or acts of foreign enemies, among other explicit situations. An air carrier should not be expected to assume the risk of the loss of its aircraft from such excluded perils. The concentrated, high value of the aircraft and equipment could be a total loss in a single incident.

The Congress has extended the war risk insurance program on four previous occasions: (1) for 5 years to June 13, 1961, under P.L. 84–746; (2) for another 5 years to June 13, 1966, under P. L. 87–89; (3) for 4 years to September 7, 1970, under P. L. 89–477; and (4) for 5 years to September 7, 1975, under P. L. 91–399. The reasons for these past extensions are equally compelling now. To ensure, therefore, that there is no break in the continual coverage under the war risk insurance program, we urge that the Congress promptly enact the requested extension.

Section 2 of the proposed legislation would amend section 1306(a) of the Federal Aviation Act (49 U.S.C. 1536(a)) to permit the Secretary of the Treasury, at the request of the Secretary of Transportation, to invest all or part of the aviation war risk revolving fund in public debt obligations of the United States, and credit the earnings to the fund.

At present premiums received as consideration for war risk insurance policies or other receipts under Title XIII of the Act are deposited in the revolving fund in the Treasury. But there is no express authority to invest the premiums or receipts for the benefit of the fund.

The Department of the Treasury has advised us that the investment of treasury revolving funds is a common practice but that express statutory authority is a prerequisite to such investment. Examples of such authority are found in 38 U.S.C. § 5228 which confers authority to invest and reinvest money in the General Post Fund of the Veterans Administration; 12 U.S.C. § 1783 which confers investment authority in relation to the National Credit Union Share Insurance Fund of the National Credit Union Administration; and 46 U.S.C. § 1288 (a) which confers investment authority in relation to the maritime war risk insurance program.

The closest analogy is with the maritime war risk insurance program on which the aviation war risk program was patterned. The resemblance was recognized when the aviation war risk provisions were first enacted in 1951 (see S. Rept. No. 128, 82nd Cong., 1st Sess., p. 4). The similarity was commented upon again when, in 1962, the maritime program was amended by Public Law 82–743 (codified at 46 U.S.C. 1288(a)) to expressly authorize the investment of the funds reposing in the maritime war risk insurance fund. H. Rept. No. 2220, 87th Cong., 2nd Sess. (1962), reprinted at 1962 U.S. Code Cong. and Adm. News 2782.

Today, in view of the sizable sum of money that is currently available in the aviation war risk revolving fund and the possible continued growth of the fund, we recommend enactment of this proposed amendment, which is similar to the 1962 amendment to the maritime act, to authorize the Secretary of the Treasury to invest and reinvest all or any part of the aviation war risk insurance revolving fund upon the request of the Secretary of Transportation.

We believe that the funds accumulated under the war risk program should properly be permitted to earn a reasonable return in this way for the support of the program. As of December 31, 1974 the cash balance in the fund was approximately $13.7 million. The program is currently earning premium receipts of approximately $16,000.00 per year. At the present premium level a conservative estimate of the annual investment income resulting from the enactment and implementation of this proposal would be in excess of $650,000.00.

The Department has considered the environmental and inflationary implications of this proposed action and believes that implementation of this proposal would have no significant impact in these areas.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposal to the Congress.

Sincerely,

WILLIAM T. COLEMAN, Jr.

By Mr. NUNN:

S. 2166. A bill to amend the Federal Property and Administrative Services Act of 1949 to establish procedures for the use of Federal property and services for the protection of the President of the United States and other persons. Referred to the Committee on Government Operations.

PRESIDENTIAL PROTECTION ASSISTANCE ACT

Mr. NUNN. Mr. President, today I am introducing the Presidential Protection Assistance Act of 1975. This measure, which is similar to a bill that passed the House of Representatives on May 5 of this year, is designed to correct certain deficiencies in existing laws and procedures relating to the security and protection of the President, Vice President, their families, and other persons whom the Secret Service is directed to protect.

This bill contains the same provisions as H.R. 1244 introduced by Representative JACK BROOKS, who has been largely responsible for exposing the excessive expenditures made on Presidential residences during the past few years and who has shepherded his bill through the House. I introduce my bill simply for purposes of discussion so that the serious issues it addresses can be aired and additional comments can be solicited from Federal agencies which are affected by its provisions. In addition, it may be more appropriate to amend the Federal Property and Administrative Services Act, since the issues in this bill pertain to the procurement and utilization of Federal property, and I have drafted my bill as a new title to that act. This is the only difference between my bill and Chairman BROOKS' measure.

In recent years Presidents have spent less time at the White House and more time at Camp David and at their own private homes. Because of this situation, the Secret Service has had to face the problem of providing adequate security at such facilities. The equipment and the installation of such equipment, to insure that it is made as unobtrusive as possible, is often costly and may involve some disruption and damage to the locations where it is installed.

Former President Nixon, for example, maintained three private homes: two in Key Biscayne, Fla. and one at San Clemente, Calif. All of these homes were acquired after he was elected President in November 1968. The extravagant in-

stallation of Federal property at Mr. Nixon's homes is shocking indeed.

The General Accounting Office has accounted for at least $9.4 million in improvements, maintenance, communications facilities, and administrative support in connection with Mr. Nixon's homes: $3,360,000 at the Florida location and $6,060,000 at the San Clemente location. An additional $176,000 was spent in connection with the property of a friend of the former President, Robert H. Abplanalp, in the Bahama Islands. These figures do not include approximately $4.6 million for permanently assigned Government personnel at Key Biscayne and $3 million at San Clemente. Total expenditures for these properties amounted to over $17 million during the period when Mr. Nixon was President. During the entire period of the Johnson administration, a total of $5.9 million was spent to provide security and communication for the President at his ranch in Texas.

I well understand the concern of the American people for the security and safety of their leaders in light of the tragic assassinations of the past decade. Nevertheless, Congress has a responsibility to insure that Government activities at all levels are conducted responsibly with a view toward economy and efficiency, and that no person is unjustly enriched because of these activities.

Much of the Federal money spent at Mr. Nixon's private homes was obligated under the guise of Presidential protection. Items serving no security purposes were paid for by the Federal Government allegedly to meet Secret Service needs. Nongovernmental personnel were permitted to obligate Federal funds, and personal enrichment occurred as the result of improvements made on property owned by the former Chief Executive.

Evidence of such activities was established during hearings held by the Government Activities Subcommittee of the House Committee on Government Operations in October, 1973. The purpose of this investigation, conducted by Representative BROOKS, was to determine whether recent presidential expenditures were excessive or for unauthorized purposes; whether appropriate management procedures had been instituted to control such expenditures; and whether further legislation was necessary. Findings and recommendations from these hearings are contained in House Report 93-1052: "Expenditure of Federal Funds in Support of Presidential Properties."

The Committee on Government Operations and the Committee on the Judiciary in the House of Representatives held additional hearings on this matter in February and April, 1975, respectively. The bill H.R. 1244 was reported from the Committee on the Judiciary on March 20, 1975 and reported from the Committee on Government Operations on April 22, 1975: H.R. 1244 passed the House on May 5, 1975. The bill which I introduce today is identical in thrust to H.R. 1244.

The investigations which preceded passage of this act by the House revealed that the excesses and abuses which occurred in the expenditure of funds could in part be attributed to the indefiniteness of existing laws governing such expenditures. The Presidential Protection Assistance Act would give a statutory basis for many of the recommendations which resulted from the investigation and adopted by the House Committee in its detailed report on the subject:

FINDINGS

A. The White House, the Secret Service, White House Communications Agency, Department of Transportation, Department of Defense, and General Services Administration have spent $17 million in public funds in connection with President Nixon's three privately owned properties and at the office complexes established in connection with those locations. Of this, approximately $9.4 million has been for capital improvements, communications, maintenance, and administrative support, with the remaining $7.6 million for permanently assigned personnel.

B. GSA paid for items allegedly for security that were not requested by the Secret Service and that served no security function.

C. Secret Service agreed to seek GSA payment for items procured by private persons not authorized to commit the Government and for which the Secret Service has not initiated a request.

D. GSA procured items which cost far in excess of what was required to meet security requests.

E. GSA officials authorized Federal Government payment for goods and services ordered by non-Government personnel.

F. Location of obligational authority and accounting responsibility in separate agencies has resulted in a loss of fiscal responsibility.

G. Secret Service used the assistance provisions of Public Law 90-331 to shift many routine agency expenditures to the budgets of other agencies.

H. Secret Service failed to develop fundamental managerial controls over expenditures of Federal funds in providing security at private properties.

I. Secret Service and GSA developed no procedures for handling requests from the Secret Service for expenditures by GSA.

J. Undue haste to complete improvements at San Clemente within 1 month resulted in grossly increased costs.

K. GSA constructed and equipped a $720,000 single purpose office complex on Coast Guard property adjacent to the San Clemente estate.

L. Excessive numbers of Government personnel were permanently assigned to the San Clemente and Key Biscayne locations.

M. Inadequate consideration has been given to apportioning costs on private property between the Federal Government and the property owner.

N. There has been no limitation on the number of homes owned by a President which can be made secure.

The Presidential Protection Assistance Act if enacted would remedy this situation by explicitly setting forth the conditions under which the Secret Service can expend public funds on private property and the terms under which it can seek the assistance of other Federal agencies.

It provides that assistance rendered by other Federal departments and agencies must be at the request of the Director of the Secret Service or his or her authorized representative. This will avoid repeating incidents in which Government agencies have made procurements or rendered services at the request of other officials of the Government and at times at the request of persons not part of the Government at all.

The Secret Service is required to reimburse the assisting agencies from the Service's own appropriated funds for the services, equipment, and facilities which the assisting agencies supply. This will provide a substantial control on expenditure and provide the centralized responsibility that is needed.

This bill exempts the Secret Service from having to reimburse the Department of Defense and the Coast Guard for such facilities, services, and equipment they may provide in the protection of the President, Vice President, and the officer next in order of Presidential succession. These agencies provide services for the President in his capacity as Commander in Chief as part of their regular duties, and such expenditures are part of their operating budgets.

The bill further provides that only one private property designated by each protectee be given full-time protection at any one time. Federal agencies may only provide cumulative expenditures for full-time security at private properties, other than the one designated by each protectee up to $10,000 for each property, unless both the Committees on Appropriations of the House and Senate approve.

Purchases and contracts would be in accordance with the policies and procedures stipulated in the Federal Property and Administrative Services Act, likewise the bill requires that procurements be made only by officers or employees authorized by the Director of the Secret Service.

The bill directs that improvements and other items acquired for protective purposes shall continue to be the property of the Federal Government and not, by default of action or otherwise, become the property of the owner of the private property where placed.

The report requirement in the bill will assure proper congressional oversight of the bill's provisions.

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

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

S. 2166

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 "Presidential Protection Assistance Act of 1975".

SEC. 2. The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 *et. seq.*) is amended to add a new title, as follows:

"TITLE IX—PRESIDENTIAL PROTECTION

"SEC. 901. In performance of the protective duties of the United States Secret Service pursuant to section 3056 of title 18 of the United States Code (pertaining to the protection of the President of the United States and other persons) and the first section of the joint resolution entitled 'Joint resolution to authorize the United States Secret Service to furnish protection to major presidential or vice presidential candidates', approved June 6, 1968 (Public Law 9-331; 82 Stat. 170), Federal departments and agencies shall assist the United States Secret Service by—

"(1) providing, when requested by the Director of the United States Secret Service or his authorized representative and on a reimbursable basis, services, equipment, or

facilities on a temporary basis except that the Department of Defense and the Coast Guard shall provide such services, equipment, or facilities on a temporary basis without reimbursement when assisting the United States Secret Service in its duties directly related to the protection of the President or Vice President of the United States or other officer next in order of succession to the office of the President;

"(2) providing, upon advance written request of the Director of the United States Secret Service or his authorized representative and on a reimbursable basis such facilities, equipment, and services as are required by the United States Secret Service to provide full-time security for each protectee at no more than one property at a time not in Government ownership or control, such property having been designated by a President, President-elect, former President, or any other person entitled to protection under the above provision of law, as the one property to be secured under this paragraph. Where more than one family member is eligible for Secret Service protection, there shall be only one such designated property allowed per family: *Provided, however*, That such limitation shall not be construed to apply to members of the immediate family who do not permanently reside with the person entitled to protection:

"(3) providing, upon advance written request of the Director of the United States Secret Service or his authorized representative and on a reimbursable basis such facilities, equipment, and services, as are required by the United States Secret Service to provide full-time security at any property not covered by paragraph (2) of this section and not in Government ownership or control to the extent that such expenditures do not cumulatively exceed $10,000 at any one property owned, leased, occupied, or otherwise utilized by persons entitled to protection under such sections of title 18 and such Act unless approved by resolutions adopted by the Committees on Appropriations of the House and Senate, respectively.

"SEC. 903. Expenditures by the United States Secret Service for maintaining a permanent guard detail and for permanent facilities, equipment, and services to secure non-Government property owned, leased, occupied, or otherwise utilized by persons entitled to protection under the above provisions of law shall be limited as provided in section 902(2) and 903(3) of this title.

"SEC. 904. All purchases and contracts entered into pursuant to sections 902(2), 902 (3), and 903 of this title shall be made in accordance with the provisions of this Act.

"SEC. 905. No payments shall be made pursuant to this title for service, equipment, or facilities ordered, purchased, leased, or otherwise procured by persons other than officers or employees of the Federal Government duly authorized by the Director of the United States Secret Service to make such procurements.

"SEC. 906. All improvements and other items acquired pursuant to this title shall be the property of the Federal Government. Upon termination of entitlement to Secret Service protection or if a President, President-elect, former President, or other person entitled to protection under section 3056 of title 18 of the United States Code and the first section of the joint resolution entitled "Joint resolution to authorize the United States Secret Service to furnish protection to major Presidential or Vice Presidential candidates," approved June 6, 1968 (Public Law 90–331; 82 Stat. 170), designates a different property to be so secured, all improvements or other items shall be removed from the original property unless it is economically unfeasible to do so, as determined by the Untied States Secret Service, except that, such improvements or other items shall be removed and the property restored to its original state, regardless of the determination of economic unfeasibility, if the owner of such property at the time of determination requests removal. If improvements or other items are not removed, the owner of the property containing the improvements at the time of termination shall compensate the Government for the original cost of such improvements or other items or the amount they have increased the fair market value, as determined by the General Accounting Office, of the property as of the date of transfer or termination whichever is less.

"SEC. 907. Expenditures under this title shall be from funds specifically appropriated to the United States Secret Service for carrying out the provisions of this title, with the exception of those expenditures exempted in section 902(1). Public funds not so appropriated shall not be used for the purpose of securing any non-governmentally-owned property owned, leased, occupied, or otherwise utilized by persons entitled to protection under section 3056 of title 18 of the United States Code and the first section of the joint resolution entitled "Joint resolution to authorize the United States Secret Service to furnish protection to major presidential or vice-presidential candidates", approved June 6, 1968 (Public Law 90–331; 82 Stat. 170).

"SEC. 908. The Director of the United States Secret Service, the Secretary of Defense, and the Commandant of the Coast Guard shall transmit a detailed report of expenditures made pursuant to this title to the Committees on Appropriations, Committees on the Judiciary, and Committees on Government Operations of the House of Representatives and Senate on March 31 and September 30 of each year.

"SEC. 909. Expenditures made pursuant to this title shall be subject to audit by the Comptroller General and his authorized representatives, who shall have access to all records relating to such expenditures. The Comptroller General shall transmit a report of the results of any such audit to the Committees on Appropriations, Committees on the Judiciary, and Committees on Government Operations of the House of Representatives and the Senate."

SEC. 3. Section 2 of the joint resolution entitled "Joint resolution to authorize the United States Secret Service to furnish protection to major presidential and vice-presidential candidates", approved June 6, 1968 (Public Law 90–331; 82 Stat. 170), is repealed.

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

S. 2167. A bill to provide for the recording and public disclosure of lobbying activities directed at the Congress and the executive branch and for other purposes. Referred to the Committee on Government Operations.

THE LOBBYING DISCLOSURE ACT OF 1975

Mr. MUSKIE. Mr. President, today I am introducing, with Senator JAVITS, legislation which I believe constitutes an important and much needed reform of our Federal lobbying laws.

For far too long, the elaborate network of interest groups which influence congressional and executive branch decisions has remained a secret. We have seen some estimates that more than $1 billion a year has been spent for lobbying in Washington, and yet less than one-tenth of 1 percent of that figure is included in reports filed by those that are registered as lobbyists.

The legislation we are introducing today would close many of the loopholes in the present law.

Earlier this spring, the Committee on Government Operations held 3 days of hearings on proposals to replace the existing Federal Regulation of Lobbying Act. Both the witnesses at those hearings and members of the committee raised questions about many of the approaches offered to achieve reforms.

As members of that committee, we are hopeful that our proposal is responsive to many of those constructive suggestions and will help to form the basis for a continuing effort in this area.

The "Lobbying Disclosure Act of 1975" represents a composite of many suggested reforms and incorporates provisions from many measures under consideration in both the House and Senate.

Mention should be made of the work of the House Committee on Standards of Official Conduct and one of its former members, the Senator from Vermont, Senator STAFFORD, who along with Senator KENNEDY is the author of a principal bill now before the Government Operations Committee. Suggestions also have been generated from a similar measure proposed by the Senator from Illinois, Senator PERCY, and from a bill offered by Senator KENNEDY to provide a public record of outside contacts with the executive branch.

Particular credit is due to the leadership of the distinguished chairman of the committee, Senator RIBICOFF, who has helped launch this important committee effort to revise the laws affecting lobbying.

The proposal we offer today would broaden the definition of a lobbyist and require reporting of lobbying activities by many organizations and individuals not now affected by the present law. The definition in this bill would include not only those who attempt to influence decisions before the Congress, but also decisionmaking in the executive branch.

It further would cover efforts by those who solicit others to influence decisions in the legislative and executive branch.

Certain provisions of our proposal offer new alternatives to the Senate for defining the activities of lobbyists, for improving enforcement of the registration and reporting requirements, and reporting requirements, and for the protection of the constitutional right of each citizen to petition his Government for the redress of grievances.

It defines a lobbyist in terms of a principal and agent relationship and includes as well those who solicit other persons to lobby.

A person employed as a legislative agent as well as the person or organization employing that agent would be required to register as lobbyists.

Officers or employees of an organization, who as part of their duties lobby the Congress or the executive branch would be required to register and file reports. Their employer also would have to register and file.

The proposal also would apply to "grass roots" lobbying efforts to solicit at least 100 other persons to communicate with the Congress or executive

branch or more than $5,000 to make such communications. Soliciting more than 25 other persons who would be paid to lobby also would be covered.

Present law fails to cover the efforts by major lobbying interests to drum up support through advertising and direct mail campaigns to get other people to write to their Senators and Congressmen.

Such efforts are disguised to appear to be spontaneous outpourings of public opinion and are in fact the direct result of a creative public relations effort to artificially stimulate interest in a matter affecting an employer or client.

In the committee hearings, we heard testimony about the American Trial Lawyers Association effort to oppose no-fault insurance legislation.

Association members needed only to call Western Union and give the names of friends and associates and for each name given, 10 messages were sent off to Capitol Hill.

The result was a deluge of messages to key congressional offices protesting no-fault insurance and all seemingly sent individually by concerned constituents

The Comptroller General would be directed to administer this act and given the tools to enforce it. The lack of proper enforcement constitutes one of the weakest parts of the present law. We believe that the General Accounting Office, which is experienced in conducting audits and investigations and in reporting to the public on governmental activities, is particularly qualified to handle this task.

As an example of the failure of the enforcement provisions in the present system, reports by lobbyists are filed with the Clerk of the House of Representatives and with the Secretary of the Senate, but neither is authorized to report or investigate violations. Between March 1972 and February 1975, only five possible violations have been referred to the Department of Justice.

Of those five matters, two were initiated by Members of Congress and three by journalists. One case has been closed, and the other four are still under investigation.

The Deputy Comptroller General told the Government Operations Committee in April:

> I hope you would recognize that whoever you (ask to administer the act) be given the enforcement powers to carry it out.

Under our bill, the Comptroller General would be authorized to investigate and hold hearings on alleged violations, to issue cease and desist orders to direct compliance, and to seek civil remedies in a U.S. district court. Possible criminal violations would be referred to the Department of Justice.

Finally, in recognition to the constitutional right of citizens to communicate with their Government, we have attempted to permit certain individual and organization contacts without having to register or file reports as lobbyists. Included would be an individual who uses his own resources and who writes letters or makes calls solely in his own behalf. Such a person should be able to contact his governmental representatives as frequently as necessary to express his point of view on an issue without registering as a lobbyist.

Also exempted are communications by organizations with the Congressman or Senators representing their district or State.

Organizations or employees who are not retained as legislative agents would be permitted to make up to 15 legislative or executive communications in a calendar quarter without having to meet the registration or reporting requirements.

This bill in other respects would go considerably beyond the present law in requiring lobbyists to file more detailed reports of their activities. These reports would have to include expenditures for lobbying of more than $15, including any gifts or expenditures for congressional or executive branch officers or employees. It also requires a report of each contact made with Members of Congress or their staffs of executive branch officials.

Lobbyists would have to include in quarterly reports copies of any letters or a description of efforts to solicit other persons to communicate with executive or legislative branches in order to influence legislation or other decisions.

The Lobbying Disclosure Act of 1975 contains an additional feature to help broaden public understanding of the executive branch decisionmaking process. Senior agency officials, either at a level comparable to GS–15 or other officials engaged in important decision making agency functions, would be required to make records or oral and written communications relating to proceedings before the agency.

Present rules affecting ex parte communications are not broad enough to adequately inform the public about the operation of the executive and administrative processes.

The decisionmaking process can only benefit from maximum public knowledge of and participation in its processes and this title of our bill is designed to promote that increased awareness and involvement.

It is our belief that the existing law falls far short of its original goal of providing the Congress and the public with a complete understanding of the forces which work to shape legislative and executive branch decisions. The proposal which we introduce today will go a long way toward bringing lobbying into the open and thereby help improve our representative system of government.

I ask unanimous consent that the text of the Lobbying Disclosure Act of 1975 and a summary of the bill be printed in the RECORD.

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

S. 2167

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 "Lobbying Disclosure Act of 1975".

TITLE I

FINDINGS AND PURPOSE

SEC. 101 (a) The Congress finds—

(1) That the confidence in government depends upon the degree to which its people are well informed about government activity.

(2) That the accountability which is essential to the democratic functioning of both the legislative and executive branches of government can be assured only through the greatest possible disclosure of the information, opinions, and efforts of persuasion which are directed toward the policy-making process;

(3) That as the policy-making process has become more complex, the lines of accountability have become more obscure, and consequently, public confidence in government is at a very low level, a majority of Americans feel alienated from the operations of their government, and many Americans believe that special interest groups get more from the government than they do;

(4) That the exercise of the freedom of speech and the right to petition the government for redress of grievances which are cornerstones of our democratic system are themselves diminished when the public and the policymakers lack complete understanding of the pressures on the governmental process, including the information, opinions, activities and identities of persons engaged in efforts to persuade the Congress or the Executive branch;

(5) That consideration of the public interest requires that information and opinions expressed to Congress and the executive branch by the advocates of one view or interest be balanced against the information and opinions of advocates of alternative points of view;

(6) That public and timely disclosure should be made of all efforts employed to persuade members of the Congress and key officials of the Executive branch to pursue a particular course of action whether by direct communication or by solicitation or employment of others to engage in such efforts;

(7) That the existing legislation designed to provide public disclosure of efforts to affect the policy-making process fails in a narrow interpretation of those considered to be lobbyists and in the limitation to the legislative process.

(b) It is the purpose of this Act to provide for the disclosure of the communications, activities, and the origin, amount, and utilization of funds and other resources of and by persons who seek to influence the legislative or executive process, and by so doing, to—

(1) assure elected representatives and executive branch officials that those who petition the government represent the interests of the citizens for whom they speak;

(2) assure elected representatives and executive branch officials that the demands of special interest groups will not obscure the needs of other special and public interests by projecting an illusion of public sentiment when such sentiment does not exist;

(3) inform citizens of the different pressures brought to bear on the policy-making process;

(4) assure a balance of information in the policymaking process by providing timely notice to the public of activities of all persons representing interests before the legislative and executive branch of government.

DEFINITIONS

SEC. 102. As used in this Act, the term—

(a) "Federal agency" includes any executive department, military department, government corporation, government controlled corporation, Federal Advisory Committee, or other establishment or independent instrumentality in the executive branch of the government including the Executive Office of the President;

(b) "individual" means a human being;

(c) "person" includes an individual, corporation, company, association, firm, partnership, society, joint stock company, as-

sociation, or other organization or group of persons;

(d) "officer or employee of the Congress" means any officer or employee in the Legislative Branch of the Federal Government and includes a Member of Congress, Delegate to Congress, or the Resident Commissioner from the Commonwealth of Puerto Rico, officers and employees of the United States Senate, the House of Representatives or any joint, standing, special or select Committee or subcommittee thereof, or any Member of Congress, Delegate to Congress, or the Resident Commissioner of Puerto Rico;

(e) "legislative process" means any action taken by an officer or employee of the Congress to effect or prevent the introduction, consideration by Committee or staff of a Committee, passage, defeat, or amendment of legislation including any bill, resolution, proposal, constitutional amendment, nomination, hearing, report, investigation, or other matters pending or proposed in either House, and any other matter which may be subject to action by either House;

(f) "Federal officer or employee" means any officer or employee of a Federal agency and includes the President and the Vice President;

(g) "executive policymaking process" means any action taken by a Federal officer or employee with respect to the legislative process or with respect to any pending or proposed rule, rule of practice, adjudication, determination, hearing, investigation, contract, grant, or license;

(h) "income" means—

(1) a salary, gift, donation, contribution, payment, loan, advance, service, or other thing of value received; or

(2) a contract, promise, or agreement (including a contingent fee contract), whether or not legally enforceable, to receive any item referred to in paragraph (1);

(i) "expenditure" means—

(1) a salary, gift, donation, contribution, purchase, payment, distribution, loan, advance, service, or other thing of value made, disbursed, or furnished, or

(2) a contract, promise or agreement, whether or not legally enforceable, to carry out any transaction referred to in paragraph (1);

(j) "Committee" means any Committee of the Senate or House of Representatives or any subcommittee of any such Committee or any Joint Committee of Congress or any subcommittee of any such Joint Committee or any special or select committee of the Congress or any subcommittee of any such special or select committee;

(k) "legislative communication" means any communication by any person (except an exempt communication) with an officer or employee of the Congress to influence the legislative process;

(l) "executive communication" means any communication by any person (except an exempt communication) with a Federal officer of employee to influence the executive policymaking process;

(m) "exempt communications" means—

(1) any communication by any individual, acting solely on his own behalf, for redress of his grievances or to express his own opinion;

(2) any communication by any person to a department, agency, establishment, or instrumentality of any branch of the Federal Government in the exercise of a right of petition granted by section 553(e) of title 5, United States Code;

(3) a communication or solicitation by a Federal officer or employee acting in his official capacity provided that such communication is not in violation of section 3107 of title 5, United States Code and that the officer or employee does not solicit or attempt to solicit more than 50 persons to make a legislative or executive communication;

(4) a communication or solicitation by a State or local government officer or employee acting in his official capacity provided that the officer or employee does not solicit or attempt to solicit more than 50 persons to make a legislative or executive communication;

(5) any appearance by any person before a Committee or Federal agency in public or executive session in connection with any measure or matter before such Committee or Federal agency and any written statement submitted by any person in connection with such matter or measure and accepted for inclusion in the records of the Committee or Federal agency provided that such appearance or statement is made a matter of public record by the Committee or Federal agency within a reasonable time after the appearance or submission;

(6) the publication, distribution or dissemination—

(A) in the normal course of business by a newspaper, magazine, or other periodical distribution to the general public in the form of news, editorial views, letters to the editor or like matter;

(B) in the normal course of business by a radio or television broadcast in the form of news, editorial views, letters to the editor or like matter; or

(C) in a book published for the general public;

(7) a communication or solicitation by a candidate, as defined in section 591(b) of title 18, United States Code, made in the course of a campaign for Federal office;

(8) a communication or solicitation by or authorized by—

(A) a national political party of the United States or a national, State, or local committee or other organizational unit or a national political party regarding its activities, undertakings, policies, statements, programs or platforms;

(B) a political party of a State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States, or a committee or other organizational unit of such political party, regarding its activities, undertakings, policies, statements, programs or platforms;

(C) a candidate for political office of a State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States, or a committee or other organizational unit acting on behalf of such candidate regarding the activities of the candidate including undertakings, policies, statements, programs or platforms; or

(9) in the case of an individual, or the officers, directors, or employees of a corporation, company, firm, partnership, society, joint stock company, association, or other organization, legislative communications with members of Congress or the personal staff of such members representing the States and districts in which such individual, officers, directors or employees reside;

(n) "Comptroller General" means the Comptroller General of the United States;

(o) "legislative agent" means any person who, for any consideration (other than exempt travel expenses), is retained in a capacity other than as an officer or employee of the person by whom he is retained, to make legislative or executive communications or to solicit others to make legislative or executive communications acting either by himself or through any other person acting for him;

(p) "exempt travel expenses" means any payment or reimbursement of expenses for travel solely from one point in the United States to another point in the United States, but only if such payment or reimbursement does not exceed the actual cost of the transportation involved plus a per diem allowance for other expenses in an amount not in excess of 125 per centum of the maximum allowance payable under section 5702(c)(1) of title 5, United States Code, for Government employees, except that in no case shall any amount more than $1,000 paid to one person within one year be considered to be exempt travel expenses;

(q) "voluntary membership organization" means an organization composed of persons or individuals who are members thereof on a voluntary basis and who, as a condition of membership, are required to make regular payments to the organization;

(r) "identification" means in the case of an individual, the name of the individual and his address, occupation, principal place of business, and title or position held in the business; and in the case of a person other than an individual, the name of the person, its officers and board of directors, and its address and principal place of business;

(s) "lobbyist" means—

(1) a legislative agent;

(2) any person who retains a legislative agent in any quarterly filing period, except that a person shall not be considered as being within the purview of this paragraph solely by reason of being a member of a voluntary membership organization which may itself be a legislative agent;

(3) any officer or employee of any person (other than a legislative agent), if such officer or employee receives pay for his services as such an officer or employee and if he makes no more than fifteen legislative communications or executive communications in any quarterly filing period; except that no more than five such communications may be made in any one day;

(4) any person (other than a legislative agent) who employs any officer or employee as provided for in paragraph (3);

(5) any person who—

(A) solicits (other than as provided for in paragraph (6)), orally or otherwise, other persons to make legislative or executive communications, if such solicitation reaches or with reasonable certainty may be expected to reach at least 100 persons, or

(B) solicits at least twenty-five persons who, for their efforts to make legislative or executive communication, are paid, or are promised the payment of, any consideration (other than exempt travel expenses) by the person who made the solicitation or by any other person acting for him, or

(C) solicits contributions totaling $5,000 or more in any quarter to be used for the purpose of making legislative or executive communications;

(6) any person who, in the ordinary course of business, publishes, distributes, or circulates, as the publication of such person, a house organ, or a trade, labor or trade union, or commercial journal, or any other publication having the same general purposes as a house organ or a trade, labor or trade union, or commercial journal, if such publication—

(A) is not distributed to the general public as a usual and customary practice; and

(B) contains any matter soliciting the reader to make a legislative or executive communications, except that, this paragraph shall not apply to the reproduction or retransmission of a communication from any other person who is required by this Act to register as a lobbyist if such reproduction or retransmission specifically identifies such other person;

(t) "lobbying" means the activities of any lobbyist in making legislative or executive communications, soliciting other persons to make legislative or executive communications, or soliciting contributions to make legislative or executive communications;

(u) "quarterly filing period" means any of the four calendar quarters which begin on January 1, April 1, July 1 or October 1; and

(v) "United States" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

REGISTRATION OF LOBBYISTS

SEC. 103. (a) Each lobbyist shall register and file a representation notice with the

Comptroller General not later than 5 working days after first becoming a lobbyist, and each lobbyist who has filed such a notice and has been inactive as a lobbyist for three consecutive quarterly filing periods shall also register and file a representation notice when that lobbyist again engages in lobbying. The representation notice shall be in such form and contain such information as the Comptroller General shall prescribe, including—

(1) an identification of the lobbyist;

(2) an identification of each person on whose behalf the lobbyist expects to perform services as a lobbyist;

(3) a description of the financial terms and conditions (including any contingent fee arrangement) under which the lobbyist is employed or retained by any person, and the identification of that person;

(4) each aspect of the legislative process or executive policymaking process which the lobbyist expects to seek to influence, including any officer or employee of the Congress, any committee, Federal agency, or any Federal officer or employee, to whom a communication is to be made, the form of communication to be used, and whether the communication is to be for or against any measure or action;

(5) an identification of each person who, as of the date of filing, is expected to be acting for such lobbyist and to be engaged in lobbying, including—

(A) the financial terms or conditions (including any contingent fee arrangement) of such person's activity, and

(B) each aspect of the legislative process or executive policymaking process such person expects to seek to influence; and

(6) in the case of a voluntary membership organization, the approximate number of members and a description of the methods by which the decision to engage in lobbying is made.

(b) If at any time, the information contained in a representation notice filed by a lobbyist is not current, accurate and up to date, in all respects because of any change in circumstances or conditions with respect to such lobbyist (including termination of his status as a lobbyist), such lobbyist shall file with the Comptroller General within five working days after such change has occurred, any amendment or amendments to such notice as may be necessary to make the information contained in such notice completely current, accurate, and up to date in all respects. Each representation notice shall also be amended by the lobbyist at such intervals of time as the Comptroller General shall prescribe to reflect the current activities of the lobbyist.

RECORDS

SEC. 104. Each lobbyist shall maintain such financial and other records of lobbying activity as the Comptroller General shall prescribe. Such records shall be in accordance with generally accepted accounting principles and be preserved for a period of not less than two years after the date of the activity. Such records shall be available to the Comptroller General for inspection and shall include the following information—

(a) the total income received by the lobbyist and the total income received by the lobbyist for lobbying;

(b) the identification of each person from whom income for lobbying is received, including the purpose and specific application of any such income received and the amount received;

(c) the expenditures of the lobbyist, including—

(1) the total expenditures of the lobbyist attributable to lobbying;

(2) an itemization of each expenditure for lobbying which exceeds $5 in amount of value, including the identification of the person to or for whom the expenditure is made, the date of the expenditure, and a description of the nature of the expenditure;

(3) expenditures relating to research advertising, staff, entertainment, offices, travel, mailings, and publications used for lobbying; and

(4) the amount and the name of the recipient of any contribution made to a candidate as defined in section 591(b) of title 18, United States Code, made in the course of a campaign for Federal office; and

(d) such other information as the Comptroller General shall prescribe to carry out the purpose of this Act.

REPORTS

SEC. 105. Each lobbyist, not later than 10 working days after the last day of a quarterly filing period in which such lobbyist made a legislative communication or executive communication, shall file a report with the Comptroller General covering the lobbyist's activities during that period. Upon his own initiative or pursuant to a request by a committee or a Federal agency, the Comptroller General may request lobbyists to submit reports of activities each week during a period of consideration of a major public issue in the legislative process or executive policymaking process, with which the lobbyists are involved. Each report shall be in such form and contain such information as the Comptroller General by regulation shall prescribe, including—

(a) an identification of the lobbyist;

(b) an identification of each person on whose behalf the lobbyist performed services during the period;

(c) an identification of each person, including other lobbyists, who engaged in making legislative or executive communications or soliciting others to make legislative or executive communications on behalf of the reporting lobbyist during the filing period;

(d) the total income received by the lobbyist during the reporting period to make legislative or executive communications or to solicit others to make legislative or executive communications including an identification of the source and purpose of the contribution except that—

(A) a person shall not be required to identify any person from whom income of less than $100 in value is received in the filing period to make or solicit legislative or executive communications, but the report shall contain the number of such persons together with the aggregate of such income;

(B) in the case of a voluntary membership organization, the organization shall not be required to identify any member whose payments in the filing period to the organization for lobbying did not exceed 5 percent of the total expenditures of the organization in the filing period for such purposes;

(C) if any item of income or expenditure is attributable in part to lobbying and in part to other purposes, such item may be reported, at the option of the person filing the report and in conformity with regulations prescribed by the Comptroller General—

(i) by a reasonably accurate allocation which sets forth that portion of the item received or expended to engage in lobbying as that portion bears to the sum of all such items received or promised, and the basis on which the allocation is made, or

(ii) by showing the amount of the item together with a good faith estimate by such person of that part of the item reasonably allocable to the classification of income or an expenditure to engage in lobbying;

(e) the expenditures of the lobbyist including—

(1) the total expenditures attributable to lobbying;

(2) an itemization of each expenditure for lobbying which exceeds $15 in amount of value, including the identification of each person to or for whom the expenditure is made, the date of the expenditure and a description of the nature of the expenditure;

(3) expenditures relating to research, advertising staff, entertainment, offices, travel, mailings, and publications used for lobbying;

(4) any expenditure made directly or indirectly to or for any officer or employee of the Congress or Federal officer or employee which exceeds $15 in amount or value and any expenditure made directly or indirectly to or for one or more such officers or employees which, in aggregate amount or value, exceeds $60 in a calendar year, including an identification of the person or persons making and receiving such expenditure and a description of the expenditure; and

(5) the amount and the name of the recipient of any contribution made to a candidate as defined in section 591(b) of title 18, United States Code, made in the course of a campaign for Federal office;

(f) each decision of the legislative process or executive policy-making process the lobbyist sought to influence including any bill, docket, or other relevant identifying numbers;

(g) a copy of any written communication used by the lobbyist during the period to solicit other persons to make legislative or executive communications, an estimate of the number of such persons to whom such written communication was made, and an estimate of the number of such persons who subsequently made legislative or executive communications;

(h) a description of the procedures, other than written communications, used by the lobbyist during the period to solicit other persons to make legislative or executive communications, an estimate of the number of such persons solicited, an estimate of the number of such persons who made legislative or executive communications, the specific purpose of the legislative or executive communication, and the officers or employees of the Congress or Federal officer or employee contacted;

(i) a record of each legislative or executive communication made to a Federal officer or employee or an officer or employee of the Congress and the decision which was sought to be influenced including any bill, docket, or other relevant identifying numbers; and

(j) such other information as the Comptroller General by regulation may prescribe to carry out the purposes of this Act.

EFFECT OF FILING ON CERTAIN DETERMINATIONS UNDER THE INTERNAL REVENUE CODE OF 1954

SEC. 106. Compliance with the requirements of sections 103, 104, or 105 of this Act shall not be taken into consideration in determining, for purposes of the Internal Revenue Code of 1954, whether a substantial part of the activities of an organization is carrying on propaganda or otherwise attempting to influence legislation.

TITLE II—DISCLOSURE OF EXECUTIVE BRANCH COMMUNICATIONS

SEC. 201. (a) Any agency official who receives an oral or written communication which pertains to any Federal agency activity or policy issue shall prepare a record of that communication as prescribed in legislation creating or regulations promulgated by the agency. For the purposes of this title, the term "agency official" includes—

(1) all officials and employees of any Federal agency compensated at a rate equal to or in excess of that for grade GS-15 in the General Schedule, and

(2) any officials and employees of any Federal agency who are compensated at a rate

less than that for grade GS-15 in the General Schedule only to the extent that such communications pertain to their involvement in any rulemaking, investigative, prosecutorial, or adjudicative function connected with a proceeding before any Federal agency or the courts.

(b) The records of communication shall be in such form and contain such information, as the Comptroller General shall prescribe, including—

(1) the name and position of the agency official who was a party to the communication;

(2) the date of receipt or occurrence of the communication;

(3) an identification, so far as possible, of the person with whom the communication occurred and of the person on whose behalf the outside party was acting;

(4) a brief summary of the subject matter of oral communications, including relevant docket numbers to which the communication pertains if known;

(5) in the case of communication through letters, documents, briefs, and other written material, copies of such material in its original form as received;

(6) a brief description of any action taken by the official in response to the communication.

(c) Records of all such communications required under subsection (a) shall be filed for public inspection and copying with the public reading room of the agency within two working days of receipt or occurrence of the communication, except that—

(1) the record of a communication with a party outside the Federal agency which pertains to a pending agency proceeding shall be placed in the public record of such proceeding,

(2) the record of a communication with a person who acts as an informant by offering incriminating material under a specific assurance of confidentiality, to a Federal agency for use in a civil or criminal enforcement proceeding shall be placed in a central file solely for purposes of internal agency review, and

(3) no record of communication shall be filed in conjunction with receipt or occurrence of a communication with a member of the working press.

(d) Each Federal agency shall maintain such files of records of communication and a central index organized by subject matter and cross-referenced as to parties other than those of the agency. Files of such records shall be maintained for a period of at least 5 years.

(e) Each Federal agency shall prepare and maintain a prospective and retrospective public calendar and such cumulative calendars and records to provide such notice and recordation of Federal agency activities as the Comptroller General shall prescribe, including—

(1) public hearings;

(2) commission or agency meetings;

and meetings with outside parties as the Comptroller General may prescribe.

TITLE III—DUTIES OF THE COMPTROLLER GENERAL

SEC. 301. It shall be the duty of the Comptroller General—

(a) to develop forms for the registration and filing of notices of representation, records, and reports required pursuant to sections 103, 104, and 105 of this Act and to furnish such forms upon request;

(b) to prepare a manual setting forth recommended uniform methods of bookkeeping and reporting and to furnish such manual to lobbyists upon request;

(c) to file, code, and cross-index registration statements and reports to carry out the purposes of this Act;

(d) to make the registration statements, notices, and reports filed with him available for public inspection and copying, commencing as soon as practicable, but not later than the end of the second day following the day on which any such item was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person, provided that any charge therefor shall not exceed actual marginal costs, but no information copied from such reports and statements shall be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

(e) to preserve the originals or copies of such notices and reports for a period of ten years from date of receipt;

(f) to compile and summarize, with respect to each filing period, the information contained in such notices and reports in a manner which facilitates the disclosure of efforts to influence the legislative process or executive policy making process, including but not limited to, information on—

(1) lobbyist activities and expenditures pertaining to specific legislative or executive actions, including an identification of the lobbyists involved, an identification of the persons in whose behalf the lobbyist acted, and the amount of income received by the lobbyist from such persons, and

(2) the activities and expenditures of lobbyists who share an economic, business, or other common interest in the legislative or executive actions which they have sought to influence;

(g) to have such information compiled, summarized and published in the Federal Register within ten working days after the close of each filing period; except that, with respect to reports concerning major issues required to be filed each week, compilation, summarization, and publication shall take place no more than three working days after the close of the filing period for each week;

(h) to have each representation notice which is filed by any lobbyist published in the Federal Register within three days after each such representation notice is received by the Comptroller General;

(i) to ascertain whether any lobbyist has failed to comply fully and accurately with the disclosure requirements of this Act and promptly notify such person to file such representation notices and reports as are necessary to satisfy the requirements of this Act or regulations prescribed by the Comptroller General under this Act;

(j) to ascertain whether any agency official has failed to comply fully and accurately with the record of communication requirements of this Act and promptly notify such official to file such records as are necessary to satisfy the requirements of this Act or regulations prescribed by the Comptroller General under this Act;

(k) to make audits and field investigations with respect to the notices and reports filed under the provisions of this Act, and with respect to alleged failures to file any notice or report required under the provisions of this Act, and upon complaint by any individual, with respect to alleged violations of any part of this Act;

(l) to prepare a special study or report upon the request of any Member of the House of Representatives or the Senate from information in the records of the Comptroller General; or if such records do not contain the necessary information, but the information would fall under the scope of information required by this Act, the Comptroller General may inspect the records of the appropriate parties and prepare the report, but only if such special inspection can be completed in a reasonable time before the information would normally be filed; and

(m) to transmit reports to each House of the Congress no later than March 31 of each year, containing a detailed statement with respect to the activities of the Comptroller General in carrying out his duties under this title, together with recommendations for such legislative or other action as the Comptroller General considers appropriate.

ADVISORY OPINIONS

SEC. 302. (a)(1) Upon written request to the Comptroller General by any person, he may render an advisory opinion, in writing, within a reasonable time with respect to whether any specific transaction or activity by such person is covered by the provisions of this Act.

(2) Notwithstanding any other provision of law, any person with respect to whom an advisory opinion is rendered under section (1) who acts in good faith in accordance with the provisions and findings of such advisory opinion shall be presumed to be in compliance with the provisions of this Act.

(3) Any request made under section (1) shall be made public by the Comptroller General. The Comptroller General shall, before rendering an advisory opinion with respect to such request, provide any interested person with an opportunity to transmit written comments to the Comptroller General with respect to such request.

(b) The Comptroller General shall take all actions necessary to the publication, codification, indexing, cross-referencing, and distribution to Federal Depository Libraries of all advisory opinions issued by him pursuant to this section. Copies of all such opinions and indexes shall be available at cost to any person upon written request.

RULEMAKING

SEC. 303. The Comptroller General shall prescribe such rules and regulations, which shall conform to the provisions of chapter 5 of title 5, United States Code, as may be necessary and appropriate to carry out the provisions of this Act.

POWERS OF THE COMPTROLLER GENERAL

SEC. 304. (a) The Comptroller General has the power for the purposes of this Act—

(1) to require, by special or general orders, any person to submit, in writing, such reports, records, notices, and answers to such questions as the Comptroller General may prescribe relating to the execution of his duties; and such submission shall be made within such a reasonable period of time and under oath or otherwise as the Comptroller General may determine;

(2) to administer oaths or affirmations, and to delegate the power to do so;

(3) to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of his duties;

(4) in any proceeding or investigation, to order testimony to be taken by affidavit or by deposition before any person who is designated by the Comptroller General 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 the like circumstances in the courts of the United States;

(6) to initiate (through civil proceedings for injunctive, declaratory, or other appropriate relief) defend, or appeal any civil action in the name of the Comptroller General for the purpose of enforcing the provisions of this Act, through the General Counsel of the General Accounting Office;

(7) to formulate general policy with respect to the administration of this Act; and

(8) to develop and prescribe such forms

as may be necessary to carry out the purposes of this Act.

(b) Any United States district court within the jurisdiction of which any inquiry under this Act is carried on, may, upon petition by the Comptroller General, in case of refusal to obey a subpena or order of the Comptroller General issued under subsection (a) of this section, issue an order requiring compliance therewith. Any failure to obey any such 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 Comptroller General or the United States) for disclosing information at the request of the Comptroller General.

ENFORCEMENT

SEC. 305. (a) Any person who believes a violation of this Act has occurred may file a complaint with the Comptroller General.

(b) (1) The Comptroller General, upon receiving a complaint under subsection (a), or if he has reason to believe that any person has committed a violation of this Act, may serve upon such person a complaint stating charges in that respect and a notice of a hearing upon a day and place therein fixed at least 30 days after service of said complaint. The person so complained of shall have the right to appear at such hearing and show cause why an order should not be entered by the Comptroller General requiring such person to cease and desist from activities in violation of the law so charged in the complaint, and why such person should not affirmatively comply with the provisions of this Act in such manner as prescribed by the Comptroller General. The testimony in any such hearing shall be reduced to writing and filed in the office of the Comptroller General.

(2) If upon such hearing, the Comptroller General shall be of the opinion that the person complained of did violate or is violating this Act he shall make a report in writing in which he shall state his findings of facts and shall issue and cause to be served on such person an order requiring such person to cease and desist from activities in violation of this Act and to affirmatively comply with provisions of this Act in such manner as prescribed by the Comptroller General.

(c) Until such time as the Comptroller General enters an order pursuant to subsections (b), the Comptroller General may endeavor to correct violations of this Act by informal methods of conference, conciliation, and persuasion, provided that any person against whom a complaint has been issued and elects to resolve any such complaint by informal methods must sign a compliance agreement, if such agreement represents any such person's willing and informed resolution of the allegations of the complaint, under such conditions as the Comptroller General may prescribe, as a binding final resolution and adjustment of any such complaint, the violation of which may be punished by any district court of the United States as a contempt thereof.

(d) Complaints, orders, and other processes of the Comptroller General under this section may be served by anyone duly authorized by the Comptroller General either by—

(1) delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the society, joint stock company, association, company, or other organization to be served;

(2) leaving a copy thereof at the residence or the principal place of business or principal office of such person to be served; or

(3) mailing a copy thereof by registered mail or by certified mail addressed to such person at the residence or principal place of business or principal office of such person to be served.

The verified return by the person so serving said complaint, order, or other process setting forth the manner of said service shall be proof of the same, and the return post office receipt for said complaint, order or other process mailed by registered mail or by certified mail as aforesaid shall be proof of the service of the same.

(e) An order of the Comptroller General to cease and desist from activities in violation of this Act and to affirmatively comply with provisions of this Act in such manner as may be prescribed by the Comptroller General shall become final—

(1) upon the expiration of the time allowed for filing a petition for review pursuant to section 307 (b), if no such petition has been duly filed within such time;

(2) upon the expiration of the time allowed for filing a petition for certiorari pursuant to section 307 (b), if the order of the Comptroller General has been affirmed, or the petition for review has been dismissed by the court of appeals, and no petition for certiorari has been duly filed;

(3) upon the denial of a petition for certiorari, if the order of the Comptroller General has been affirmed or the petition for review dismissed by the court of appeals; or

(4) upon the expiration of 15 days from the date of issuance of the decree of the Supreme Court, if such Court directs that the order of the Comptroller General be affirmed or the petition for review dismissed.

(f) (1) Whenever the Comptroller General has reason to believe that any person has violated, or is violating, any provision of this Act, or regulations promulgated thereunder, and that the enjoining thereof pending the issuance of a complaint by the Comptroller General, until such complaint is dismissed by the Comptroller General or set aside by the court on review, or until the order of the Comptroller General made thereon has become final, would serve the purposes of this Act, the Comptroller General by any attorney designated by him for such purpose may bring suit in a district court of the United States to enjoin any such activity.

(2) Upon a showing that such action would serve the purposes of this Act and after notice to the defendant, a temporary restraining order or a preliminary injunction may be granted; *Provided however*, that if a complaint is not filed within 10 days after the issuance of the temporary restraining order or within 30 days after the issuance of a preliminary injunction, any such temporary restraining order or preliminary injunction shall be dissolved by the court and be of no further force and effect; *Provided further*, that in proper cases the Comptroller General may seek, and the court may issue a permanent injunction. Any such suit shall be brought in the district in which such person resides or engages in such activity complained of or transacts business.

(g) Whenever the Comptroller General has reason to believe that any person has violated, or is violating, any provision of this Act, the Comptroller General through the General Counsel of the General Accounting Office may bring an action for recovery or imposition of civil penalty as provided by section 306 (b) in any district court of the United States.

(h) The Comptroller General shall refer apparent criminal violations of this Act to the appropriate law enforcement authority.

SANCTIONS

SEC. 306. (a) After hearing and upon a finding that any person has violated or neglected duties imposed pursuant to sections 103, 104, 105 of this Act, the Comptroller General may issue a censure of such person.

(b) Any person who violates any provision of this Act or an order of the Comptroller General after it has become final, and while such order is in effect, shall forfeit and pay to the United States a civil penalty of not more than $5,000 for each violation which shall accrue to the United States and may be recovered in a civil action brought by the Comptroller General. Each separate violation of a Comptroller General's order shall be a separate offense, except that in the case of a violation through continuing failure to obey or neglect to obey a final order of the Comptroller General, each day of continuance of such failure or neglect shall be deemed a separate offense.

(c) After hearing and upon a finding that any Federal officer or employee has violated or neglected duties pursuant to Title III of this Act, the Comptroller General may censure such officer or employee.

(d) The Comptroller General may refer to the Civil Service Commission for appropriate disciplinary action any apparent violation through knowing failure or neglect of a final order of the Comptroller General by any federal officer or employee.

(e) Any lobbyist who intentionally falsifies any part of a representation notice or any report which such lobbyist filed with the Comptroller General under this Act shall be fined not more than $10,000, or imprisoned for not more than 2 years, or both.

(f) Any lobbyist who intentionally violates sections 103, 104 or 105 of this Act shall be fined not more than $10,000, or imprisoned for more than 2 years, or both.

JUDICIAL REVIEW

SEC. 307. (a) The Comptroller General, or any person who is or may be covered by this Act, may institute such actions in the appropriate district court of the United States including actions for declaratory judgment as may be appropriate to construe the constitutionality of any provision of this Act.

(b) Any person required by an order of the Comptroller General to cease and desist from activities in violation of this Act and to affirmatively comply with provisions of this Act in such manner as prescribed by the Comptroller General pursuant to Section 305 may obtain a review of such order in the court of appeals of the United States, within any circuit where such activity occurred or where such person resides or carries on business, by filing in the court, within 30 days from the date of the service of such order, a written petition praying that the order of the Comptroller General be set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Comptroller General, and thereupon the Comptroller General shall file in the court the record in the proceeding, as provided in section 2112 of title 28 U.S.C. Upon such filing of the petition the court shall have jurisdiction of the proceeding and of the question determined therein concurrently with the Comptroller General until the filing of the record and shall have power to make and enter a decree affirming, modifying, or setting aside the order of the Comptroller General, and enforcing the same to the extent that such order is affirmed and to issue such writs as are ancillary to its jurisdiction or are necessary in its judgment to prevent obstruction of the purposes of this Act. The findings of the Comptroller General as to the facts, if supported by evidence, shall be conclusive. To the extent that the order of the Comptroller General is affirmed the court shall thereupon issue its own order commanding obedience to the terms of such order of the Comptroller General. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfication of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Comptroller General, the court may order such additional evidence to be taken before

the Comptroller General and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper. The Comptroller General may modify his findings as to the facts, or make new findings by reason of the evidence so taken, and shall file such modified or new findings, which, if any, for the modification or setting aside of its original order, with the return of such additional evidence. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon filing of a petition for certiorari, as provided in section 1254 of title 28, United States Code, except that such petition must be filed within 60 days of issuance of the order of the court of appeals.

(c) It shall be the duty of the district courts, the courts of appeals, and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any action instituted under this Act.

TITLE IV—GENERAL PROVISIONS

TRANSFER OF FUNCTIONS AND RECORDS

SEC. 401. (a) All rights, powers, and duties vested in the Clerk of the House of Representatives or the Secretary of the Senate for purposes of registering or controlling lobbyists or lobbying activities are hereby transferred to the Comptroller General.

(b) All documents, papers, and any and all other information in the custody or control of the Clerk of the House of Representatives or the Secretary of the Senate obtained or prepared pursuant to the provisions of the Federal Regulation of Lobbying Act or any other similar laws are hereby transferred to the custody and control of the Comptroller General.

AMENDMENTS AND REPEALS

SEC. 402. The Federal Regulation of Lobbying Act (2 U.S.C. 261 et seq.) is hereby repealed.

EFFECTIVE DATE

SEC. 403. The registration, reporting, and recordkeeping requirements of section 103, 104, and 105 of this Act shall become effective 60 days after the regulations necessary to the operation of such sections are promulgated by the Comptroller General pursuant to section 301(a) and section 303 of this Act.

SUMMARY OF THE LOBBYING DISCLOSURE ACT OF 1975

TITLE I

This act is designed to expand public disclosure of lobbying activities and expenditures of certain individuals, other than those acting with their own resources and solely on their own behalf, and organizations who communicate with the Executive Branch of the Congress in an effort to influence the policymaking process.

The lobbying activity may be directed at any action taken by the Congress with respect to the passage, defeat, or amendment of any bill, resolution, proposal, nomination, hearing, report, investigation, or other action in Congress or at any pending or proposed rule, rule of practice, adjudication, regulation, determination, hearing, investigation, contract, grant, or licensing action in the Executive Branch.

Activities which are not considered lobbying under this bill are:

1. Communications by an individual using his own resources and acting solely in his own behalf to petition for a redress of grievances, or to express his own opinions.

2. Appearances before Federal agencies or committees where the appearance or statement submitted becomes part of a public record.

3. Communications by local, State or Federal officers or employees acting in their official capacities provided they do not solicit more than 50 other persons to make a legislative or executive communication.

4. News, editorial views or letters to the editor or similar material presented by newspapers, magazines, radio or television broadcasts or books, when dissemination is to the general public.

5. Candidates for local, State or Federal office or local, State or Federal political committees.

6. Communications by a corporation or other organization or its employees with the Congressman or Senators representing their district or state.

A lobbyist would include a legislative agent retained to make executive or legislative communications; the person or organization employing the agent; the employees of any person or organization who are paid to make legislative communications when they make more than 15 in one quarter or 5 in one day; the person or organization for whom such employee works; any person who solicits at least 100 persons to make communications or contributions of $5000 or more to make such communications; and any person who solicits at least 25 persons who will be paid to make communications.

A person who falls under the definition of a lobbyist must register, file reports of expenditures and income related to lobbying. All income for lobbying is included except personal travel and lodging expenses comparable to Federal per diem expenses which do not exceed $1000 in one year.

Registration is required within 10 working days of becoming a lobbyist. As long as the lobbyist is active, reports of receipts and expenditures must be filed each quarter, or weekly if required by the Comptroller General to give a timely accountingg of activities related to a pending major issue.

Lobbyists must keep accurate records of their contacts and expenditures and their quarterly reports to the Comptroller General must include:

1. An identification of the lobbyist and the persons on whose behalf he has acted. In the case of the voluntary membership organizations, members would have to be identified only if they contribute for lobbying purposes more than 5 percent of the organization's annual budget for lobbying.

2. An identification of each decision of the legislative or executive policymaking process the lobbyist or anyone acting on his behalf attempted to influence and each Congressional or Executive Branch officer or employee with whom the lobbyist communicated.

3. A record of each oral and written communication expressing an opinion or containing information with respect to the Executive or legislative processes.

4. A copy of each written communication and a description of the procedures used by the lobbyist to solicit other persons to make executive or legislative communications and an estimate of the number of persons contacted and who engaged in lobbying.

5. The total income and expenditures of the lobbyist for lobbying.

6. An itemization of each expenditure made directly or indirectly to or for any Federal officer or employee which is over $15 within that quarter or which in the aggregate is $60 a year.

7. The amount and recipient of any contribution to a candidate for Federal office.

Section 106 of the act states that compliance with the registration and reporting provisions shall not be taken into consideration in determining for IRS purposes whether a substantial part of the activities of an organization is carrying on propaganda or otherwise attempting to influence legislation.

TITLE II

Disclosure of executive branch communications

All Federal officers or employees compensated at a rate equal to or more than a GS-15, and all other officers or employees involved in rulemaking, investigative, prosecutorial or adjudicative functions connected with any proceeding before an agency or the courts are required to record any contact with a person outside the agency which pertains to agency activities or policy issues.

The report shall include:

1. An identification of the parties to the communication.

2. A brief summary of any oral communications and copies of the written communications.

3 A brief description of action taken in response to the comunication.

The records are required to be filed in the public reading room of the agency and with any file on a pending agency proceeding to which the communication relates. Provisions are made for summarizing or deleting classified material or material from confidential sources.

No record would be required of contacts with the working press.

Records would be maintained for five years.

The agency is required to prepare a calendar of agency activities to include public hearings, commission or agency meetings, and such staff meetings, speeches, symposiums, and meetings with outside parties as the Comptroller General shall prescribe to be included.

TITLE III

Duties of the Comptroller General

The Comptroller General is directed to administer the Act. He is to prepare forms and procedures for complying with the act, to develop a cross-indexing system to identify lobbyists with issues, and make notices of representation and reports available for public inspection.

Each quarter the Comptroller General shall summarize information from the quarterly reports to describe lobbying activities related to specific legislative or executive actions and lobbying activities or persons who have an economic, business or other common interest in the actions they sought to influence.

The Comptroller General shall file these summaries and all notices of representation in the Federal Register.

Among other duties the Comptroller General shall:

1. Ascertain if any lobbyist has failed to comply with the disclosure requirements of the act or if any Executive Branch officer or employee has failed to record communications with outside parties and to promptly report such failure to that person.

2. Make audits and field investigations of failures to comply with the act on its initiative or upon any complaint by an individual.

3. Prepare reports for members of the House or Senate from materials in its files.

4. When he deems necessary and is requested by any person to issue advisory opinions as to whether a person or activity is covered by this act.

Powers of the Comptroller General

The Comptroller General is empowered to initiate or defend any civil action through the General Counsel of the General Accounting Office to carry out the provisions of this Act.

The Comptroller General is given the power of subpoena for materials or witnesses to carry out the provisions of this act.

Upon receiving a complaint or upon its own initiative, the Comptroller General may serve a complaint stating charges along with a notice of hearings within 30 days:

1. The person charged may appear and show cause why an order should not be entered by the Comptroller General to cease and desist from violations of the act.

2. If, after hearing, the Comptroller General finds a violation has occurred the violator may appeal to the United States Court

of Appeals. An order shall not become final until all appeals are completed.

3. Pending a final order the Comptroller General may seek to reach a voluntary compliance order signed by the person charged.

4. The Comptroller General also is authorized to seek injunctive relief to insure compliance with the act pending issuance of a complaint or completion of a hearing on an alleged violation.

5. The Comptroller General may petition a United States District Court to assess a civil penalty of up to $5000 when it has reason to believe that a person has violated or is violating any provision of the act.

6. The Comptroller General shall report any apparent criminal violation of the act to the appropriate law enforcement authority.

Sanctions

Among the sanctions for violations of this act are:

1. Censure by the Comptroller General of a person for violation of the registration, recording or reporting requirements of the act.

2. District Court may assess a civil penalty of up to $5000 for violation of a final order of the Comptroller General, with each separate violation considered a separate offense and each day of continuing failure to be a separate offense.

3. A Federal officer or employee who violates the requirements of Title II to log contacts with outside parties may be censured by the Comptroller General. The Comptroller General may refer to the Civil Service Commission for appropriate disciplinary action any apparent violation through knowing failure or neglect of a formal order of the Comptroller General by any Federal officer or employee.

4. An intentional violation of the registration, recording, or reporting sections of this act by a lobbyist or an intentional falsification of any filing required by the act is punishable by up to two years and $10,000.

The Comptroller General shall report annually to the Congress on activities in carrying out his duties under the Act.

By Mr. RANDOLPH:

S. 2168. A bill to amend the Clean Air Act to provide for regulation of emissions from railroad locomotives and other railroad equipment. Referred to the Committee on Public Works.

Mr. RANDOLPH. Mr. President, I introduce the Railroad Locomotive Exhaust Emission Standards Act, a bill to provide Federal regulation of air pollutants emitted from railroad locomotives, locomotive engines, and secondary power sources on railroad rolling stock. This bill was drafted by the Association of American Railroads, and I am introducing it at their request, so it may have careful consideration in the markup sessions of the Subcommittee on Environmental Pollution.

The Class I railroads of the Nation operate more than 28,000 diesel locomotives over approximately 200,000 miles of railroad lines in the 48 contiguous States. In the course of operations, railroad locomotives and rolling stock are constantly moving back and forth across State lines and in and out of countless political subdivisions. While some of the railroad locomotives may be devoted exclusively to either road haul operations or switching operations, most of them might be found in switching operations on 1 day and in line haul service the next day. The increased use of interrailroad power pools and run-through trains makes it impossible to predict or identify all of the jurisdictions in which a locomotive may operate in a given period. The locomotives of a given railroad may enter States in which the owning road does not operate.

The railroads feel strongly that as these locomotives pass from State to State, and county to county and from one city to another, they should be subject to a common standard and that there should be a consistent rationale in the formulation and implementation of those standards. Today, of course, there is no common rationale behind the varying standards established by a multitude of regulations promulgated by many Federal regulation of locomotive emissions at all.

It has been suggested that the railroads could avoid the problem posed by the multiplicity of regulations by simply adjusting the locomotives so that they would comply with the strictest standards. The railroads indicate that this is not practical, because of the extremely high cost that would be involved. Not all State and local governments are required to consider the technological feasibility of complying with their standards or the total economic impact their regulations may have on the railroad system.

While the railroads are concerned with what they consider to be unduly restrictive standards, their greater concern is with their current inability to address their problems to a single enforcement agency which employs a common standard based on a consistent policy.

Therefore, the railroads are encouraging the enactment of preemptive emission control legislation. Federal control of aircraft exhaust emissions is already provided for in the Clean Air Act. More recently, in enacting the Noise Control Act of 1972, (Public Law 92-574), the Congress has provided for Federal control of aircraft, railroad, and motor carrier noise emission standards preempting noise emission standards of States and localities.

During consideration of the Clean Air Act of 1970, the Senate included emission standards for railroads. However, that provision was dropped in the conference. The Association of American Railroads has asked that this subject, and the bill which I introduce today, be considered by the Subcommittee on Environmental Pollution during its current markup of proposed legislation to amend the Clean Air Act.

I do not consider the language of the bill introduced today to necessarily be the best approach to the Federal control of locomotive emissions. I believe that a more appropriate legislative treatment of this subject could be drafted on the basis of section 17 of the Noise Control Act of 1974, which provides for noise emission regulations for surface carriers engaged in interstate commerce by railroads. I will, however, ask that standards for exhaust emissions from railroad equipment be considered by the Subcommittee on Environmental Pollution for inclusion in this year's Clean Air Act Amendments.

By Mr. ABOUREZK:

S. 2169. A bill to amend the definition of "rural area" in the Consolidated Farm and Rural Development Act and title V of the Housing Act of 1949 in order to permit towns of 30,000 or less inhabitants to be considered rural areas for purposes of those acts. Referred to the Committee on Agriculture and Forestry and the Committee on Banking, Housing and Urban Affairs, jointly, by unanimous consent.

Mr. ABOUREZK. Mr. President, it has long been recognized that there is a sort of shifting "no-man's land" between our urban programs in housing and community and related development and our programs for rural areas. For most purposes, the Rural Development Act is aimed at communities of less than 10,000 people. This is traditionally the limit of jurisdiction for the Farmers Home Administration, which is responsible for most of those rural development activities.

The Department of Housing and Urban Development has no statutory restriction on its service area, but there are definite institutional limits. These relate to the reliance on local lending institutions in the housing field and they relate to the agency's primary focus on the problems of metropolitan areas. Thus, I think it is generally conceded that HUD programs tend to operate most effectively in the metropolitan centers and to be less and less effective in serving the needs of smaller and smaller towns. It is my view that this results in towns in the 10,000 to 30,000 population range frequently "falling through the cracks"—in terms of being too big to qualify for Farmers Home Administration programs while being small enough to have difficulty in securing assistance under HUD programs.

I believe that we should work on this problem from both directions. I think that all of our national programs and the agencies that administer them should be made increasingly responsive to the special problems and needs of smaller communities. That is why I have introduced S. 1851 to establish a Smaller Communities Administration, and it is why I am giving careful study to the present system of allocating community development block grants to see if legislative reform might be appropriate.

At the same time, I believe that the service area of the Farmers Home Administration should be expanded since that agency already has experience and familiarity with the special needs of smaller towns and has programs which are designed to meet the special problems of smaller towns. I am, therefore, introducing today a bill to amend the Consolidated Farm and Rural Development Act and the rural housing title of the 1949 Housing Act so as to extend services under both pieces of legislation to towns of up to 30,000 population.

In my own State of South Dakota, the 1970 census listed six communities in the population range of 10,000 to 30,000 and another two that were rapidly approaching that category. Those communities often find that they are unable on the one hand to qualify for Farm-

ers Home Administration assistance in, say, funding water and sewer facilities, while they find it almost as impossible to secure HUD assistance. Under this legislation, they would at least have their prospective source of aid doubled.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that a bill introduced by Mr. ABOUREZK be referred jointly to the Committees on Agriculture and Forestry and Banking, Housing and Urban Affairs.

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

By Mr. STEVENS:

S.J. Res. 112. A joint resolution to designate the third week of September of each year as "National Medical Assistants' Week." Referred to the Committee on the Judiciary.

Mr. STEVENS. Mr. President, there is in this country a large group of unsung heroes in the medical profession without whose dedication the service and quality of medical care would be considerably diminished. Medical assistants are highly trained in the skills of their profession to provide the physician with timely information and assistance in order that diagnosis, treatment, and convalescence be expeditiously and accurately carried out. A physician's job would be an impossible task without the aid of the medical assistant.

Therefore, I introduce a Senate joint resolution to designate the third week of September of each year as "National Medical Assistants' Week." With respect to the invaluable services performed by medical assistants each day, 1 special week a year is certainly worthy to show our appreciation.

I ask unanimous consent that this resolution be printed in the RECORD immediately following my remarks.

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

S.J. RES. 112

Whereas medical assistants provide invaluable assistance to the physicians of this country; and

Whereas their services help to insure that adequate medical care is available for the citizens of this country; and

Whereas recognition should be given to the devotion with which these individuals perform their duties: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the third week of September of each year is designated as "National Medical Assistants' Week"; and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups and organizations to observe that week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 3

At the request of Mr. KENNEDY, the Senator from Iowa (Mr. CULVER) was added as a cosponsor of S. 3, a bill to create a national system of health security.

S. 32

At the request of Mr. KENNEDY, the Senator from Idaho (Mr. CHURCH) was added as a cosponsor of S. 32, a bill to establish a framework for the formulation of national policy and priorities for science and technology, and for other purposes.

S. 388

At the request of Mr. CHURCH, the Senator from Mississippi (Mr. EASTLAND) was added as a cosponsor of S. 388, a bill to amend titles II, VII, XVI, XVIII, and XIX of the Social Security Act to provide for the administration of the old-age, survivors, and disability insurance program, the supplemental security income program, and the medicare program by a newly established independent Social Security Administration, to separate social security trust fund items from the general Federal budget, to prohibit the mailing of certain notices with social security and supplemental security income benefit checks, and for other purposes.

S. 613

At the request of Mr. HATFIELD, the Senator from Colorado (Mr. HASKELL) was added as a cosponsor of S. 613, a bill to prohibit the introduction into interstate commerce of nonreturnable beverage containers, and for other purposes.

S. 1479

At the request of Mr. WILLIAMS, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 1479, a bill to protect the economic rights of labor in the building and construction industry.

S. 1711

At the request of Mr. CRANSTON, the Senator from Wyoming (Mr. MCGEE) was added as a cosponsor of S. 1711, a bill to amend title 38, United States Code, to provide special pay and other improvements designed to enhance the recruitment and retention of physicians, dentists, nursing personnel, and other health care personnel in the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes.

S. 1949

At the request of Mr. CURTIS, the Senator from Ohio (Mr. TAFT) was added as cosponsor of S. 1949, a bill to amend section 103 of the Internal Revenue Code of 1954.

S. 1992

At the request of Mr. CHURCH, the Senator from Massachusetts was added as a cosponsor of S. 1992, a bill to amend title II of the Social Security Act to revise the provisions relating to automatic cost-of-living increases in benefits, and for other purposes.

S. 2001

At the request of Mr. EAGLETON, the Senator from Florida (Mr. STONE) was added as a cosponsor of S. 2001, a bill to amend title II of the Social Security Act to reduce from 20 to 10 years the period of time a divorced woman's marriage to an individual must have lasted for her to qualify for wife's or widow's benefits on the basis of the wages and self-employment income of such individual.

S. RES. 67

At the request of Mr. TAFT, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of Senate Resolution 67, concerning the safety and freedom of Valentyn Moroz, Ukrainian historian.

S. CON. RES. 29

At the request of Mr. CURTIS, the Senator from Connecticut (Mr. WEICKER) was added as a cosponsor of Senate Concurrent Resolution 29, expressing the sense of the Congress regarding the annexation of the Baltic nations.

S. CON. RES. 50

At the request of Mr. CASE, the Senator from California (Mr. TUNNEY) was added as a cosponsor of Senate Concurrent Resolution 50, relating to arms sales to Jordan.

SENATE RESOLUTION 217—ORIGINAL RESOLUTION REPORTED PERMITTING A PHOTOGRAPH OF THE SENATE IN SESSION

(Placed on the calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported the following original resolution:

S. RES. 217

Resolved, That rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the United States Capitol Historical Society to photograph the United States Senate in actual session.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

AMENDMENTS SUBMITTED FOR PRINTING

VOTING RIGHTS ACT EXTENSION—H.R. 6219

AMENDMENTS NOS. 758 AND 759

(Ordered to lie on the table.)

Mr. ALLEN submitted two amendments intended to be proposed by him to the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, to make permanent the ban against certain prerequisites to voting, and for other purposes.

AMENDMENT NO. 760

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill (H.R. 6219), supra.

AMENDMENT NO. 761

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

Mr. MORGAN submitted an amendment intended to be proposed by him to the bill (H.R. 6219), supra.

AMENDMENTS NOS. 762 THROUGH 765

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

Mr. ALLEN submitted four amendments intended to be proposed by him to the bill (H.R. 6219), supra.

AMENDMENTS NOS. 766 THROUGH 774

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

Mr. WILLIAM L. SCOTT submitted nine amendments intended to be proposed by him to the bill (H.R. 6219), supra.

AMENDMENT NO. 775

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

Mr. STONE (for himself, Mr. NUNN and Mr. CHILES) submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 6219), supra.

AMENDMENT NO. 776

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

Mr. STENNIS (for himself, Mr. TALMADGE and Mr. NUNN) submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 6219), supra.

AMENDMENT NO. 777

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

Mr. NUNN submitted an amendment intended to be proposed by him to the bill (H.R. 6219), supra.

AMENDMENTS NOS. 778 THROUGH 789

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

Mr. STEVENS submitted 12 amendments intended to be proposed by him to the bill (H.R. 6219), supra.

AMENDMENT NO. 790

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

Mr. TOWER (for himself and Mr. FANNIN) submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 6219), supra.

AMENDMENT NO. 791

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

Mr. STONE (for himself and Mr. CHILES) submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 6219), supra.

AMENDMENT NO. 792

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

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill (H.R. 6219), supra.

AMENDMENT NO. 801

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

Mr. DOLE submitted an amendment intended to be proposed by him to the bill (H.R. 6219), supra.

Mr. DOLE. Mr. President, during our consideration of the Voting Rights Act Extension, I intend to offer an amendment which would better clarify the scope of H.R. 6219 as it relates to potential litigation under the 14th amendment.

The language I propose would make certain that any suits for relief under section 3 of the act which are based on the 14th amendment be racial in origin. This would, I believe, be totally consistent with the purpose and intent of the legislation, while at the same time serve to eliminate the possibility of 14th amendment complaints which are not truly relevant.

In my view, we should continually seek to be more definitive in our drafting—thereby leaving less to interpretation by both the courts and the executive branch.

The minor refinement which my amendment contemplates would accomplish exactly that objective without either strengthening or weakening the scope of the overall act.

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

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

On page 15, line 20, strike out the word "before" and insert in lieu thereof the word "after"; on line 21, strike out the word "voting" and insert in lieu thereof the phrase: "against discrimination in voting on account of race, color, or membership in a language minority."

AMENDMENT NO. 802

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

Mr. DOLE submitted an amendment intended to be proposed by him to the bill (H.R. 6219), supra.

AMENDMENT NO. 803

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

Mr. ROBERT C. BYRD submitted an amendment intended to be proposed by him to the bill (H.R. 6219), supra.

AMENDMENT NO. 804

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

Mr. LONG submitted an amendment intended to be proposed by him to the bill (H.R. 6219), supra.

AMENDMENTS NOS. 805 AND 806

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

Mr. ALLEN submitted two amendments intended to be proposed by him to the bill (H.R. 6219), supra.

VOTING RIGHTS ACT EXTENSION—S. 1279

AMENDMENTS NO. 793 THROUGH 800

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

Mr. WILLIAM L. SCOTT submitted eight amendments intended to be proposed by him to the bill (S. 1279) to amend the Voting Rights Act of 1965 to provide a new test for releasing States and political subdivisions from the provisions of section 4 of that act, and for other purposes.

THE NATURAL GAS PRODUCTION AND CONSERVATION ACT—S. 692

AMENDMENT NO. 807

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

Mr. HELMS. Mr. President, I am today submitting to be printed an amendment to S. 692, the Natural Gas Production and Conservation Act. This amendment contains the text of S. 504, the Natural Gas Emergency Purchase Act, which I introduced last January.

THE NEED

Congress has before it many proposals to try to solve the energy supply problems in the United States. There are many views, many of them conflicting, about what is to be done. This is particularly so with regard to increasing the supply of natural gas to the consuming States where no supply is available within the State or offshore.

But even if we resolve these conflicting views immediately, there will be a time lag before new wells can be drilled and brought into production.

Meanwhile, as everyone knows, the winter season is rapidly approaching, and we will soon be faced with an emergency situation in which natural gas pipeline transmission companies will be going deeper and deeper into curtailment. Some pipelines will undoubtedly be curtailing more than others because their supplies will go down faster; some of the local distribution companies which buy their gas from the transmission companies will be curtailed more than others because of the end use to which the gas they sell is ultimately put. Instead of curtailing all users on a pro rata basis, the Federal Power Commission requires curtailment according to a set of priorities based on the end use and the availability of other forms of energy.

The situation of last winter provides a mild illustration of what we can expect this coming fall and winter. At that time North Carolina, which is served solely by the Transcontinental Pipeline Corp.—Transco—was suffering a curtailment of 42.95 percent. That created an energy shortage which went far beyond anything that alternate fuels or energetic conservation programs could correct. And, since North Carolina's industrial base has been created in the past 20 years around Transco's pipeline, there was an imminent danger of plant closings, a stoppage in production, and the like. A very important fertilizer plant at Tunis, N.C., was actually forced to close for a while. This plant produces vital fertilizer for agriculture throughout the Southeastern United States. Thus, people in other States who depend on North Carolina products were also threatened with shutdowns. More importantly, payrolls were threatened by plant layoffs.

Of course, North Carolina was not the only State that was sharply affected by curtailment. On the Transco pipeline alone, the following curtailments were in effect for part of last winter in addition to North Carolina's 42.95 percent:

Alabama—54.70 percent; Georgia—32.85 percent; South Carolina—48.19 percent; New York—21.49 percent; Virginia—31.68 percent; Maryland—31.85 percent; Delaware—31.85 percent; New Jersey—25.90 percent; and Pennsylvania—26.84 percent.

Unlike North Carolina, some of these States are served by additional pipelines,

but in most cases those pipelines were also in curtailment.

Now, by all projections, the situation this coming winter will be much worse. All estimates indicate that curtailments in North Carolina for this coming winter will exceed 60 percent. This will affect virtually every commercial or manufacturing use of natural gas in the State. Only residential use is considered to be secure. The large scale unemployment that will result from the inevitable plant closings, due to lack of natural gas, is obvious. Thousands upon thousands of employees will be out of work. Of course, the emergency in North Carolina will be repeated, in varying degrees, in other States. We cannot stand idly by while this happens.

Further, S. 692, as well as proposed amendments, would not provide the needed relief this coming winter. Even if Congress acts immediately, it will be 2 or 3 years at best before we can get relief.

THE SOLUTION

Fortunately, there is a way to get emergency gas if Congress will pass the emergency provision which I propose. It is not a long-term solution. The authority is limited to 1 year although naturally Congress may decide to extend it if the emergency is still existing. But it will bring new supplies of natural gas into the interstate pipelines almost immediately.

North Carolina, and other States similarly situated, will have a chance to get help this coming winter. It is the only way to avoid more plant closings, people out of work, payrolls ending, and critical material shortages across the country.

The principle of my amendment is very simple. Despite the nationwide shortages, there are short-term supplies of natural gas available in some of the producing States. This gas is not available in the interstate market because Federal regulations have kept the price of interstate gas artificially low. The intrastate gas has an unregulated price but this price, determined as it is by market conditions, tends to be more in line with the equivalent price per Btu for oil. At present, producers of this intrastate gas are not willing to sell it in the intrastate market because the interstate price is artificially depressed by Federal regulations and because the Federal regulations also prohibit them from withdrawing from the regulated interstate market once their gas has been committed.

There is, however, a solution. That solution is to permit the available intrastate gas to be sold in the interstate market for limited short-term periods at the normal intrastate rates. Naturally, the amount of gas made available on an emergency basis could not fill all the high priority needs that are presently in curtailment. But the availability of this gas could mean the difference between acute distress and a manageable situation.

There is no doubt that this proposal will work. The method has been tested already. It was because of a proper realization of the serious need for an increased availability of natural gas in the interstate market that the Federal Power Commission issued order No. 491 on September 14, 1973, extending its traditional 60-day emergency purchase period to 180 days. It issued this order pursuant to section 7(c) of the Natural Gas Act (15 U.S.C. § 717f(c)) which provides in pertinent part as follows:

> (The Commission) may by regulation exempt from the requirements of this section temporary acts or operations from which the issuance of a certificate will not be required in the public interest.

However, despite this action by the Federal Power Commission responding to the public interest in the availability of natural gas in the interstate market, the matter became embroiled in court litigation testing the authority of the Commission to issue such an order. On October 3, 1973, the U.S. Court of Appeals for the District of Columbia Circuit stayed order No. 491 pending final action by the Commission after receipt of the public comments on a subsequent Commission order regarding the rate at which emergency volumes of such gas would be committed to interstate pipelines.

On November 2, 1973, the Commission issued a third order in this series which reaffirmed the day emergency purchase period under section 7(c). The court stay was thus vacated. Again, on December 10, 1973, the court of appeals granted a stay of the Commission order, which stay was subsequently vacated by the U.S. Supreme Court on December 20, 1973. The matter dragged on for some time. Since the authority of the Commission to allow such an emergency purchase period was in question, the Commission subsequently took the position that it would not allow such action—though it continued to support the proposal—pending final resolution of the litigation. No such resolution having been forthcoming, on January 16, 1975, the Commission asked the court of appeals to expedite its final determination of the matter because of the drastic increase in pipeline curtailments. The Commission, of course, hoped that a final decision would reinstate its order and allow this much needed emergency purchase procedure to continue. However, on March 13, 1975, the court issued its final decision reversing and remanding the Commission order. Essentially, the court concluded that Congress had not provided the Commission with the legislative authority to allow 180 days emergency purchase periods.

Thus, a much needed, effective proposal to cope with emergency situations was brought to an end because of legal technicalities—not because it did not work, was not equitable, or was not in the public interest. It was simply stopped because of a judicial interpretation placed on section 7(c) of the Natural Gas Act. Indeed, during the brief period when the Commission order allowing extended emergency purchases was in effect, more than 172 million cubic feet of natural gas was provided in States suffering very serious curtailments. The procedure did work, and it worked very effectively.

Of course, since the only question regarding the proposal is the authority of the Federal Power Commission to implement it, Congress now has the duty to act. Congress has the authority to rectify this most unfortunate situation, and give the Federal Power Commission the authority it needs to carry out the duties Congress long ago delegated to it. That is what my amendment does.

THE AMENDMENT

Briefly, this amendment provides clarity where ambiguity has previously existed. It amends section 7(c) of the Natural Gas Act (15 U.S.C. 717f (c)) to provide that the Federal Power Commission shall by regulation exempt from the provisions of the Natural Gas Act the sale of such gas to an interstate natural gas pipeline company which is curtailing deliveries pursuant to a curtailment plan on file with the Commission and which does not have sufficient supply of natural gas to meet the firm requirements of the ultimate consumers on such pipeline system. Of course, boiler fuel consumers would not be included in this group because they can find alternative fuels. Such exemption could not exceed 180 days. However, for good cause shown the Commission could extend the original period for an additional 180 days.

Finally, the amendment provides that interstate natural gas pipeline companies that purchase such exempted natural gas shall not be denied the right to recover all or any part of the purchase price paid for such gas. In other words, the pipeline companies would be allowed to pass through any increased costs that may result from the purchase of exempted gas. And, of course, since this sale of intrastate gas is exempted from the Natural Gas Act, the producers' supplies would not become committed to interstate commerce and Federal regulation. Rather, only that portion sold under this provision would become committed to interstate commerce.

Now, one immediately raises the question of where the burden of any such increased costs will ultimately fall. I am advised that once interstate natural gas enters the State where it is to be consumed, the retail price is regulated by the various State utilities commissions. It would be up to the utilities commission in each State to determine the rate such gas shall be sold for in the retail market. Since home users of natural gas are currently receiving an adequate supply because they enjoy the highest priority level, it is possible that the increased costs may not be assigned to them, but rather it might be assigned to the industrial users who benefit from the increased availability of natural gas. However, as stated, this is a matter for the various State utilities commissions to determine.

And, of course, whatever their deci-

sion, this intrastate gas will be mixed in with lower priced interstate gas so that any price increase will be greatly diluted.

POSITIVE RESULTS

Finally, if this amendment becomes law, how much natural gas will actually be made available on the interstate market? Because of fluctuations in production levels, as well as other factors, it is impossible to respond with great certainty. However, we can examine past experience and draw some conclusions. FPC Order No. 491, et sequitor, were very successful in bringing supplies of natural gas to the interstate market that would not otherwise have been available during the 1973–74 winter season. Under these orders, there were over 500 sales made and over 172 million Mcf committed to the interstate market between September 1973 and September 1974. This includes approximately 25 million Mcf of sales made by intrastate pipelines to interstate pipelines. This was under the 180-day extended emergency purchase period subsequently held invalid by the Court.

By comparison, in the period between September 1972 and September 1973, the traditional 60-day emergency purchase period accounted for only 89 million Mcf of gas. Thus, the extension from the traditional 60 to the 180 days for emergency purchases accounted for over 80 million Mcf of additional gas. Such additional volumes on the interstate market would be of tremendous aid in eliminating at least a portion of the existing supply deficiencies and the resulting economic problems related to such deficiencies.

For Congress to clearly define the authority for the Federal Power Commission to allow such emergency sales for a full period of 180 days, with the authority to extend such period for a like term, would be a very substantial measure in protecting the environment from the abusive effects of alternative fuels, and it would greatly alleviate fears of unemployment and economic hardship.

Mr. President, I ask unanimous consent that the text of this proposed amendment to S. 692 be printed in the RECORD in full at the conclusion of my remarks.

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

Add a new section as follows:

SEC. ( ). Section 7 (c) of the Natural Gas Act is amended by inserting "(1)" after "(c)" and by adding at the end thereof the following new paragraph:

"(2) Within fifteen days following the enactment of this paragraph, the Commission shall, by regulation, exempt from the provisions of this Act the sale of natural gas not committed to interstate commerce to an interstate natural gas pipeline company which is curtailing deliveries pursuant to a curtailment plan on file with the Commission, and which does not have sufficient supply of natural gas to meet the firm requirements of the ultimate consumers on such pipeline system exclusive of boiler fuel. No exemption granted under this paragraph shall exceed one hundred and eighty days in duration, but any such exemption may, for good cause shown, be extended for an additional one hundred and eighty days. Interstate natural gas pipeline companies which purchase such gas under this exemption, or any extension thereof, pursuant to Commission regulations, shall not be denied by the Commission the right to recover all or any part of the purchase price paid for such gas.".

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 689

At the request of Mr. KENNEDY, the Senator from Maine (Mr. HATHAWAY), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Maine, (Mr. MUSKIE), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Montana (Mr. MANSFIELD), and the Senator from Indiana (Mr. HARTKE) were added as cosponsors of amendment No. 689 intended to be proposed to the bill (S. 1517), authorizing appropriations for the administration of foreign affairs, international organizations, conferences, and commissions; information and cultural exchange; and for other purposes.

AMENDMENT NO. 734

At the request of Mr. PERCY, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of amendment No. 734 intended to be proposed to the bill (H.R. 6219), the Voting Rights Act extension.

AMENDMENT NO. 752

At the request of Mr. DOMENICI, the Senator from New York (Mr. BUCKLEY) was added as a cosponsor of amendment No. 752 intended to be proposed to the bill (S. 1517), supra.

ANNOUNCEMENT OF HEARING ON "TRANSPORTATION AND THE ELDERLY: PROBLEMS AND PROGRESS"

Mr. CHURCH. Mr. President, on Tuesday, July 29, the Special Committee on Aging will hold a hearing on the efforts of the Department of Transportation and the Administration on Aging to improve transportation services to older Americans. Testimony will center on the 16(b)(2) program under the Urban Mass Transportation Act of 1965 and the rural demonstration program authorized by section 147 of the Federal Aid Highway Act of 1973. The hearing will convene at 10 a.m. in room 6226, Dirksen Senate Office Building. Senator LAWTON CHILES will preside.

ANNOUNCEMENT OF HEARINGS ON S. 1989

Mr. RIBICOFF. Mr. President, the Senate Government Operations Committee will conduct a hearing on S. 1989, a bill which would require the President to collect information from agency heads to assist the Federal Government in negotiations with oil producing countries. Senator CHILES will chair the hearing.

The committee will hear from among the following witnesses: Senator STONE, Fred C. Bergsten, Senior Fellow, Brookings, and also from representatives of the Department of State and the Department of the Treasury.

The hearing will be held on Friday, July 25, at 10 a.m. in room 3302, Dirksen Building.

ANNOUNCEMENT OF PUBLIC HEARING ON FOREIGN ASSISTANCE

Mr. HUMPHREY. Mr. President, I wish to announce that the Subcommittee on Foreign Assistance of the Committee on Foreign Relations has scheduled a hearing to receive testimony from public witnesses on the Foreign Assistance Act of 1975. The hearing will be held on July 29 at 2 p.m. in room 4221 of the Dirksen Senate Office Building.

Persons interested in testifying are requested to communicate with the committee staff without delay.

BUDGET COMMITTEE HEARING ON OVERSIGHT OF CONGRESSIONAL BUDGET OFFICE

Mr. MUSKIE. Mr. President, the Committee on the Budget will hold an oversight hearing on the Congressional Budget Office, as required by the Congressional Budget Act of 1974, in connection with the Budget Committee's responsibility as oversight committee for the Congressional Budget Office.

The hearing will be held on July 31, 1975, at 10 a.m. in room 357 of the Russell Senate Office Building.

ADDITIONAL STATEMENTS

CONSUMER PROTECTION MOVEMENT

Mr. FANNIN. Mr. President, one of my great concerns about the so-called consumer protection movement is that rather than helping the American consumer it could end up enslaving him. It appears that the well-publicized consumer advocates in our society seek not to be leaders but to be dictators. They want to establish bureaucracies which would decide what is best for American consumers, then dictate to industry what can be manufactured, to what specifications, and at what cost. There no longer would be any freedom of choice for consumers; there would no longer be freedom of the marketplace to develop new products and services; the most basic of our freedoms would be lost.

A column in yesterday's Washington Post demonstrates the determination of the so-called consumer advocates or public interest extremists to impose their will on fellow citizens.

Mr. President, I ask unanimous consent to have printed in the RECORD the Noel Epstein column, "Nader, Nader Everywhere," from the Washington Post.

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

[From the Washington Post, July 22, 1975]

NADER, NADER EVERYWHERE

(By Noel Epstein)

Ralph Nader strikes a lot of people as sometimes becoming a noodge—someone who just cannot keep out of every corner of your life, and at other times as simply overbearing. We do not lose our respect or affection for him because of this, but we certainly do reserve the right to tell him sometimes that he is not always right about everything.

At present, for example, Nader is pestering a number of colleges and universities about his large family of public interest research groups at some 140 U.S. campuses. In particular, he is noodging Pennsylvania State University to charge a $2-a-term student fee that would finance the so-called "PIRG" (for Public Interest Research Group) at that campus, even though many students have expressed no desire to pay for the group's activities.

We do not doubt the value of these groups. They spend a lot of time worrying for us about how the environment affects us, whether we are being treated fairly when we buy something, the corporate impact on our communities and other matters worthy of their research. But we do question whether students or any other group should be forced to contribute funds to these activities if they express no desire to do so.

What the Nader people have proposed, at Penn State and elsewhere, is a "negative checkoff," a device that unions have made use of to help finance political activities and one that does not reflect well on the Nader family. Under negative checkoffs, your money is first taken from you, and you then must go through the trouble of requesting a refund if you are not pleased. As the experience of organized labor shows, not too many people end up asking for their money back.

The university's trustees have rejected this compulsory fee and have favored instead a "positive checkoff." That means the school would do the job of collecting fees from all those volunteering to help finance the Nader group, an advantage enjoyed by no other organization at that campus.

As it happens, the Penn State PIRG collected signatures from about 24,000 students favoring the $2-a-term fee increase, representing a majority of the student body. But the campus PIRG has asserted, in a strange twist of democratic principles, that if a majority wants to pay this fee, the rest should be compelled to. It is almost as if they believe a Nader group can take on the proportions of a governmental body that can levy a tax on a minority that does not wish to pay it.

As reported in the Chronicle of Higher Education, a Nader spokesman charged that the trustees' decision to collect voluntary contributions for the PIRG was "tantamount to killing the program." A peculiar position, to say the least, though understandable in light of the money involved and of the Nader-Penn State relationship.

Under the compulsory fee plan, the Nader group stood to get a total of $270,000 a year before collection charges and any refunds, according to a PIRG source cited by the Chronicle, while voluntary contributions might have been as low as $10,000 to $30,000 a year. If accurate, that does not reflect a very confident PIRG view of how many students actually might end up helping them or how democratic the compulsory system would be.

At the same time, Nader has announced a series of investigations of public universities and colleges—with Penn State high on the list of those to be scrutinized on their use of funds and other matters.

It gives one a peculiar feeling, however, to have to remind the Nader family that ends do not necessarily justify means, a lesson the nation has been hearing at great length in recent years. Surely it is not a position Nader should be urging on the young, not after all we have gone through on that score.

Whatever conflict-of-interests or other revelations at the Nader group may expect to find at Penn State or any other public university, it surely cannot justify compelling some students to pay for their research and then calling it an exercise in fairness.

It represents, in fact, one of those occasions when Nader gets overbearing, a transgression we can understand and forgive but not sanction. Yes, we should not forget to put on our seat belts, and we should not go too fast. But neither should we forget the underlying principles by which we live. With these we should indeed be very, very careful.

ACCOMPLISHMENTS OF SENATOR HUGH SCOTT IN THE AREA OF LAW ENFORCEMENT

Mr. HRUSKA. Mr. President, the level of crime and violence in America continues to receive major attention by the President and the Congress. As a member of the Committee on the Judiciary, the Senator from Pennsylvania (Mr. SCOTT) has been in the forefront of efforts to improve and strengthen the system of our criminal laws. As a Member of this body, he has been vigorously active on the floor of the Senate in his support and with his votes.

Since 1968, the Federal Government has spent millions of dollars assisting States and local governments in their fight against crime. These funds have been used for riot control, for the training of law enforcement personnel and for prison rehabilitation programs. As the ranking Republican on the Senate Judiciary Committee I have long noted Senator SCOTT's efforts to strengthen these and other essential programs. I ask unanimous consent to have printed in the RECORD the outstanding accomplishments of Senator SCOTT in the area of law enforcement.

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

ACCOMPLISHMENTS OF SENATOR SCOTT

LAW ENFORCEMENT—94TH CONGRESS

Legislation

S. 1—a bill to codify, revise, and reform Title 18 of the United States Code; to make appropriate amendment to the Federal rules of criminal procedure; to make conforming amendments to criminal provisions of other titles of the United States Code.

S. 565—a bill to amend Title 28, United States Code, to provide more effectively for bilingual proceedings in all district courts of the United States.

Votes

Voted for amendment to provide for a 10-year term for the appointment of the Director of the Federal Bureau of Investigation.

LAW ENFORCEMENT—93D CONGRESS

Legislation

S. 253—a bill to provide an additional permanent judgeship for the Middle District of Pennsylvania.

S. 566—a bill to define the circumstances in which foreign states are immune from the jurisdiction of the U.S. courts and in which execution may not be levied on their assets.

S. 567—a bill to revise Title 28 of the United States Code.

S. 716—a bill to amend Chapter 235 of Title 18, United States Code, to provide for the appellate review of sentences imposed in criminal cases arising in the district courts of the United States.

S. 780—a bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor.

S. 2963—Criminal Justice Information Control and Protection of Privacy Act. Imposes certain restrictions upon the type of information which can be collected and disseminated by law enforcement agencies.

S. 2964—Criminal Justice Information Systems Act of 1974.

Amendment to S. 821—to improve the quality of juvenile justice in the United States and to provide a comprehensive approach to the problems of juvenile delinquency.

Amendment to S. 3265—a bill to establish job protection for persons serving on Federal juries.

Votes

Voted for amendment to provide additional sentences for commission of a felony with the use of a firearm.

Voted for amendment to provide mandatory sentences for persons convicted as pushers of hard narcotics who were not addicts themselves.

Voted for Victims of Crime Act of 1973.

Voted for amendment to require 75 percent of block grant funds under the Omnibus Crime Control and Safe Streets Act be given directly to States and eligible units of local government.

Voted for amendment to transfer from the District of Columbia government to the U.S. Bureau of Prisons in the Department of Justice the jurisdiction over Lorton penal institution.

Voted for amendment to require that District of Columbia Chief of Police be appointed by the President by and with advice of the Senate.

Voted for Amendments of 1973 to Federal Law Relating to Explosives.

Voted for Antitrust Procedures and Penalties Act.

Voted for amendment to set penalties for persons convicted of embezzlement of political contributions.

Voted for Convention for the Protection of Producers of Phonograms.

Voted for Extradition Treaty with Italy.

Voted for Treaty with Uruguay on Extradition and Cooperation in Penal Matters.

Voted for amendment to provide a criminal penalty for the second offense of willful black marketeering of petroleum product.

Voted for amendment to prohibit the execution of a pregnant woman.

Voted for amendment to increase the degree of proof for the aggravating factors from the standard of "preponderance of evidence" to the standard "beyond a reasonable doubt".

Voted to establish rational criteria for the mandatory imposition of the sentence of death.

Voted for amendment to bar U.S. economic aid to any government which permits the production of opium poppies and which does not effectively prevent the diversion of opium and its derivatives into illicit markets.

Voted for Comprehensive Drug Abuse Prevention and Control Act of 1970 Amendments.

Voted for Juvenile Justice and Delinquency Prevention Act of 1974.

Voted for amendment to provide for the appointment of the Director of the Federal Bureau of Investigation. Limits to one 10-

year term the period which an FBI Director could serve.

Voted to establish rules of evidence for certain courts and proceedings.

A DANGEROUS MILITARY POSITION

Mr. CHURCH. Mr. President, I have long advocated the withdrawal of the 2d Infantry Division from Korea for reasons similar to those discussed by Edward L. King in a July 1 letter to the editor of the Washington Post.

It is true that the United States is committed to assist South Korea in repulsing an armed attack but only in accord with our constitutional processes. Mr. King asks:

> How could U.S. Constitutional purposes . . . function in determining whether or not to declare war when our Second Infantry Division stationed north of Seoul would be almost immediately involved in combat in the event of an attack by either side in Korea?

I put the same question.

Once American troops are engaged, the United States will be caught up in another war, the Congress and the people notwithstanding. Why should not the 2d Division be pulled back from its position now to avoid the danger of automatic U.S. involvement in another land war in Asia? South Korea has numerical superiority which makes attack from the North highly unlikely. Mr. King says:

> The real danger to South Korea's future is the repressive regime of President Park which denies segments of the South Korean people basic human rights.

Authoritarian rule seems to be on the rise throughout the world. While in most cases there is little we can or should do, the United States can at least insure that its well-being is not threatened by involvement in the defense of dubious regimes without the consent of Congress. One place to begin insuring against that possibility is in Korea where a measured disengagement of our troops—from the front lines and ultimately from the Korean peninsula—is in our best interest.

I ask unanimous consent that the letter of Edward L. King be printed in the RECORD.

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

PERSPECTIVE ON THE MILITARY SITUATION IN KOREA

The Evans and Novak article on Korea ("Strategy for a Short, Violent War," Post June 16) is yet another in a seemingly endless number of recent factually misleading scare-stories about the gravity of the military situation in South Korea.

The situation in Korea should be looked at in a more balanced perspective. In their fascination with U.S. military operational details and portraying Kim Il Sung's inexperienced legions as ten feet tall, Evans and Novak ignore the main issues which the American people must consider in South Korea. These are the threats South Korea faces and our bona fide treaty commitments.

This year the Defense Department in stating the "threat" to South Korea said, "We believe both the PRC (Peoples Republic of China) and the USSR would see aggression in Korea as "contrary to their interests . . . North Korea could not sustain combat operations without support from one of these nations." There have not been any Soviet or Chinese military units stationed in North Korea since 1955. And recently press reports have indicated that both the Soviet Union and China have turned cold shoulders to Kim Il Sung's pleas for increased military assistance.

There is no article in the 1954 U.S.-ROK Mutual Security Treaty which requires the U.S. to keep troops in South Korea. The treaty states that in the event of armed attack the U.S. will consult with the South Korean government and then take whatever action we deem appropriate in accord with U.S. constitutional processes.

But how could U.S. constitutional processes be able to effectively function in determining whether or not to declare war, when our 2d Infantry division stationed north of Seoul would be almost immediately involved in combat in the event of an attack by either side in Korea? Evans and Novak say the division would be pulled back in reserve once the warning of invasion came. Why shouldn't it be pulled back from its position now to avoid the danger of automatic U.S. involvement in another land war in Asia that the Congress and the American people have not been consulted on or agreed to support?

Furthermore, why is a U.S. infantry division needed to help defend Seoul? The South Korean ground forces number over 612,000 men. Many of these soldiers and the one million reservists who back them up are Vietnam combat vets. These battle experienced troops that Evans and Novak inexplicably claim lack experienced officers for coordinating land-air operations, face a 450,000 man North Korean Army backed up by 900,000 reservists who have not been in combat since June 1953. Can't we assume the North Koreans have an even greater shortage of experienced officers? And it should be remembered that the more combat-experienced, numerically superior South Korean forces will supposedly be on the defensive. Under any military doctrine the North Koreans would have to be assured of at least a 2 to 1 numerical advantage to hope to launch any kind of a successful offensive against the well intrenched ROK Army.

Evans and Novak also cry wolf because the South is outnumbered in aircraft. But numbers of aircraft are relatively meaningless. South Korea is not inferior in the air, because most of the North Korean planes are old model MIG's that are no match for the qualitatively superior South Korean F-4's and F-5E's that have been furnished under the 5-year $1.5 billion U.S. military assistance grant program that is 60% delivered.

Plus the North Koreans would have to reckon with hundreds of land and carrier based U.S. fighters from Korea and Japan.

The most real danger to South Korea is not from a massive northern military attack. Such military insanity is highly unlikely ever by North Korea. The real danger to South Korea's future is the repressive regime of President Park which denies segments of the South Korean people basic human rights.

Allowing U.S. generals to dictate the strategy and command the forces for the political and military defense of President Park's martial law regime is just the kind of mixed-up military meddling that brought us Vietnam. When are our civilian and military leaders ever going to learn?

EDWARD L. KING.

FUTURE AIRCRAFT CARRIERS

Mr. TAFT. Mr. President, there has been a spate of newspaper articles in recent days on the question of future aircraft carrier designs. I note in particular an article from the Washington Post of July 23, entitled, "Navy Urged To Build Smaller Carriers," which I ask unanimous consent be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. TAFT. Mr. President, I am compelled to say that I am not impressed with the quality of the debate over future carrier size, as it has thus far been presented. We seem to be arguing over equipment size, as if it were a question in itself. In fact, in order to discuss carrier size and design logically we must step back a pace and look at the concepts involved.

The background for the increasing debate over future carrier designs is a growing awareness that we are no longer the unquestionably dominant naval power. The Soviet Union has also become a major naval power.

Soviet naval power is based on a conceptual response to the concept upon which our Navy is based. The basis of our Navy is the striking power of the aircraft. The Soviets realized that our aircraft are dependent on a comparatively small number of platforms: according to current plans, 12 aircraft carriers. The Soviet Navy is based on the concept of knocking those aircraft carriers out of action, for the duration of the battle, through a preemptive strike by antiship missiles.

The Soviets today have a very real capability to do this. But let us remember the key to their whole strategy: the fact that our aircraft are dependent on a small number of carriers. The more carriers we have, the more problems the Soviets face in planning or carrying out a strike. They know that if some of our carriers survive that first strike, the opposing Soviet warships are in serious trouble; our aircraft remain a very capable threat to the Soviet ships, sufficiently capable to give us the initiative if we have operable carriers after the Soviet preemptive strike. Thus, the best conceptual answer to the Soviet naval challenge is to increase the number of platforms—aircraft carriers—in our Navy.

What does this say to the question of future carrier design, in particular, carrier size and type? It says that since you want as many platforms as possible, and since the cost of a platform is related to its size, you want small carriers.

We must, however, make a distinction between two projected classes of small carriers. The first is a class of 50,000-ton carriers, designed for catapult aircraft and probably for nuclear propulsion. The other alternative is a class of carriers in the 20,000- to 30,000-ton range designed for VSTOL aircraft and probably powered conventionally.

The 50,000-ton class would probably not cost a great deal less than the current 90,000-ton *Nimitz* class. On the other hand, the curve of carrier efficiency rises steeply with size, so that the *Nimitz* class would probably be materially

more effective than a 50,000-ton class. In other words, it would appear that by adopting a 50,000-ton class, we would have less effective carriers. Because of the roughly equivalent cost per ship, however, we would have approximately the same total number of carriers.

The 20,000- to 30,000-ton-class VSTOL carriers should, on the other hand, be materially less costly than a *Nimitz* class. It should, therefore, be possible to have a significantly larger carrier force, in terms of total numbers of carriers, by adopting this alternative. Again, this is what we need to meet the Soviet challenge—a larger total number of platforms, of carriers.

I must note that we cannot substitute small VSTOL carriers for the *Nimitz* class on a 1-to-1 basis. We should build at least two, and possibly three, small VSTOL carriers for each planned *Nimitz* class, if we are to meet the Soviet challenge effectively.

The small VSTOL carrier is a possible alternative not only to new additional *Nimitz* class carriers, but also at least in part, to the Navy's requested strike cruiser. I ask unanimous consent that a letter I sent on this subject to the Secretary of the Navy, Mr. Middendorf, be printed in my remarks.

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

JULY 17, 1975.

Hon. J. WILLIAM MIDDENDORF II,
Secretary of the Navy, Department of the Navy, Pentagon Building, Washington, D.C.

DEAR MR. SECRETARY: In the Armed Services Procurement Conference, I have had the pleasure of reading the letter regarding the Navy's preference between the DLGN-42 and a nuclear powered strike cruiser which you sent to the Chairman of the Armed Services Committee, as well as the material attached thereto. I appreciate your taking the time to inform the Committee of the Navy's position.

Regrettably, I have problems at this time with the assessment of the Navy.

As even *Janes's Fighting Ships* has pointed out, the DLGN's appear increasingly outmoded by developments in Soviet offensive naval systems. In particular, the principal armament of the DLGN—the Tarter SAM system—is of little use against Soviet antiship missiles. To construct another of these ships would not be, in my opinion, an effective use of our defense dollars, although the possibility of converting existing DLGN's to the AEGIS system should be thoroughly explored.

Nor can I at this time support a commitment to a class of nuclear powered strike cruisers. Until the missions of this ship are clarified, and a clear relationship between the proposed design characteristics of the ship and the nature of the missions can be established, I regard as premature any such commitment.

As stated in the material you sent to the Committee Chairman, the strike cruiser is anticipated to have two missions: carrier escort and independent operation. Although it is possible that a ship such as a nuclear powered strike cruiser might be effective in these roles, and I may support initial funding for such a ship, I question whether a fundamental review of all possible alternatives would not suggest a different approach.

I question as cost-effective the use of a high-value ship for the purpose of carrier escort. As you are fully aware, we can afford but few high-value ships; and to use high-value ships in an escort role, where they contribute little offensive power to the overall fleet, does not seem an efficient use of limited resources. It is my belief that we should design escort ships to be "low-mix" ships. I would be interested to hear your views as to the possibility of designing an austere escort, incorporating only the required ASW and AEGIS capability, for this role.

As to the strike cruiser in the independent role, I fear a sad continuation of the myopia regarding the development of the Soviet Navy. For too long many did their best to ignore the rapidly developing power of the Soviets—power particularly disconcerting to some in our naval establishment because it was based on conceptual innovation, directed at the weakest points in our naval system. Now—thanks in large part to your personal leadership— the Navy is awakening to the meaning of the Soviet challenge. Unfortunately—as the strike cruiser demonstrates—the Navy's reflex response seems to be to copy the Soviets: the Soviets base a significant portion of their striking power on fast, modern missile cruisers, so the Navy seems to think it is appropriate for us to do the same.

The Navy is forgetting the point, which I must repeat and emphasize, that the Soviets *did not* copy us when they decided to build an ocean-going navy: they looked for the weak points in our approach to naval power, and sought to take advantage of them. In particular, they sought to take advantage of the fact that most of our striking power was in aircraft, and that those aircraft were dependent on ships—carriers—which were few in number and vulnerable to pre-emptive attack with medium and long-range missiles.

I believe we should copy the Soviets not in the details of their equipment but in their fundamental approach: look for the weak points in your opponent's system and take advantage of them. It would seem to me that the best answer to Soviet surface warships is not cruisers modeled on their cruisers, but aircraft. The weak point in their system is that they depend on us having comparatively few and vulnerable platforms for those aircraft.

Should we not base our answer, or at least a fundamental part of our answer, to the Soviet challenge on diversifying and thus increasing the number of our aircraft-capable platforms? There are a number of possible approaches to doing so: the one which I find most interesting, in terms of potential cost-effectiveness, is a VSTOL aircraft carrier in the 20-30,000 ton range. Improved VSTOL aircraft, possibly using the TAW wing concept, would be a priority development item for such a system.

Such a ship—which should be regarded doctrinally as a "low-mix" ship—would not only have greater capability in a sea control strike role than would the requested strike cruiser, but it would have significant capability in roles in which the strike cruiser will have no capability: projection of power ashore, long-range reconnaissance, medium-range ASW, etc. Those capabilities, in turn, will permit it to serve most effectively in the presence role. In other words, it would be capable of many independent missions, not just one.

Before I could possibly concur in supporting a full class of nuclear strike cruisers, I would require a cost-effectiveness analysis of this or a similar alternative: i.e., of a very austere AEGIS ship for the task force escort role, and a small, probably VSTOL carrier for the strike and independent missions role. I believe that the far greater capability of a small VSTOL carrier, in terms both of ability to perform any one mission and, even more, in terms of mission flexibility, could very possibly make a small carrier/austere escort program more cost-effective, and more effective militarily, than any conceivable high-mix cruiser.

Sincerely,

ROBERT TAFT, Jr.

Mr. TAFT. Mr. President, the question of future carrier designs—and designs for other types of ships as well—is one of the most important we face. New technology, such as VSTOL aircraft and nondisplacement hulls, present us with the opportunity to build a new generation Navy—a Navy that will be as different from and as superior to our current Navy as the steel navy of the 1880's was to the Civil War *Monitor* and gunboats it replaced. But we must face this opportunity squarely. We must not hesitate to deny requests for ships that fail to show adequate innovation in design. We must face the basic conceptual questions involved, and design and build the best possible ships to fulfill the mission requirements, instead of repeating ship types invented for mission requirements of 30 years ago. I believe that we, in the Congress, have a responsibility to insure that the debate be in these terms.

EXHIBIT I

NAVY URGED TO BUILD SMALLER CARRIERS

(By George C. Wilson)

The U.S. Navy must think smaller, not bigger, when it comes to building any new class of aircraft carrier, the deputy secretary of defense said yesterday.

William P. Clements Jr., in an interview after testifying before a Senate Government Operations subcommittee, said the Navy cannot afford to let carriers get any bigger or costlier than the Nimitz class under construction.

"We may see the size coming down in the years ahead," Clements said in declaring that the Nimitz class represents the "maximum size" the nation should build for the future.

Since Clements is the Pentagon's chief executive for most procurement matters, his inclination toward building smaller carriers will strengthen the hand of those within the Navy who want to steer that same course—starting with the fiscal 1977 budget, now in preparation.

The nuclear powered Nimitz, Vinson and Eisenhower—each 1,092 feet long and displacing 95,000 tons—thus could be the last of the giants. The Nimitz, according to the Navy, cost $684 million to build. The other two, under construction, are expected to run over $1 billion, not counting the airplanes that go with them.

One alternative to these giants that is now under study within the Pentagon is a ship that would take a leaf out of the Soviet navy's book by emphasizing helicopters and planes that can take off vertically or in a short space. This would eliminate the expensive and complicated launching and landing gear needed for heavier fighter-bombers on the big carriers.

The Soviet Moskva, for example, is about half the size of the nuclear-powered attack carrier Enterprise—645 feet compared to 1,123 feet—and is basically an anti-submarine ship. It carries helicopters, not attack aircraft like the Enterprise.

The rising cost of giant carriers is one reason some Pentagon and congressional leaders are predicting that the U.S. Navy is pricing itself out of the 600-ship fleet it wants for

1980. Another reason for the prediction is that Congress directed the Pentagon last year to build big warships powered by onboard nuclear plants unless the President sought a special exception.

Clements did see some daylight, saying shipbuilding costs have fallen about 12 percent since the beginning of the year because demand for oil tankers has suddenly decreased.

CAPITAL NEEDS IN THE SEVENTIES

Mr. HUMPHREY. Mr. President, the issue of future capital formation in the United States is a topic that has received a great deal of attention recently and is one that Congress must address quite carefully and critically over the next few months. Our specific task will be to decide if businesses need further tax incentives to spur capital formation, and if so, what are the most efficient and equitable tax changes to enact.

That the administration gives this area high priority was evidenced recently in Treasury Secretary Simon's appearance before the House Ways and Means Committee. Over three-fourths of his 44-page prepared statement stressed the "urgent" need to spur capital formation and business investment.

The critical question, of course, is what are the investment needs of this country, because it has to be clearly documented that we do indeed face a shortfall of savings relative to investment needs before we can justify granting further business incentives. In the recent past, the first estimate of investment needs presented, and therefore the most well-known, was the New York Stock Exchange $4.5 trillion figure for the period up to 1985. Given a maximum level of savings of $4 trillion, they concluded that the United States is facing a $500 billion capital shortage over the next decade.

Today, I wish to draw attention to a study just released by the Brookings Institution titled "Capital Needs in the Seventies." In this study, Barry Bosworth, James Duesenberry, and Andrew Carron examine the probable supply of and demand for capital in the remainder of the 1970's. Their primary conclusion is that our capital needs through 1980, though large, will be manageable in an expanding economy with a growing capacity to supply savings. Or, as they put it quite succinctly—

> Our answer is that we can afford the future, but just barely.

It should be noted that the authors' objective was not so much to forecast what will actually happen as to "provide a basis for judging both the implications of the fiscal and monetary policy decisions that will have to be made in the next few years and whether existing investment programs and public expenditure policies have already overcommitted resources."

Their major estimates were summarized as follows:

> The estimates indicate that with normal growth and without unusual sacrifices the economy will be able to meet the capital demands that can reasonably be projected for the remainder of the decade. At the same time, very careful fiscal management will be required to avoid a capital market crunch or a renewal of inflationary demand pressures (on top of the cost-push that is likely to persist for several years).
>
> Our projections suggest that once the economy returns to a full employment growth path the rate of capital formation should exceed the rates achieved during the 1960s in relative as well as absolute terms. Gross private domestic capital formation for 1980 is projected at 15.8 percent of the gross national product, about the same as the average for the 1950s and for the year 1973, but well above the average for the 1960s.
>
> Business investment as a percentage of GNP is expected to be higher than in the 1950s, but the share going to residential construction is expected to fall off. Two million housing starts a year (exclusive of mobile homes) will meet the national housing goal while absorbing a declining share of a rising GNP.
>
> The projected rise in business investment, though not spectacular, implies a significant shift in the long-run direction of fiscal policy. At full employment, private investment is likely to exceed private saving; accordingly, a full employment surplus rather than a deficit will be appropriate.

In estimating that the share of total output devoted to private investment will rise to about 16 percent in 1980, if all the objectives are met, they were quite thorough. I mean by this that not only did their projections include a large number of costly programs in energy production, pollution abatement, mass transportation, housing, and raw material processing, but they also took into account anticipated offsetting reductions in needs in other areas: the growth of educational expenditures may be slowed due to the end of the postwar baby boom; the near completion of the Interstate Highway System; and a slower expansion of demand will reduce capital needs in the consumer goods industries.

An important part of their conclusion that we can "afford our investment needs" is their assumption about stabilization policy. Since the rise in the personal saving rate over the last decade is not projected to continue, and only a modest rise in the share of output going to profits is anticipated, private saving will fall slightly short of investment needs. This means that "a significant shift toward larger Government budget surpluses and an easier monetary policy is needed."

This, I feel, is a critical point in their analysis for it certainly is open to serious questioning. Given the present forecasts on unemployment and growth rates through 1980, their assumption that budget surpluses will be instrumental in alleviating a capital shortage just does not seem justified.

As I see it, this is the fundamental weakness of their optimistic conclusion of no serious capital shortage. For in order to have a "significant shift toward larger government budget surpluses," they make many optimistic assumptions which at this point seem to have no chance of being borne out. For example, they assume that the economy will return to a full employment growth path shortly. They also employ the base case assumption that a 4 percent unemployment rate will prevail in 1980. They acknowledge this in the last paragraph of their study:

> This study is based on an assumed rapid return to low levels of unemployment in the United States.

These criticisms do not negate the value of the study. They do imply that the Federal budget surplus they cite as necessary would have to be quite large if current forecasts of relatively high rates of unemployment through 1980 are accurate. I seriously question whether such surpluses will be forthcoming in such a short timespan.

Undergirding their broad conclusions is a wealth of information concerning claims on output in the 1970's and the financial market implications which would be very useful to those interested in the issue of capital formation. The study was done by highly competent economists, who simply ran into the problem of conducting most of their analysis before both the energy crisis arrived in full force and the 1974–75 recession. This, however, only affects the magnitudes involved and not the general thrust of the study. I would highly recommend it as one of the major thorough analyses of future capital formation done in the past 2 years.

Having said that, however, there is a need to examine this question in much more detail before we take any action on this issue. I believe at least the following questions ought to be answered.

First. To what extent are the capital projections inflated?

Second. How can private savings be increased so that this can be a source of funds for further investment?

Third. What tax changes would be most effective in stimulating private investment?

Fourth. What are the investment policies of other countries?

Fifth. To what extent has the current recession undermined business profits and investment?

These questions deserve further review and I have instructed the Joint Economic Committee to develop studies on investment needs. I will report these findings to my colleagues as they become available.

FAIRNESS DOCTRINE: "VAGUE, DANGEROUS"

Mr. HRUSKA. Mr. President, it long has been my belief that the broadcast media—radio and television—in this country should be entitled to full first amendment rights. Because of certain regulations promulgated by the Federal Communications Commission and certain laws passed by the Congress, broadcasters have been denied the rights which other segments of the press in America take for granted.

Among the restrictions on the broadcast press, is the so-called "fairness doctrine" which discriminates against the broadcast media and interjects the hand of the Federal Government into the

operations of this element of the Nation's press.

To help achieve a fully free press in this country, I have introduced a bill, S. 1178, which strives to free the broadcast press from the oppressive regulations and laws that now bind it and make it less equal than the printed press.

Among other things my bill would repeal the so-called "fairness doctrine" and do away with the present law prohibiting the advertising of cigarettes and "little" cigars on radio and television.

Several years ago, the Congress, in response to questions about the dangers of smoking, banned cigarette commercials from the airwaves. It did not ban the manufacture or distribution of cigarettes nor did it ban cigarette advertising from other types of media—newspapers, magazines, or billboards.

It is my opinion that the law unfairly discriminates against broadcasting and is yet another example of the violation of broadcasters' first amendment rights.

The excuse was given at the time that a ban on TV and radio cigarette commercials would lead to a reduction in consumption of these tobacco products.

This is certainly not the case.

A scientific study recently conducted by James L. Hamilton of the Department of Economics, Wayne State University, is very revealing in this regard.

Mr. Hamilton set out to determine how a total ban on cigarette advertising would affect cigarette consumption.

In Mr. Hamilton's words:

> As concern has grown over the hazards of cigarette smoking to public health, a feeling also has grown that advertising of a potentially hazardous product should not be permitted. Indeed, some persons have felt that one way to curb smoking was to curb cigarette advertising, which they believed stimulated cigarette consumption. In many countries, governments have acted to ban cigarette advertising in one form or another. My inquiry, then, has focused on the effectiveness of such advertising bans as a means for reducing cigarette consumption. Is an advertising ban an effective tool of public policy for reducing cigarette smoking in order to reduce the smoking-related health hazards? Has advertising actually been an inducement for increasing cigarette consumption? I have examined cigarette consumption in various countries that have imposed a government ban on cigarette advertising. I have tried to gauge the effects of those bans in order to offer some generalizations about their usefulness as a means of reducing cigarette consumption.

I think my colleagues would be interested in knowing that after studying evidence from the United States and several foreign countries, Mr. Hamilton has concluded that the evidence shows "advertising bans in the broadcast media have had virtually no effect on per capita consumption."

He adds:

> On the basis of my studies, I could not recommend that any public health agency spend its time advocating a government ban on cigarette advertising.
>
> The arguments for banning cigarette advertising seem based largely on assumptions and anecdotes about advertising and on undocumented assertions about the effects of advertising on the consumption of other products. Certainly these form an uncertain basis for proposing or enacting public policy. The evidence that cigarette smoking is related to the incidence of disease is fundamentally statistical evidence. Similarly, the evidence that cigarette advertising increases smoking (and that a ban would decrease it) must be statistical. My study did not find such statistical evidence: perhaps my study is inaccurate. But, without such evidence, a public health agency that decided to advocate a ban would risk wasting its resources on an ineffective policy.

It should be noted that Mr. Hamilton's study was funded in part by the American Cancer Society.

Obviously, then, the law prohibiting the broadcasting of cigarette commercials should be reviewed. The evidence suggests that the ban is ineffective and only harms the radio-TV industry. It does nothing to help the people of America.

My bill would repeal this ban on cigarette commercials and help restore some of the first amendment rights that have been denied the broadcast press. This restoration would be one step along the path to freedom for radio and television.

Mr. President, I ask unanimous consent that an address by Mr. Hamilton given to the third World Conference on Smoking and Health, which was held in New York City on June 3, 1975, entitled, "The Effect of Cigarette Advertising Bans on Cigarette Consumption," be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HRUSKA. Mr. President, there has been an increasing amount of comment on the wisdom of the so-called "fairness doctrine."

One of those who sees the dangers in the continuation of this repressive dictum is Steven J. Simmons, assistant professor of law at the University of California, Irvine.

In an article entitled "Fairness Doctrine: 'Vague, Dangerous,'" in the June 11, 1975, edition of the Los Angeles Times, Mr. Simmons comments:

> In the case of broadcast journalism . . . the traditional First Amendment strictures against government interference in editorial decision-making have been cast aside. In fact, the fairness doctrine impels the federal government to thrust itself into broadcast journalism's decision-making process.
>
> But does not the public's right to hear and see a robust and diverse discussion of public issues over the limited number of broadcast frequencies justify such intrusion? If the fairness doctrine actually performed its intended function, the answer might be yes. Unfortunately it does not.
>
> In fact the doctrine contains not only the potential for partisan abuse but also serious operational flaws.

I heartily concur with Mr. Simmons' observations on this point.

In order that my colleagues might have the benefit of Mr. Simmons' arguments in this regard, I ask unanimous consent that his article be printed in the RECORD.

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

FAIRNESS DOCTRINE: "VAGUE, DANGEROUS"—PARTISAN ABUSES THREATEN BROADCASTERS' FIRST AMENDMENT RIGHTS

(By Steve Simmons)

The fairness doctrine—a Federal Communications Commission requirement that radio and television stations present both sides of controversial issues—has long been the center of controversy itself. Broadcast journalists have complained that the rule inhibits their work and that the government uses the rule to infringe on their First Amendment rights.

There is little doubt that the doctrine has been abused—but the extent of government twisting of the rule is only now becoming clear.

Partially because it unleashed Spiro Agnew and partially because its relations with the press in general were always so stormy, the Nixon administration has come to be identified with assaults on broadcasters' rights.

While this perception is certainly accurate, it is also true that John Kennedy and Lyndon Johnson attempted to suppress criticism of their administrations through use of the fairness doctrine.

In a recent magazine article, Fred Friendly, former president of CBS News, alleged that Kennedy aides, utilizing the fairness doctrine, harassed radio stations into dropping right-wing editorials and into granting pro-Kennedy spokesmen free time in which to reply to those already aired. The Johnson administration apparently followed suit with an attempt to keep pro-Goldwater sentiment off the air during the 1964 presidential election.

Friendly says that one Democratic Party staff member who was involved in the 1964 election told him that the harassment effort netted the Johnson campaign more than "1,700 free radio broadcasts." Even more significant, however, was the staff member's assertion of "the effectiveness of this operation in inhibiting the political activity of these right-wing broadcasts."

Though the actions of the Kennedy and Johnson administrations were blatant infringements on broadcasters' First Amendment rights, they were still less chilling than those contemplated by some Nixon aides. One document released during the Watergate probe, for instance, revealed that White House assistant, Jeb Stuart Magruder, proposed that more pro-Nixon programming be obtained by having the FCC set up an "official monitoring system" to prove television network bias.

Former FCC commissioner Nicholas Johnson has also charged that Nixon aides forced a popular talk show to interview a proponent of the administration's controversial SST program by contending it was the only manner in which the station's fairness doctrine obligations could be met.

Taken as a whole, these and similar cases suggest one crucial conclusion: The fairness doctrine, well-intended as it may be, must either be modified or abolished altogether. Simply stated, the doctrine, which was written into law by Congress in the Communications Act of 1959, consists of two requirements: (1) broadcasters have an affirmative obligation to air controversial issues of public importance; (2) stations must present opposing sides to such issues.

The doctrine differs from equal-time requirements for political candidates in that both sides of a given issue must be presented with reasonable balance—but precisely equal air time is not necessary.

Such federal regulation is needed because there are a limited number of frequencies to be allocated to the many applications for broadcast licenses. Thus, licensees become, in a sense, public trustees and may not selfishly broadcast their own views to the exclusion of others.

In the case of broadcast journalism, however, this means that the traditional First Amendment strictures against government interference in editorial decision-making have been cast aside. In fact, the fairness doctrine impels the federal government to thrust itself into broadcast journalism's decision-making process.

But does not the public's right to hear and see a robust and diverse discussion of public issues over the limited number of broadcast frequencies justify such intrusion? If the fairness doctrine actually performed its intended function, the answer might be yes. Unfortunately it does not.

In fact, the doctrine contains not only the potential for partisan abuse but also serious operational flaws. Here are a few:

The FCC requires that the totality of a licensee's programming be balanced, and not any one show. But how many people who see a 7:30 p.m. broadcast of one side of a controversial subject will see a 10 p.m. presentation of the other side—especially if it occurs weeks or months later? Both audiences received only one side of the issue. Even if a complaint is filed over a one-sided program, by the time the FCC can order an airing of the other side the issue may be well resolved.

How does one define a controversial issue of public importance, and precisely how much balance is really necessary? The FCC refuses to delineate these issues and, thus, broadcasters are left in a tenuous and insecure position.

Enforcement of the fairness doctrine is really up to the public. If a citizen sees or hears a fairness violation, he or she must report it to the station and, if no satisfactory response is forthcoming, to the FCC. But, though there are over 7,000 television and radio stations in the United States, the FCC received just 2,400 fairness complaints in 1973. Only 94 of them resulted in rulings against the licensees.

Under the doctrine, a station which cannot secure a commercial sponsor for the airing of an opposing viewpoint must provide the time free. This can be extremely costly, since a station's only source of revenue is the sale of air time. In addition, if a fairness complaint is filed the legal costs to a station can run into tens of thousands of dollars. Such costs can actually discourage a station from airing controversial issues, the first objective of the fairness doctrine.

The Supreme Court recently ruled that measures like the fairness doctrine cannot be applied to newspapers, but in 1969 upheld the rule's application to broadcasters. Yet in many cities newspapers are far more scarce and exercise far more influence over the marketplace of ideas than do television or radio stations. Should print journalists be entitled to constitutional protection denied their electronic brethren?

Thus, the fairness doctrine is a two-edged sword. While it does prevent broadcasters from continuously spewing forth one-sided propaganda, it does so by infringing their First Amendment rights and generating a host of other problems.

Elimination of the fairness doctrine would certainly be one solution to this dilemma, but since it still enjoys wde support in Congress, such a move is unlikely. A useful intermediate step, therefore, would be a change in application.

The FCC might, for instance, review a station's compliance with its fairness obligations only when its license is up for renewal every three years instead of every time a complaint is made. Such a change would significantly lessen the day-to-day governmental pressures on broadcast journalists and eliminate most of the economic hardships that complaints impose on individual stations. It would also eliminate the hypocritical contention that requiring a later broadcast of an opposing viewpoint really ensures fairness.

Broadcast journalism has become too vital a factor in America's political life to allow it to labor under so vague and dangerous a regulation as the current fairness doctrine. In fact, it may be time for the nation to ask itself whether the public interest is really served by denying to broadcasters those First Amendment rights which have served Americans all so well so long.

EXHIBIT 1

THE EFFECT OF CIGARETTE ADVERTISING BANS ON CIGARETTE CONSUMPTION*

(By James L. Hamilton)

I. INTRODUCTION

I am reporting today on a statistical study of cigarette consumption and cigarette advertising. My purpose has been to estimate how a total ban on cigarette advertising would affect cigarette consumption. As concern has grown over the hazards of cigarette smoking to public health, a feeling also has grown that advertising of a potentially hazardous product should not be permitted. Indeed, some persons have felt that one way to curb smoking was to curb cigarette advertising, which they believed stimulated cigarette consumption. In many countries, governments have acted to ban cigarette advertising in one form or another. My inquiry, then, has focused on the effectiveness of such advertising bans as a means for reducing cigarette consumption. Is an advertising ban an effective tool of public policy for reducing cigarette smoking in order to reduce the smoking-related health hazards? Has advertising actually been an inducement for increased cigarette consumption? I have examined cigarette consumption in various countries that have imposed a government ban on cigarette advertising. I have tried to gauge the effects of those bans in order to offer some generalizations about their usefulness as a means of reducing cigarette consumption.

My investigation was able to draw on a variety of different experiences from different countries. In Italy the government has banned all forms of cigarette advertising since 1962. Australia will have phased out all cigarette advertising by the end of 1975. The most common public actions, however, have had less scope. Usually, governments have banned cigarette advertising only on radio or television. In some countries, such as Switzerland, Sweden, and Norway, advertising has never been permitted in the broadcast media. My study drew on this variety of experiences.

It would be interesting to predict how cigarette consumption would be affected by a complete ban on all forms of cigarette advertising. Unfortunately, Italy is the only country that has had such a total ban. Generalizations about the effects of a total ban could not be based on the experience of a single country. Consequently, my study mainly could predict only the effects of broadcast advertising bans. Even so, it appears that the broadcast media are by far the most effective means of advertising such products as cigarettes. Accordingly, the effect of a ban on broadcast advertising probably would exceed the effect of a ban on other forms of advertising. The only way to predict the effect of a total ban would be, first, to gauge the effect of broadcast advertising bans and, then, to extrapolate from those effects to predict the effect of a total ban.

As I proceed, I shall first review some previous studies of cigarette advertising relating to the experience in the United States. Then I shall report on my study of the various advertising bans in other countries. Finally, I shall offer what generalizations I believe can be drawn about the usefulness of advertising bans as a means of promoting public health.

II. CIGARETTE ADVERTISING IN THE UNITED STATES

Several studies have been made of cigarette advertising in the United States. These have revealed little consumer sensitivity to advertising. Some researchers could find no solid evidence that advertising had influenced per capita cigarette consumption at all. Other researchers did find a positive effect, but it always was very small. In a statistical study of U.S. cigarette consumption, I found that two other factors had a much greater influence on cigarette consumption than did advertising.[1] First, the large increase in personal income appeared as the single most important influence. The second major influence was the growing public awareness of the connection between smoking and disease. While rising incomes tended to increase consumption, the awareness of health hazards tended to decrease consumption. By comparison, advertising appeared as a rather minor influence.

If advertising has had so little influence on cigarette consumption, why have the profit-seeking cigarette companies spent so much money advertising their cigarettes? Economists generally have concluded that cigarette advertising in the U.S. has been a competitive weapon that companies have used to divide the cigarette market: it has not been used as a means for expanding the cigarette market. Certainly, each company advertised in the hope of expanding the market for its own brands, and hence it own profits. But, since all of the companies advertised, their competitive advertising has been offsetting. No particular company was able to get any large competitive advantage from its advertising. Once all the companies advertised, each had to advertise, just to protect its sales and profits. Total cigarette consumption was but little augmented by this advertising. The competitive advertising of rival brands to capture the consumers' dollar has not increased the total number of dollars consumers have spent for cigarettes.

These studies have but one implication. Since cigarette consumption has not been increased much by advertising, then consumption would not be reduced much if advertising were banned.

With this presumption in mind, let me now turn to my study of advertising bans in various countries.

III. ADVERTISING BANS AND CIGARETTE CONSUMPTION

For the purpose of this study, I have measured cigarette consumption for each country as the annual per capital cigarette consumption by adults. For each country, this simply was the total number of cigarettes consumed in a year divided by the total population aged 15 years or older. Presumably, the greater was per capita cigarette consumption, the greater the incidence of smaking-related diseases, and the lower was the public health of the country. Conversely, the lower was per capita consumption, the better was public health. Consequently, one could consider the public health to have been improved *only* if per capita adult cigarette consumption *actually was reduced.*

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*This study was supported in part by a grant from the American Cancer Society. The viewpoints and conclusions in this paper are my own and do not in any way represent the views of the American Cancer Society.

[1] James L. Hamilton, "The Demand for Cigarettes: Smoking, Health, and the Advertising Ban," *Review of Economics and Statistics* (1972).

The first question to be considered, then, is this: Have the governmental bans on broadcast advertising of cigarettes reduced per capita cigarette consumption? To answer that question, I examined the time series of per capita consumption for a group of 11 developed countries. The 7 European countries were the United Kingdom, France, West Germany, Switzerland, Italy, Sweden, and Finland. In addition, I examined Canada, Japan, New Zealand, and Australia.

It was clear that broadcast advertising bans have not reduced consumption. In those countries, the long-term trend in per capita consumption has been upward. In some of these countries the government ban on advertising did initially reduce consumption; but these reductions were strictly temporary. Within one or two years following the ban, per capita consumption again rose, and the long-term upward trend resumed. In other countries, however, the advertising bans did not reduce consumption even temporarily: the long-term upward trend was not even interrupted by the bans. Furthermore, several countries never had any broadcast advertising of cigarettes. Even so, the long-term trend in those countries also has been upward. No particular differences were noticeable between the trend in countries that had cigarette advertising and the trend in countries that did not.

All of these observations are consistent with the implication of the earlier studies, namely that cigarette advertising is not a particularly important influence on per capita cigarette consumption, and that, accordingly, advertising bans would not cause any permanent reductions in consumption. In fact, in the countries I examined, per capita consumption did not decline even a little as a result of the cigarette advertising bans.

The conclusion, then, is that advertising bans have not been responsible for any improvement in the public health. If the public health goal is to *reduce* per capita consumption, then advertising bans offer little or no hope as a policy to achieve that end.

There is, however, a second question to be considered. Even though advertising bans have not actually reduced per capita consumption, one might ask whether cigarette advertising bans have at least slowed down the long-term upward trend. Would per capita cigarette consumption have increased even more in the absence of the advertising bans? Perhaps the bans have kept the public health from being worse that it might have been. In that more limited sense, the cigarette advertising bans might have made a kind of contribution to the health of the public.

To make such an investigation required some assessment of what per capita consumption would have been without the advertising bans. We are interested in knowing what the difference was between actual consumption and what it would have been otherwise. Such an analysis has two aspects. First, one must consider all of the other things that cause per capita consumption to be larger or smaller. In general, economists have expected per capita consumption to be greater as a result of growth in personal income, price reductions, and advertising. Likewise, they have expected consumption to be smaller as a result of declining income, price increases, and growing awareness and concern about the health consequences of smoking. When all of these influences on consumption are considered simultaneously, one recognizes that an advertising ban might have had a negative effect on consumption, but that this effect was outweighed by the other influences pushing consumption upward. My analysis has attempted to sort out the various influences on consumption and to isolate the effects of advertising and bans on advertising. Second, the only way to accomplish this sorting is through statistical techniques. For those who are interested in the particular techniques, I used multiple regression analysis (which economists call "econometrics"). This technique simultaneously could consider the influences of income price, and health awareness, as well as advertising. These factors together determine the actual changes in per capita cigarette consumption. This statistical technique could sort out the relative importance of each factor. In the process, this sorting also could isolate the effect of the advertising bans.

This statistical technique was used in two different ways to estimate what per capita cigarette consumption would have been and what effect the advertising bans have had.

IV. ANALYSIS OF INDIVIDUAL COUNTRIES

The first approach was to examine each country individually. Of the eleven countries in my group, in seven the government had taken some action to restrict cigarette advertising. Usually, this was a ban on advertising in the broadcast media. For each of those seven, the statistical techniques were used to sort out the relative importance of income, price, awareness of health hazards, and the advertising ban.

A major difficulty in my research was that I did not have data on the actual amount of advertising in these countries. In my study of the United States, I was able to obtain such data and to examine directly the relative importance of advertising. But, for these other countries, I was not. Consequently, the influence of the advertising itself was not sorted out and isolated. The best I could do was to sort out the relative importance of the advertising bans.[a]

I discovered very litle evidence that the advertising bans have, in general, slowed down the long-term trend per capita consumption. In the United Kingdom, Italy, and New Zealand advertising was banned prior to 1965. Yet, in those countries, after taking into account all of the changes in income, price, and awareness of health hazards, the statistical analysis did not show consumption to have grown more slowly as a consequence of the bans. In Canada, West Germany, and Japan advertising was not banned until 1970 or later. In those countries, advertising bans were associated with a somewhat slower rate of growth in consumption. The same slowdown was observed in Italy and the United Kingdom, however, immediately after the bans in those countries. But, per capita consumption there continued to grow: over a longer period of time the growth does not seem to have been slower as a consequence of the advertising bans. In New Zealand the ban had neither temporary nor long-term effects. The experiences in Italy, New Zealand, and the United Kingdom indicate a strong possibility that the slowdowns will not persist in Canada, Japan, or West Germany. Ten years after the bans in the later countries, consumption growth may not have been slower than otherwise as a consequence of the bans.

Furthermore, in the statistical analysis, the estimated effects of the advertising bans emerged as statistically valid in only 30–40 percent of the cases. Moreover, in about half of those cases, the effect of the advertising ban seemed to be to increase consumption, rather than decrease it. That, of course, contradicted common sense.

What the statistical techniques have revealed, in general, is that the advertising bans have had a very weak impact on the growth in cigarette consumption. This is the reason the statistical techniques often failed to isolate the advertising bans as statistically valid and often produced illogical results. While per capita cigarette consumption may have increased at a somewhat slower rate immediately following the advertising bans, across a longer time span consumption growth was not perceptibly slower. The conclusion seems to be that the advertising bans have not slowed down the upward trend in per capita consumption. If there was a long-term slowdown, it was so small as to be imperceptible.

V. COMPARISONS OF COUNTRIES WITH AND WITHOUT ADVERTISING BANS

The second approach was to compare countries. Countries that had banned broadcast advertising were compared to countries that had not. They also were compared to countries that had never had broadcast advertising. The goal was to see whether the trends in per capita consumption were different among those countries. Has consumption grown more slowly in those countries with advertising bans in the broadcast media than in those that have not banned it? Has consumption grown more slowly in those countries that never have permitted broadcast advertising? The same statistical methods were used, only they were applied to the data for groups of countries, rather than to the data for each country individually.

What I discovered by this group approach was not substantively different from what I discovered by analyzing the countries individually. Income and the awareness of health hazards emerged as the most important influences on per capita cigarette consumption. The effect of the advertising bans seemed even weaker than in the preceding approach. In almost no case were the estimated effects of the advertising bans shown to be statistically valid. Again, if advertising bans did cause cigarette consumption to be lower than it otherwise would have been, the effect certainly was very small.

VI. CONCLUSION

In conclusion, is an advertising ban an effective policy for reducing smoking in order to improve the public health? Have advertising bans in the broadcast media been sufficiently effective that countries could further improve the public health by banning all cigarete advertising in all media? For those concerned with the adverse public health consequences of smoking, the goal must be to reduce per capita cigarette consumption. In my study, I have examined the data for several countries that have banned broadcast advertising of cigarettes. This evidence revealed that such advertising bans in the broadcast media have had virtually no effect on per capita consumption. Certainly these bans have not actually reduced consumption. There is very little evidence that

[a] Without data on the advertising variable, the statistical model of cigarette demand was misspecified. Two approaches were used in estimating this misspecified model. First, advertising was dropped as a variable in the model, and the model then was estimated directly, including corrections for autocorrelation. Second, advertising was retained in the model until the reduced form of the model was obtained; then the advertising variable was dropped. The second approach was possible because in the model advertising was specified as a variable with a distributed lag. By retaining the advertising variables, the reduced form retained all of the lag variables and lost only the current advetising variable. The estimating equation was nonlinear in the parameters of the model. For the model of cigarette demand used and the method of obtaining a reduced form, see J. Hamilton, "The Demand for Cigarettes: Smoking, Health, and the Cigarette Advertising Ban," *The Review of Economics and Statistics*, November 1972.

the bans have even slowed down the long-term upward trend in consumption. Consequently, extending such bans to all other media would surely have equivalently small effects on consumption. I must conclude that a policy for eliminating all cigarette advertising offers almost no hope of reducing smoking and improving public health.

From my statistical analysis of consumption, the single most important influence generally was income. Certainly it would not seem plausible to curtail personal income in order to reduce smoking! While price did not seem to be a substantial influence, cigarette prices have declined relative to the prices of other goods. Since high prices generally discourage consumption, a policy to increase tobacco taxes would keep the prices relatively high. The most important factor discouraging cigarette consumption has not been the ban on cigarette advertising. Rather, it has been the growing public awareness of the potential health hazards of cigarette smoking. The major episodes in this evolving awareness occurred in the early 1960's, with the publicity given to the major scientific reports connecting disease with smoking. In my statistical studies, these episodes seem to have reduced cigarette consumption considerably below what it would have been in the absence of the publicity.

The most effective policy for reducing per capita cigarette consumption seems to be to continue to increase public awareness of smoking hazards. No other influence on cigarette consumption offers any hope as a means for exerting strong downward pressure on consumption. Income growth cannot be halted. Price seems to have little effect. Advertising does not seem to be an important influence. Only the public awareness of health hazards remains. And the only apparent means of further raising public awareness is through educational campaigns. That conclusion sounds trite. Nonetheless, it seems to be the only means of exerting strong pressure on cigarette consumption. In my statistical studies, it was the only important factor depressing consumption.

If agencies concerned with public health intend to spend money, time and emotional resources to enact government policies to reduce per capita cigarette consumption, then advocating an advertising ban would not seem to be the most effective use of those resources. Rather, that energy and that money could be used to advocate the allocation of government funds to support public educational programs that would increase the public awareness of the health hazards. My perception is that such educational programs generally have received meager funding. Certainly their impact must be proportional to the funds they have. On the basis of my studies, I could not recommend that any public health agency spend its time advocating a government ban on cigarette advertising.

The arguments for banning cigarette advertising seem based largely on assumptions and anecdotes about advertising and on undocumented assertions about the effects of advertising on the consumption of other products. Certainly these form an uncertain basis for proposing or enacting public policy. The evidence that cigarette smoking is related to the incidence of disease is fundamentally statistical evidence. Similarly, the evidence that cigarette advertising increases smoking (and that a ban would decrease it) must be statistical. My study did not find such statistical evidence: perhaps my study is inaccurate. But, without such evidence, a public health agency that decided to advocate a ban would risk wasting its resources on an ineffective policy.

MILES LABS CALL ARAB BLUFF

Mr. CHURCH. Mr. President, the administration is encouraging American corporations to establish business operations in Arab countries. These Arab countries often require as a condition of doing business that American firms comply with the Arab economic boycott of Israel. Such a boycott is directly contrary to U.S. policy as expressed in U.S. law. As the attached article demonstrates, it is encouraging to know that Miles Labs, of Eckhart, Ind., adheres to principle and refuses to go along with the boycott.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the article by William J. Drummond of the Los Angeles Times entitled "Miles Labs Call Arab Bluff."

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

ISRAEL OPERATIONS FLOURISH—MILES LABS CALL ARAB BLUFF

(By William J. Drummond)

HAIFA, ISRAEL.—For more than a decade, the Arab economic boycott has been directed against Miles Laboratories Inc., of Eckhardt, Ind., the big pharmaceutical company.

"We just do not do any business at all in the Arab countries," says an official of Miles, which boasts of operations in 140 other countries.

The Arab world is a big and potentially lucrative market for such Miles consumer products as its new vegetable protein food line, which is being developed as a meat substitute. The boycott has effectively squeezed Miles out for over 10 years, except for a trickle of covert trading.

"The company had the option in 1966 to get off the list—by liquidating all operations here in Israel," the Miles spokesman says, "but the company made the decision to cope with it."

Miles Laboratories has, in fact, annually been calling the boycott's basic bluff that Arab economic power can cripple a major company. The American firm has been continually expanding investment in Israel—and making a profit at it.

The boycott, backed by the 20-nation Arab League, has become a prominent factor in international business life, especially since the 1973 war when the Arabs discovered their economic clout with the oil embargo.

Two days after the outbreak of the war, Miles Laboratories phoned Israel to announce that the company had approved a new project in the country, and currently a $5 million investment is being made in a citric acid plant on Haifa Bay.

The reasons why Miles has been able to buck the boycott provide insights into the limits of Arab economic power as well as the strengths of the Israelis.

Miles is not a Jewish firm.

Instead it seems to be motivated by a mixture of the Protestant ethic and the spirit of capitalism.

"By their deeds ye shall know them," declared Miles president George W. Orr, Jr., quoting the New Testament at the recent dedication of a new Miles facility in Jerusalem.

"Of all the places I visit, there is no question that the most exciting one, the one that has the most profound impact on me, is Israel," he said. "It has to be true that one of the great, incredible happenings in all the history of mankind is that a people could sustain a goal, a purpose—generation after generation—and achieve that goal by taking this abused land and transforming it literally into a land of milk and honey.

"Not only have you transformed it, but at the same time you have had to defend it."

For the president of a firm that last year had sales of $386 million—roughly half of which derived from international operations—to make such a pro-Israel statement is remarkable indeed.

The more usual practice nowadays, observed Jerusalem Post economics specialist David Krivine, has been for companies to compete feverishly for petrodollars in such a way as to outboycott the boycott in a frenzy of ingratiating salesmanship.

"Petrodollars are all the rage," he said, but to compete for big business deals in the wealthy Persian Gulf states, the businessman requires the so-called negative certificate of origin, testifying that his firm has "no commercial, industrial and or any other relations with Israel."

The direct impact of the boycott on Israel is virtually impossible to calculate in dollars and cents.

Total foreign investment in the Jewish state in 1972 was $150 million. In 1973, the year of the war, it fell just below $100 million. Last year, it was $70 million, less than half the prewar level.

"The boycott has only marginally affected investment," says Commerce and Industry Minister Haim Bar-Lev.

He attributes the fall in investment to economic recession in the West and to "our high military mobilization rate . . . This atmosphere is not the best for investment."

Bar-Lev separates the foreign companies affected by the boycott into three groups.

First, a number of small and medium-sized companies choose not to do business in Arab countries. Second, large firms, such as Miles Laboratories, are aware of the boycott but choose to ignore it, and third, there are companies "who give in to blackmail," Bar-Lev says.

"The companies who do not give in to the boycott do not necessarily lose," the minister adds.

In the Six-Day War of 1967, Israeli troops advancing to the banks of the River Jordan found packets of Alka-Seltzer, the flagship of the Miles consumer products line, on the shelves of Jordanian drugstores.

Carloads of Alka-Seltzer are reportedly smuggled to the Arab world via Kuwait every year.

Miles Laboratories was the first major American company to begin operations in Israel under its own name in 1962.

It now operates two subsidiaries—Nutrition Products (Miles), Ltd., and Miles Israel, Ltd., both in Haifa—and two joint ventures, Ames-Yissum, Ltd., in Jerusalem and Miles-Yeda, Ltd., in Rehovot.

The total sales of the Israel-based enterprises last year was $11.66 million, $8 million of which was derived from exports. These enterprises employ 350 persons, about 30 per cent of whom are professionals—scientists and engineers.

The products range from citric acid and vegetable protein foods to serums and medical diagnostic systems.

A vivid illustration of how Miles operations succeed despite the Arab boycott is the joint-venture firms Ames-Yissum, which manufactures medical kits that test thyroid functions in the body.

The firm is owned 60 per cent by Miles and 40 per cent by the Hebrew University of Jerusalem.

It has earned a profit in every year of operation since it began in mid-1969. Last year,

it did $2.2 million in sales and shipped its products to 30 countries.

The effect of the Arab boycott on the sales of the medical kits is negligible, says an Ames-Yissum official, "because, in the Arab countries, medicine is not sophisticated to the degree that these kits would be required.

"The modern world needs them more than the semideveloped world."

On the other hand, the main advantage that Miles derives from operating in Israel is access to low-cost, advanced scientific research resources.

At its disposal are the best minds at Hebrew University—the junior partner in the Ames-Yissum concern—the Weizmann Institute, which is a partner in Miles-Yeda, and the highly regarded Israel Institute of Technology, called the Technion, which collaborates with the Haifa concerns.

For example, practical ideas and innovations with economic potential from the campus of Hebrew University are channeled to the laboratories of Ames-Yissum. The marketing experience and other expertise of the parent Miles company then translates the professors' ideas into money-making products.

The salary of research scientist with a doctorate here is $10,000 a year which, Miles spokesmen say, is about one-third of that in the United States.

It is this reservoir of cheap, trained manpower that is Israel's special advantage, company officials say. The Arab countries, for all their wealth, cannot duplicate it.

"You cannot overleap the process of building scientific and technical human infrastructure. You cannot push a button and get 20 engineers," an Israeli manager of a Miles enterprise says.

"If there are no alternatives for the Arabs, they buy from Miles. They do not love us for it, but this is a fact," the manager says.

"This trade, however, is covertly carried out through middle men and nobody knows how much trade with the Arabs has gone on under the table."

The Miles experience has demonstrated that Israeli operations can be profitable. However, government officials here are determined to counter the boycott directly.

An office has been created of "adviser to the government on matters concerning economic warfare."

Commerce Minister Bar-Lev says: "I definitely think we could mobilize important economic parties that could create a counterpressure."

In other words, he is saying that any company yielding to the Arab boycott could be subject to a Jewish boycott.

The continual need for trained scientific researchers can always be met in Israel and at costs much lower than in the United States, Miles officials say.

They point to statistics that show there are more research scientists per square mile in Israel than in any other country in the world. There was more scientific literature generated in Israel than that produced by all the laboratories in Africa and South America combined.

AUGUST RECESS RESOLUTION

Mr. TAFT. Mr. President, it was my decision to vote against the resolution to declare a congressional recess during August.

The No. 1 problem facing our Nation today is the energy crisis; yet the Senate has wasted the entire summer debating the disputed election in New Hampshire. Unfortunately, the pending bills on the subject are wholly inadequate. Apparently, the Democratic majority thinks it is more important to seat John Durkin than it is to take action to save thousands of jobs in Ohio and throughout the Nation.

I am deeply concerned over the failure of Congress to act responsibly in the energy field. From every report I have received from Ohio, I believe that this winter could see the closing of many large plants across the State because of the natural gas shortage. Yet, in spite of this warning, the Senate majority refuse to end the lengthy New Hampshire matter and send that State's issue back to the State electorate where it belongs.

The simple fact of the matter is that the Nation can no longer afford the continuation of congressional inactivity. As of this date, Congress has not acted on natural gas deregulation; Congress has not completed action on the energy tax bill; Congress has not completed action on oil stockpiling; Congress has not completed action on standby energy controls; Congress has not completed action on amendments to the Clean Air Act; and the list goes on and on.

I believe that we should consider as many of these bills as possible and send them to the President before we adjourn for any recess.

NATIONAL ECONOMIC PLANNING

Mr. HUMPHREY. Mr. President I am greatly heartened by the widespread favorable response to the planning bill that Senator JAVITS and I introduced earlier in this session.

It is increasingly obvious that this great Nation cannot be allowed to flounder continually. We need much greater capability for long-range planning and much better information for policy guidance. That is what the bill is supposed to do and it does it on a democratic basis with full participation by the public and the Congress.

Recently there came to my attention an excellent editorial from the Des Moines Register entitled, "National Economic Planning." I consider this to be an accurate and perceptive explanation of the bill and the basic reasons for adopting such a program.

I commend to your attention, Mr. President, and to my colleagues this interesting editorial and 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:

NATIONAL ECONOMIC PLANNING

National economic planning is attracting more attention these days than it has since the Great Depression of the 1930s. Senators Hubert Humphrey and Jacob Javits have introduced a bill to establish federal machinery for designing and adjusting a plan to serve as a guide for both private and public economic decision-makers.

The reason for the renewed interest in planning, of course, is the failure of government and business to cope satisfactorily with the recission, unemployment, the energy shortage and the related problems of transportation, housing, etc.

The Joint Economic Committee of Congress held hearings on the subject in June. Earlier, the Fund for New Priorities in America held a congressional conference on long-range economic planning in a free society. Senator John Culver of Iowa was the prime mover of this conference.

Both conferences revealed a surprising breadth of support for the idea of national planning from business leaders, labor union executives, government officials and others. It is fair to say, after reading the statements, that a consensus has been reached in these circles for a new step toward more rational employment of economic resources.

The first big move toward guiding the American private economy to full employment was the Employment Act of 1946. This was a plan for using the fiscal and monetary powers of the federal government flexibly to counteract economic recession and inflation. It was the American version of Keynesian economic theory in practice.

In the last 30 years the deliberate creation of federal deficits to stimulate economic expansion has become routine. Even so conservative a president as Gerald Ford did not hesitate to plan for and recommend a huge budget deficit to try to pull the economy out of the recession.

The counterpart policy of budget restriction and monetary restraint to fight inflation also has been followed most of the time—but with less enthusiasm. Now the economic tools of the 1946 act seem inadequate to cure the unemployment disease or to stop inflation. For the first time, economic policymakers in the industrialized world are confronted with recession in output and jobs at the same time as inflation roars ahead.

This has led such business chieftians as Henry Ford II and such labor leaders as Leonard Woodcock of the United Auto Workers to agree with such bankers as Robert Roosa, partner in Brown Brothers, Harriman, that the time has arrived for national economic planning.

The Scandinavian countries, France and Japan have been most successful among democracies in trying to develop national economic planning. They are seeking to do by democratic means what the Communist countries do by coercion—and do it more effectively, for there is an inescapable loss in productive efficiency under a coercive system. In the "indicative" (democratic) planning systems, business firms are not compelled to fulfill plan objectives. But government tries to furnish various incentives to the steel industry, for example, or petroleum refining to adjust capital expenditures and output plans to the national plan.

This is fully compatible with the planning which big business organizations carry out on their own. The Humphrey-Javits bill would attempt to fit and shape individual industry plans into a rational plan for the whole economy.

Under Humphrey-Javits, an Economic Planning Board in the Office of the President would design a national economic plan. The board would be aided by a public-private national advisory committee and would seek the "active participation of state and local government and private sector organizations. This planning work would be supervised by a council made up of cabinet officers and other leading economic officials.

When a plan was prepared and agreed to by the president, it would be sent to Congress for debate and modification. Finally, Congres if it agreed, would pass a resolution on a plan to be transmitted to the president.

The plan might again be adjusted by the president and the revised plan approved or rejected by Congress.

Ultimately, the agreed plan would serve as a guide for budgeting in the government. Every agency head would have to show the consistency of his proposed budget with the national plan. Private planning would be voluntary, but the national goals would be valuable guideposts for business planning.

The whole idea of planning appears to be anathema to the Ford administration. In agriculture, where planning has been working reasonably well for many years under several administrations, the system has been dropped. Agriculture Secretary Earl Butz does not believe in using the acreage adjustment, commodity loans and other instruments of the 1973 farm act for stabilizing prices and supplies. Instead, he preaches a sort of primitive "free market" philosophy and shuns any government effort to interfere.

But the Ford administration is alarmed and even attempting some planning in the field of energy. The crisis in the oil business may move Ford and other anti-planners in the direction of the Humphrey-Javits bill, even if food and agriculture problems do not.

The free market is fine when it is free. But when it is dominated by such giants as the OPEC cartel and huge blocs of business and union labor economic power, then a stronger government hand in coordination, setting objectives in the public interest, seems more and more attractive.

Indeed, many of the business men who have admired the planning efforts in Japan and Europe believe national planning here is essential to the survival of the private-enterprise, capitalist system. Certainly the persistence of 9 per cent unemployment moves people to seek desperate remedies.

The cooperation of private sector economic institutions with the national government is a non-radical, non-ideological procedure for making modern economic systems work better for agreed national objectives.

DESPITE RECESSION, PRICES STILL GOING UP

Mr. HUMPHREY. Mr. President, a New York small businessman recently felt compelled to purchase several very expensive column inches of advertising space in the New York Times to vent his anger about the impact of inflation.

Mr. Joseph Kipness, proprietor of Pier 52 Restaurant, has found, like so many others, that abating inflation has left us with no panacea. As I have emphasized many times in recent days, the administration's lack of responsiveness to the true supply-cost-profit push pressure has contributed greatly to the persistence of inflation while people lose jobs and real earning power.

Since the CONGRESSIONAL RECORD does not sell advertising space, and his message is so important, I ask unanimous consent that Mr. Kipness' open letter to President Ford be printed in the RECORD.

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

OPEN LETTER TO PRESIDENT FORD!

To the President:

Whenever you're on TV I make it my business to hear what you have to say.

I listened with great interest to last week's address and was particularly elated when you stated that inflation in the United States is now over. I rushed over to my Pier 52 Restaurant and happily told the manager that we'd soon be lowering many of the prices on our menu. It was the most genuine touch of optimism I'd felt about the economy in many a month, but alas it was short lived.

I phoned my various purveyors and one by one they informed me that they had indeed heard your speech but that as far as they could see the fact is that prices are still very much on the rise.

With all due respect, sir, I must say I don't know whom to believe—or what to do. By way of example—"Lulu the Lobster," a fabulous 4½ pounder priced at $21, is a big favorite with my customers:

I've been determined to hold the price line on "Lulu" but my supplier tells me the price of lobster can only keep going up in the months ahead.

Frankly, Mr. President, like many other American businessmen, I'm a bit confused.

Yours respectfully,

JOE KIPNESS.

SENATOR STAFFORD URGES THE PRESIDENT TO SIGN S. 66

Mr. STAFFORD. Mr. President, President Ford has before him S. 66 the Nurses Training Act and Health Revenue Sharing Act and because of its impact on health care in this country, I would urge that budgetary problems be put aside and the bill be signed.

Previous Nurse Training Act legislation has produced many benefits for my State, Vermont, through special project grants, school construction, and student financial assistance. Vermont depends heavily on Federal moneys for its 3 schools of nursing and more than 650 nursing students.

For example, the Nurse Training Act of 1971 established a special project grant for curriculum development for the University of Vermont School of Nursing's baccalaureate program. A special project grant made possible the nursing school's family nurse practitioner program, especially important to Vermont's rural areas.

At Castleton State College in Castleton, Vt., nurse training funds through a special project grant provides for a study for increasing the number of qualified nurse practitioners.

Nurse Training Act funds in part provided for the construction of the Lyman S. Rowell building for nursing and allied health services at the University of Vermont.

Another significant area where Federal moneys have served nursing education well in Vermont is in the area of student financial assistance. Nearly 29 percent of the university's 480 nursing students received Federal aid during the 1974–75 school year. The assistance was not enough, however, because there was $48,623 in unmet requests for aid.

The university's school of nursing received $67,337 in capitation grants in 1974–75. These grants have been essential to hire faculty, expand programs, and increase enrollments.

Vermont, like many other States, needs this Federal support for nurse training programs in order to develop quality education and improve health services for its citizens.

This bill also provides support for 12 important health services programs. It is a major health bill. Failure of its enactment could have a major negative impact on health care in this country. I urge the President to sign it.

CONFERENCE ON SECURITY AND COOPERATION IN EUROPE

Mr. MUSKIE. Mr. President, next week leaders of 35 nations will meet in Helsinki to sign a document which has resulted from 2½ years of negotiations at the Conference on Security and Cooperation in Europe—CSCE. These negotiations have been supported enthusiastically by the Soviet Union, but from the point of view of the participating Western nations, the Conference results are mixed at best. A succinct analysis of the Conference appears in the latest issue of Newsweek, "Cold War to Cold Peace," by Alfred Friendly, Jr. of Newsweek's Moscow Bureau. Mr. Friendly formerly served as counsel to my Subcommittee on Intergovernmental Relations, and I have the highest respect for his analytical ability, his judgment, and his sense of history. His recent article is a concise and cogent presentation of the complex issues of European security, and I ask unanimous consent it be printed in the RECORD.

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

COLD WAR TO COLD PEACE

(By Alfred Friendly, Jr.)

Unless some last-minute hitches crop up, leaders of 35 nations will soon converge in Europe to sign what amounts to an ersatz peace pact, a document that defines the boundaries of post-World War II Europe 30 years after the fact. Couched in the elusive language of diplomats, the document, written to the specifications of the Soviet Union, declares Europe's frontiers inviolable, but says they are amenable to peaceful change. It abjures the use of force, but does not rule out the threat of force. It pledges nonintervention in the internal affairs of the signatories, but does not specifically forbid interference in such affairs. Finally, it endorses "respect for human rights and fundamental freedoms," subject, however, to respect for local laws and traditions, which may limit such rights and freedoms.

All this delicate compromise reflects the work of Eastern- and Western-bloc delegates to the Conference on Security and Cooperation in Europe (CSCE), a 30-month-old negotiating marathon now drawing to a weary close. The delegates are aiming for ratification of the principles of the security conference at a gala summit in Helsinki beginning July 30. But even as the summit preparations begin, many Westerners are wondering just how much security they have won. Was so much time and effort really necessary to declare a formal end to the cold war, only to inaugurate what a British commentator calls "the cold peace"?

The Russians seem to be taking great pleasure in the document formalizing the

CSCE. Never mind that it is a nonbinding agreement that one U.S. negotiator calls "a masterpiece of weasel-wording"; it still goes a long way toward assuaging Soviet insecurity. As Russian officials see it, the CSCE agreement in Helsinki will confirm their hegemony in the socialist bloc. Equally important it will promote Moscow's image as a good neighbor to the confrontation-weary democracies of the West.

While Moscow derives that psychic bonus from the summit (the largest gathering of heads of state since the Congress of Vienna sought to freeze the European status quo 160 years ago), the West earns some benefits as well. From the beginning it has linked its support of the CSCE to Russian support for negotiations to reduce military forces in Europe. So far the mutual, balanced force reduction (MBFR) talks in Vienna have been stalemated. But once the Helsinki summit concludes, Western diplomats say, progress at the MBFR talks will become the "acid test" of the Soviets' sincerity on détente.

Loopholes: The Westerners also hope that "basket three"—the section of the CSCE negotiations dealing with humanitarian issues—can be made into an "aspirational code of conduct" for Russia. The hitch is that the language of the agreement is riddled with loopholes. As it stands, basket three requests countries only to "look favorably on" applications to reunite families and to "encourage" accords for the international distribution of printed matter. Thus, while the West may have scored a theoretical point by insisting that cooperation between East and West had to include freer movement of people and ideas, in practice basket three proves relatively empty. For instance, although it grants Western journalists visas good for multiple trips in and out of the Soviet Union, it does not guarantee Russians any better chance than they have now to read what those journalists write.

Nevertheless, there is some possbility that the Western nations will use the "code of conduct" as a test of Soviet compliance with the concepts of CSCE. "Even though we're not getting a legal document," explained one American diplomat, "this puts human-rights issues on the permanent agenda of East-West relations. I think there is a real prospect of public protests if the Communist states systematically violate what some in the West regard as a significant set of guidelines for international behavior."

Secrecy: Despite such optimism, however, the CSCE has to be reckoned a one-sided Soviet success. On the much ballyhooed agreement over advance warning for military maneuvers, it is hard to see how 21 days advance notice of major troop maneuvers can protect Romania or Yugoslavia from an oversolicitous Soviet interest in orthodoxy in the socialist camp. Nor, in the age of spy satellites, does volunteering such information make a great breach in the Soviet penchant for secrecy.

Explaining that penchant to visitors, Georgi Arbatov, a senior Politburo adviser on U.S. affairs, alludes to centuries of Russian isolation among hostile neighbors and justifies secrecy as a weapon of self-defense. But such rationalization only begs the standard question about Moscow's policy: how far does the West have to go in accepting the Soviet Union on its own terms before winning reciprocal acceptance of the Western status quo? CSCE seems to embody the Soviet principle that what's ours is ours and what's yours is negotiable. MBFR may force Moscow's hand more clearly, but no "charter of European relations" will put much of a brake on its drive for self-assertion. "The only thing you can be sure of about the follow-up to CSCE," says a cynical European ambassador, "is that Brezhnev will launch a new peace offensive as soon as he's tucked this one under his belt. The Soviets think they can talk the West into a sense of security because the message they're putting out is what we want to hear. Often, I'm afraid they are right."

It may be just an irrelevant historical note, but Russia, Austria and Prussia followed the Congress of Vienna by forming the Holy Alliance and appealing to Christian rulers to live as brothers and preserve the peace in Europe. A British statesman dismissed this as "sublime mysticism," but the alliance did serve as a justification for Czar Alexander I to offer his troops for use in conflicts as far from home as Italy. Now 160 years later, the "troops" may be local Communist activists in Italy or Portugal, but it seems entirely possible that the Russain interpretation of brotherhood is unchanged.

EFFORTS TO SAVE FRANKFORD ARSENAL IN PHILADELPHIA

Mr. HUGH SCOTT. Mr. President, I have today drafted a letter to the Philadelphia Inquirer, and I ask unanimous consent to print this letter in the RECORD.

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

DEAR EDITOR: I reject Mr. Ewart Rouse's entirely inaccurate references to me in his July 3 story regarding the U.S. District Court's decision to turn down the request of the Pennsylvania Congressional delegation which asked that the Arsenal be kept open.

The saving of the Arsenal—the saving of jobs at the Arsenal—has been an abiding and active commitment of mine since the initial announcement by the Department of Defense November 23, 1974, of its intentions to shut down the Arsenal.

This concern has not been one of cheap politics, and I deeply resent Mr. Rouse, in a so-called "news story," giving credence to Congressman Eilberg's charge that the latest setback in these efforts is my "fault." Throughout these many months I have worked closely with Mr. Lewandowski, head of the Arsenal Employees Union, and union members in every way possible to keep the Arsenal from being closed.

Mr. Lewandowski and the union members know how hard I have been working on their behalf, and how hard I continue to work on their behalf. I would appreciate the opportunity in your newspaper to set the record straight.

First of all, on the very day of the Pentagon's initial announcement, I immediately called both Secretary of Defense Schlesinger and then-Secretary of the Army Callaway to personally advise them of my opposition to the closing.

On November 29—just six days after the announcement—I arranged for Mayor Rizzo, Senator Schweiker and myself to meet with President Ford and Secretary Callaway at the White House. At that time, we presented a proposal by the City of Philadelphia to construct a new facility. Since that meeting I have had personal conversations with the President, Secretary Schlesinger and the Secretary of the Army in an effort to express my strongest hopes for a favorable decision on the Arsenal.

Over the years I have had numerous meetings with members of the Congressional delegation to weigh all avenues which we might pursue in our mutual desire to retain the Arsenal. All of these discussions took place with full knowledge and consideration of Mayor Rizzo's efforts to achieve a favorable decision.

I personally contacted the Comptroller General to express my support of an audit by the General Accounting Office to determine the acceptability of procedures used by the Defense Department in deciding that the Arsenal should be closed. The GAO decision, regrettably, stated that the Army's plans were in compliance with proper procedure.

Following this, at my request, the Chairman of the Senate Armed Services Committee, Senator John Stennis, and the Ranking Minority Member of that Committee, Senator Strom Thurmond, agreed to conduct a study to determine if the Army was violating the so-called "Arsenal Act" in planning to phase out the Arsenal. During the period of that study, then-Secretary Callaway agreed to my request to delay plans to close the Arsenal pending outcome of the Senate Armed Services Committee study.

Senators Stennis and Thurmond, after an investigation, advised me that under existing law, the Act would not be violated by the closing of the Arsenal.

Then, I joined the Congressional delegation in supporting the union workers' lawsuit to block the closing, and I have agreed to join any appeal to a higher court the union workers wish to pursue.

I am greatly disturbed that the Inquirer has failed to report these efforts which are in the interest of saving jobs and instead says that I am somehow at "fault."

The fault truly lies with those members of Congress who voted to cut defense appropriations. It is a fact that defense installations cannot be cut without cutting jobs.

I voted against cuts in defense spending. The final defense appropriations bill for FY 1975 was approved at a level of $4.3 billion less than the President's budget request of $87 billion. One of the most vocal critics of my efforts is Congressman Eilberg, who is on record as having wanted to slash the defense budget by an additional $2.2 billion.

I am proud of my efforts to save Frankford Arsenal. I am proud of my voting record which is for jobs in the military. I believe that I have led the fight to save the Frankford Arsenal in Philadelphia. I will continue to lead the fight, the demagogues notwithstanding, and I am grateful to your newspaper for giving me the opportunity to document the facts.

THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, opponents of the Genocide Treaty have stated that once the treaty is ratified, the United States would be obligated to prevent or suppress genocide wherever it appears in the world. They seem to be concerned that the United States would have to take on the responsibility of a watchdog for international human rights.

This is not so. In fact, the convention only obligates contracting parties to prevent and punish genocide in their own territory. This would of course go along with the human rights laws already in effect in this country.

Article VIII of the Genocide Treaty provides means by which the appropriate organs of the United Nations may be called upon by any contracting party to prevent and suppress acts of genoside. Clearly, it is not the responsibility of the United States to prevent genocide in other countries. However, the

treaty does offer us an appropriate channel to voice our complaints concerning other countries.

Once again it becomes obvious that the Genocide Treaty is a document that closely resembles the ideals and laws of this Nation. In no way does it contradict any of the American goals, it only complements and offers added strength to them. However, until the United States ratifies this treaty, the world will always be able to question the sincerity of our Government. Therefore, I once again call upon my colleagues to ratify the Genocide Convention without further delay.

THE SPIRIT OF VMI

Mr. HARRY F. BYRD, JR. Mr. President, Virginia Military Institute, throughout its long history, has inspired intense loyalty among its students and its alumni.

Having attended VMI myself, I may not be in a perfect position to make an objective appraisal, but I have long felt that the admiration felt for this institution by its student body and graduates is well deserved.

Recently the VMI class of 1960 held its 15th reunion. On that occasion, an address saluting the spirit of VMI was delivered by John B. Cary, a member of that class, an attorney for the Federal Communications Commission and a vice president of the Capitol Hill Chapter of the Reserve Officers Association.

Mr. Cary ably summed up the feelings of those who have been associated with VMI. I ask unanimous consent that the text of Mr. Cary's speech be printed in the RECORD.

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

THE SPIRIT OF VMI

The theme of my few remarks tonight has something to do with self-appraisal. And, as I was thinking about what to say, I began to wonder whether I shouldn't take a hard look at myself, and see how much I had changed. And I began to wonder even more . . . whether I was the same person at all as I was when I was a cadet. So I started at the logical place: my body. I got out my old coatee and began to put it on. I buttoned a couple of buttons; I got down to about three, maybe four; and I stopped. I couldn't go any further. For the sake of completeness, however, I fastened my collar, and then I turned around and looked in the mirror. And that gave me my answer: I'm one hell of a lot different than I was back then. There's no getting around it. And I was wondering how much we'd all changed . . . how much, indeed, we have left of what we were when we were cadets.

Looking at our familiar faces, I see us still in our blouses and white ducks, and drinking beer out of milkshake cups. Yet, almost fifteen years have passed since we tossed our shakos in the courtyard that June day in 1960. And, since then, it has been a long and sometimes an uphill road for all of us in many ways.

This reunion is a good time to take stock of ourselves, both as individuals and as a class. We have been out of VMI long enough to have gained some degree of perspective, but not to the point that we're unable to put it to use. So let's take a moment to recall who we once were; examine ourselves to see who we are now; and look ahead to consider who we perhaps may become.

We have attained, hopefully, a fair amount of success as others see us, and we will undoubtedly go on to accomplish more. But success is far more than outer appearances, and it results from far more than luck. We have learned by now that the goals we set are often harder to win than they appear. And also, that getting there is more than half the fun.

But we know we can win these goals through the process of continuing inner growth. And that growth, in turn, comes from considerable and wisely directed effort. I believe each of us is seeking self-fulfillment according to his lights, and is progressing in his quest.

We certainly can't credit VMI entirely for that. Wives, parents, teachers, friends and native attributes have all played their part in fashioning what we are tonight. And of course, after we had graduated, we soon found we were very much on our own.

Nevertheless, the years we spent here left their mark. They unquestionably gave us a solid foundation for lifelong intellectual development. And more, perhaps in spite of ourselves, they gave us at least three rare and lasting qualities of character. We can be thankful for that. For intellect without character is useless; or, worse, as recent events in Washington have reminded us, potentially dangerous.

First, we gained self-reliance in the development of our sometimes latent resources. For the giants of the modern philosophy of individual achievement have nothing on the wisdom of Stonewall Jackson. If only by osmosis, the enduring truth of his maxim, that you may be whatever you resolve to be, was branded on our souls just as it is chiseled above the Arch. Otherwise, we could not have become the full-fledged alumni we first aspired to be. And, might I add parenthetically, how many others have taken paragraphs attempting to say what Jackson did so succinctly, and not said it nearly as well?

But Jackson was plainly not referring merely to external labels. Rather, his statement must be viewed in light of the whole man concept with which VMI has traditionally imbued—or should I say beaten into?—its sons. Naturally enough, as cadets few of us understood its full meaning. But now, some years later, perhaps we have come to realize that this thought is probably the single greatest secret of success. Stated another way, it says you can do it if you really think you can. It tells us if we believe in ourselves, we haven't begun to discover the depth of our potential. And that we should pursue our own brand of excellence, and are limited only by the extent of our horizon and the strength of our determination.

Next, we learned perseverance in the face of the adversity we must all inevitably confront. The spirit we learned as cadets is our way of life, for we are a fiercely proud lot, and we do not quit. And that spirit is no less real for all its curious elusiveness of definition. We have the courage to endure with equanimity the hardships that come our way, and the strength to react gracefully under pressure. By facing those challenges unflinchingly, we gained the wisdom to recognize undreamt of opportunities and blessings.

And, finally, the concepts of duty and honor were woven into our everyday lives. We do what we say we will do without fail, and our word is our bond. We do not shirk the hard right for the easy wrong. We do what we know to be the right thing, in the very best way that we can. And we do it when it needs to be done, even under severe adversity. We know the consequences of adhering to mediocrity, and that our rewards are usually commensurate with our contributions. Hence, we go the extra mile, and we go it honorably and well with that "energy, efficiency and reliability" for which our alumni are rightly noted. For considering the demands VMI placed on us, how could it possibly be otherwise?

Colonel Dillard once said how sad it was that, for some, their cadetships would be the high point of their lives. That hasn't been so for us. When we left the Institute, we didn't leave behind what we learned there. Rather, I trust, we have applied that knowledge along whichever paths we have chosen to travel. And this even though we perhaps couldn't define what we were applying, or weren't even conscious of the process. In so doing, we found we were able to meet life on our own terms. To us, then, graduation was but one more step in our self-development. The company gathered here tonight bears living testament to that fact.

These are but some aspects of our splendid heritage. With that heritage we can control our destinies. And that is power—and responsibility—of an awesome degree. What use we make of it is up to us. Let us guard it jealously, for the qualities we possess by its virtue are no ordinary ones, at least in these times.

Let us never change in respect to those attributes. For that is the best reason for being here tonight: to remember the qualities we earned here, and to replenish our supply if need be. For these qualities will take us wherever we want to go.

Yet there is a part of us that will never leave the barracks. That, too, is all to the good. Time has healed the wounds of our cadet days with a film of more-or-less pleasant memories. And that mystic VMI syndrome, once contracted, is delightfully incurable. For we have gained yet something else from VMI: the unique privilege of belonging to the finest fraternity in the world. The price of admission was damned stiff, and it included bruised egos and butts. I think most of us believe the rewards we earned were worth the price.

That fraternity is not limited to our Class. It includes all who admire and love VMI, as well as those who wore the gray. It is a treasure of incomparable value, of which this reunion is but a symbol. And we stand together, both as members of our Class and of our alumni body. Let us gladly help those who need it, and welcome the counsel and friendship of those who offer it. For such loyalty will enrich our lives in ways not immediately apparent; and that richness will grow with the passing years.

I'll close with two wishes and some thanks. First, let each of us return five years hence. And second, Godspeed til next we meet.

Thank you for being yourselves. You are the finest people I know. God bless you.

MAINE'S FISHING INDUSTRY

Mr. MUSKIE. Mr. President, a recent issue of the Thomas Business Review, published by Thomas College of Waterville, Maine, is devoted to issues of concern to Maine's fishing industry. I ask unanimous consent that the articles in this issue be printed in the RECORD: "The Fishing Industry in Maine," by Nathaniel Barrows, who is president of the nonprofit organization, Fisheries Communications, and publisher of its monthly paper, Maine Commercial Fisheries; "Law of the Sea Conference: Geneva

Session," by John Norton Moore, Deputy Special Representative to the President for the Law of the Sea Conference; and my own article entitled "The Case for a 200-Mile Fishing Limit."

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

THE FISHING INDUSTRY IN MAINE: RESOURCES, PEOPLE, ECONOMICS

(By Nathaniel Barrows)

. . . fishermen look upon their occupation and gain satisfaction from their work in a much different way than do comparable landbound workers. The ideational findings add further support to our contention that fishing is not simply an occupation, but a way of life, having more influence on the feelings of individuals and being more pervasive in their lives than most landbound occupations.*

*John J. Poggie and Carl Gersuny, "Fishermen of Galilee," Marine Bulletin Series Number 17 (Sociology and Anthropology—Sea Grant, University of Rhode Island)

A special combination of resources, people, and economics in Maine has produced a way of life which is unique to this state and perhaps to the nation. Of the 18,000 Maine residents now licensed by the Department of Marine Resources to handle seafood, perhaps half make most of their living from harvesting or handling seafood in some way. Through a combination of laws and traditions, the other license holders are able to enjoy access to the marine resources of the state to supplement their incomes and activities.

The following article is an overview of the resources, people, and economics which make up this unique industry.

RESOURCES

Take a look at a map of the Maine coast. As the crow flies, it is less than 300 miles from Kittery to Eastport; but stretching out all the peninsulas, coves, and bays, it is over a 3,000-mile distance. Within these 3,000 miles and the adjacent offshore waters of the Gulf of Maine lies a unique combination of features which produces one of the richest marine resource areas, for its size, in the world.

The coast is south-facing. This means direct sunlight shines into the coves and inlets to supply photosynthetic energy for the whole eco-system.

A number of rivers, large and small, most relatively unpolluted and free of silt, provide estuarian discharge of basic nutrients into the coastal waters. These coastal waters move, for three seasons, in a counter-clockwise motion along the coast and in the Gulf of Maine. This means that the nutrients and energy present in the immediate offshore waters are carried around and through the spawning grounds for the major commercial fish species on the offshore banks in the Gulf of Maine. The spawn and fish from these grounds, in turn, tend to be carried around and along the coast.

Just as there is more and diverse animal and plant life in the zone between field and forest, there tends to be more salt water fish and plant life in intertidal and immediate offshore zones of the ocean. Maine, with what the geologists call a "drowned" coastline, has thousands of islands, coves, and marshes which provide, with this flow of nutrients, ideal growing areas for a rich abundance and diversity of marine life—much of it commercially harvestable.

Because of its unique water temperature range, the Maine coastline is at the southern limit of waters frequented by many northern species of fish and at the northern limit frequented by many southern species of fish.

Because Maine has been a "backward" state, the coastal segment of its economy never went through the heavy industrialization which devastated the marine resources of the states to the south through its ever-present by-product—pollution. Of course the marine resources of the state have not escaped pollution; but the present levels have not seriously affected the marine harvest in most areas. However, this idyllic picture faces challenges in two areas, both caused by man: pollution and depletion of the resources.

Here is a serious inconsistency. On the one hand, millions of dollars are being spent by industries, towns, and individuals to control the discharge of pollutants into the marine environment; on the other hand, incompatible industrial complexes, such as nuclear plants and oil refineries, are being considered.

The beauty of the natural system is that, free of pollution, these marine resources are renewable, with no effort by man. If, however, too much effort is expended by man in harvesting the most desirable commercial species, the reproductive capacity of this species, despite the size of the system we are talking about, will break down. In effect, the short-term commercial gain will be canceled out by the long-term ecological loss. For it takes many years and generations for a species to build itself back up once serious depletion takes place. This sort of conservation can be done only by those directly involved: the fishermen.

THE PEOPLE

What about the Maine Fisherman? Is he (it is a male-dominated occupation) the last American folk hero, embodying the old American virtues of self-reliance, hard work and determination? Or is he confined to fishing, by accident of birth or geography, because there is nothing else, or because he can't cut it on shore?

Neither, really. These and other traditional cliches don't and shouldn't fit.

Perhaps the overriding truth about the people in the Maine marine resource industry is that their lives, even more than those of farmers, are completely regulated, on a daily and seasonal basis, by the rhythms of the natural world around them. This is not to be glossed over lightly, for it is a concept completely alien to the 9–5 world. Telephones, time clocks, business appointments, luncheon conferences are not part of this world.

Instead, the weather, the tides, the temperature, the movement of the sun and moon are the factors affecting the working habits of fishermen.

Of course there are a number of types of personnel who derive most of their living from the sea, from the clamdigger, to the lobsterman, to the draggerman, to the herring packers. The majority of these are self-employed.

Usually the rewards, or disappointments, are immediate, with pay following the sale of each day's catch or dig. At sea, there are no repair services for the on-the-water fisherman; thus he has to be mechanic and repairman as well. Depending on no one but himself, working alone, he develops pride and self-reliance as part of his work ethic. Usually the amount of effort expended by an individual directly affects his income. If he doesn't fish or whatever on a given day, he makes nothing, unlike his shoreside counterpart who may have a business which keeps going even if he is home or away.

The fisherman's chronic problem is short-sightedness. Because of his "if-I-don't-it-today,-someone-else-will-tomorrow" philosophy, conservation is a significant problem. Another problem is what could be called aim of vision. With his ocean perspective, the fisherman tends to ignore land-based activities. Traditionally, the fishing industry has been removed from the political process, which has resulted in political naivete and impotence. This aim of vision also causes communication problems, especially with regard to the general public's understanding about the resources, people, and economics of the fishing industry. This is especially true in the case of economics. To hear a fisherman talk, one would think he is on the verge of poverty, isn't catching much of anything and is on the verge of being put out of business by the government. Well, this may be partly true or not true at all.

The "talk poor" ethic is all part of the resource-exploitive occupation. Simply put: a fisherman's territory is all-important. If he can maintain that his territory is not all that lucrative, the competition for it will not be so keen and he will be better able to protect it.

On the whole, the "talk poor" ethic has the public believing that the average fisherman is poor. This is not the case.

ECONOMICS

Certainly the Maine fishing industry has a number of marginal operators; but with the increasing overhead involved in harvesting most species today, the marginal operators cannot endure.

Instead, fishing is big business in the Maine economy, not only on a direct landings level (see Appendix) but also in the spin-off through handling, processing and resale of the product, and support services.

The primary landings figures, or money paid directly for seafood, was $41,411,142 for a grand total of 147,823,259 pounds of finfish and shellfish landed in Maine ports in 1974.

The figures show only that generated by one segment of the seafood industry, the horizontal harvesting segment. When the amount of dollars generated by the processing, transporting, retailing, and restaurant segments are figured in a vertical progression, the total worth of seafood products is in the 100's of millions of dollars.

As an example, let's look at the additional value a bushel of clams has when followed along the chain. A digger gets, let's say, around the current price of $10 a bushel (an average professional digger can dig between 3 and 6 bushels on one low tide). The buyer then employs some people to shuck these clams. The shucked meats are now worth three times as much—$30—when sold. A restaurateur then serves these meats as fried clams bringing him a total of $160 when sold, or 16 times the original value!

Another important aspect of figuring the value of the state's fishing industry is the amount of capital and labor tied up in supportive services. It has been said that in the downeast fishing towns, the total economic livelihood of the town can be measured by the flow of lobsters from traps to the refrigerated trucks. This is deceptively simple but in many cases true. But consider the average lobster boat on its mooring—a picture enshrined on calendars and magazine covers as the image of Maine. If built within the last 5 years, as many of the boats are, the basic hull and engine of the average 32'-38' lobster boat is worth upwards of $20,000. Then add on hydraulic steering and pot hauler, controls, CB radio, depth sounder and/or recorder, possibly radar and/or Loran, and the investment approaches $30-$35,000. Even on the new fiberglass-hulled boats overhead is high, demanding services of boatyards, mechanics and electronics technicians and investment in piers, wharfs, and so forth.

Unfortunately, the art of economic study in the fisheries is not greatly developed; otherwise some of the hidden capital and labor spin-off would be more generally known and appreciated.

APPENDIX—A SELECTION FROM THE TOTAL LANDING FIGURES FOR 1973–74

MAINE SEAFOOD LANDINGS AND VALUE

[Maine fishermen landed 147,823,259 lbs. of finfish and shellfish in 1974 worth $41,411,142. However, even though the landings were up 4,505,000 lbs. over 1973, the fishermen were paid $1,649,000 less for their product than in the previous year]

Species	1973		1974	
	Pounds	Dollars	Pounds	Dollars
Alewives	2, 691, 509	88, 322	3, 309, 520	113, 980
Anglerfish			31, 347	3, 819
Bluefish	59, 029	5, 472	29, 665	3, 868
Cod	4, 034, 496	497, 620	4, 003, 607	541, 265
Eels, common	75, 890	29, 555	79, 524	32, 318
Flounder	2, 411, 443	436, 584	1, 634, 966	359, 131
Haddock	351, 770	123, 630	228, 661	86, 281
Hake	299, 682	29, 039	3, 815, 149	269, 105
Halibut	60, 063	54, 084	47, 555	53, 626
Herring	37, 229, 185	1, 079, 550	47, 397, 980	1, 792, 546
Mackerel	379, 235	40, 129	283, 602	33, 868
Menhaden	6, 935, 560	143, 693	10, 148, 600	155, 089
Ocean Perch	36, 091, 575	2, 577, 955	30, 626, 106	2, 326, 643
Pollock	2, 356, 762	187, 118	3, 593, 862	328, 663
Salmon, Atlantic	63	69	68	84
Shad			588	69
Shark	10, 562	1, 214	9, 508	1, 220
Skate	3, 220	268	19, 490	1. 041
Smelt	92, 479	38, 179	67, 661	26, 710
Sturgeon	318	40	368	75
Swordfish	406	525	119, 420	118, 161
Tilefish			510	168
Tuna, bluefin	107, 201	43, 969	238, 794	135, 203
Whiting	5, 517, 104	299, 263	2, 868, 425	174, 597
Wolffish	20, 245	1, 007	23, 298	1, 429
Unclassified	557, 791	50, 854	289, 846	22, 071
Total fish	101, 804, 018	5, 963, 420	109, 600, 040	6, 657, 504
Crabs, rock	1, 121, 197	109, 004	963, 820	91, 902
Lobsters	17, 044, 194	23, 269, 859	16, 457, 666	23, 212, 808
Shrimp	12, 073, 851	3, 555, 365	9, 770, 732	3, 465, 764
Claims, soft-shell	7, 260, 488	5, 701, 697	5, 903, 413	4, 510, 771
Conch	679	550	1, 644	332
Mussel	439, 489	116, 000	308, 328	82, 630
Periwinkles	27, 859	28, 392	33, 958	31, 515
Quahogs	3, 117	2, 943	210	169
Scallops	803, 573	1, 472, 120	445, 290	722, 663
Squid	2, 644	153	20, 991	2, 500
Sea Moss	852, 000	26, 900	2, 736, 000	109, 440
Sea Urchins	128, 398	9, 078	46, 725	3, 365
Bloodworms	803, 158	1, 744, 832	712, 262	1, 569, 823
Sandworms	953, 387	1, 060, 402	822, 180	949, 956
Total shellfish	41, 514, 034	37, 097, 295	38, 223, 219	34, 753, 638
Grand total	143, 318, 052	43, 060, 715	147, 823, 259	41, 411, 142

LAW OF THE SEA CONFERENCE: GENEVA SESSION

(By John Norton Moore)

For several years, the Executive Branch has believed that there were reasonable prospects of adhering to the General Assembly schedule and completing the work of the Third United States Conference on the Law of the Sea during 1975. Indeed, this timing has been a cornerstone of our interim policy. It is now clear, however, that the negotiations cannot be completed before mid-1976 at the earliest and, at this time, it is not clear whether or not a treaty can be completed during 1976. The Conference has agreed to recommend to the General Assembly that the next session be held for eight weeks beginning on March 29, 1976, and that the Conference then decide whether an additional session is needed during the summer of 1976. Though such a schedule could conclude a treaty during 1976 if there is sufficient will to do so, a target date to conclude a treaty was unfortunately not agreed upon by the Conference despite what seems to be a majority sentiment for conclusion during 1976.

In light of this timing problem we are now conducting a thorough reevaluation of our interim policy to ensure that the necessary balance is found between our broad interest in a multilateral resolution of oceans' problems and our more immediate needs, particularly the protection of coastal fisheries stocks and access to the raw materials on the seabed. This reevaluation will take into account various factors, including the strong preference of many members of Congress for an extension of coastal fisheries jurisdiction to 200 miles, the nearly universal acceptance by the Conference of the 200-mile economic zone, and the need to construct an interim policy which encourages the timely conclusion of a comprehensive Law of the Sea Treaty in the interests of all nations.

Because of the concern of many members of Congress and the public with our immediate oceans' needs the Executive Branch will be consulting closely with interested committees of both Houses of Congress. As a responsible nation and a good neighbor, we will also be consulting with our immediate neighbors and other affected nations.

Despite the disappointment with respect to the pace and timing of the Conference work program, the Geneva session made progress and, in some respects, substantial progress. Most significantly, the will to negotiate, which had been largely missing at the Caracas session of the LOS Conference, was in greater, if not universal, evidence. There was no general debate, and negotiations in small, informal groups of principally interested states largely replaced less useful restatements of positions in the Committees of the whole. This increased will to negotiate led directly to the most important achievement of the session: the preparation of a single negotiating text on virtually all subjects before the Conference. The single text was prepared by the Chairman of each of the three Committees pursuant to a formal Conference decision. Although the single text is not a fully negotiated or consensus document, it is in important respects, at least in regard to Committees II and III, an indication of an overall package necessary for a satisfactory treaty. Moreover, in many areas, for example the articles on baselines, innocent passage in the territorial sea, the high seas, and many general articles on the protection of the marine environment, for the most part the single text reflects broad consensus. On other issues, for instance the economic zone and transit of straits, it largely reflects areas of broad support negotiated within informal working groups. In some other respects, particularly in Committee I which deals with the difficult problem of a regime and machinery for deep seabed mining, the single text in our opinion did not reflect the kind of accommodation necessary for agreement.

Even though it is not a negotiated or consensus text, the preparation of the single text is a significant and necessary step toward a treaty. For the first time, the Conference will be able to focus on a specific text rather than a multitude of alternatives and national proposals. For the first time, too, it will be possible to study the overall relationships inherent in a comprehensive package agreement. Though no government, including our own, will be completely satisfied with the content of the single text, it now makes more rapid Conference progress possible. I believe that, for the most part, at least for the work of Committees II and III, it also reflects a widely shared view about the nature of the overall package in a manner conducive to the achievement of a realistic and widely acceptable Treaty.

Moreover, the single text in Committee II strongly confirms coastal State conservation and management jurisdiction over coastal species of fish out to 200 miles and provides realistic protection for anadromous stocks within and beyond 200 miles. While the text also contains recognition of the need for international management of highly migratory species, informal negotiations have not yet produced the same degree of consensus evident with respect to coastal and anadromous stocks.

The Conference of the Law of the Sea is one of the most complex and important negotiations in our history. It touches the raw nerves of national interests in almost all nations of the world, and particularly of the United States which has perhaps the largest and most diverse oceans interests of any nation. Our disappointment at the pace of the negotiations is genuine and requires a careful rethinking of our interim policy. But it is equally necessary in reformulating a realistic interim policy that we not lose sight of our shared commitment to a comprehensive treaty. A treaty which fully protects the vital interests of the United States and of the world community as a whole is in the interest of all nations. We will continue to do our part to encourage such an agreement.

I believe that the common purpose that has sustained the Law of the Sea negotiations through its difficult, time-consuming early stages is intact. That purpose is the shared conviction of leaders from all parts of the world that law, not anarchy, will best serve man's future in the oceans. The real problems of nations that make this negotiation difficult will not disappear if we do not succeed; they will become worse. There are, of course, basic differences in national interest and the sense of urgency of resolving our oceans' problems, as well as basic differences of perception on how best to protect common interests. But no one, I believe, would willingly choose the course of chaos in which even great power prevails at great cost.

THE CASE FOR A 200-MILE FISHING LIMIT

(By Edmund S. Muskie)

Our fishing industry is falling into serious decline and it is time for our government to

reverse its traditional policy of neglect toward that industry.

One of the most important steps the federal government can take immediately is declaration of a 200-mile fisheries management zone off our coasts.

Inflation and recession have severely hurt our fishermen. Operational costs have risen sharply without a corresponding rise in fish prices.

And our coastal fishermen are forced to compete for their catch against a growing number of heavily outfitted and frequently subsidized foreign vessel. The prices our fishermen earn for their catch are depressed by the glut of processed fish imported from the same foreign fleets. Fishing pressure has increased so dramatically that without quick government action, there may well be no stocks left to protect.

The international community has shown a growing awareness of overfishing, and is curently negotiating a new law of the sea, under United Nations auspices. But conferences last year in Caracas, Venezuela, and this past spring in Geneva have produced only a preliminary draft to serve as a basis for further negotiation.

The draft treaty, drawn up in Geneva, includes a 200-mile economic zone. But the issues which remain unresolved at the Law of the Sea Conference are massive, and it is unrealistic to expect an enforceable international agreement in the immediate future.

Because of this, I expect Congress to act this summer on a unilateral 200-mile limit proposal I have cosponsored, along with Sen. Warren G. Magnuson, D-Washington, and about 30 other senators.

Simply put, the legislation now pending in Congress would provide the United States with management jurisdiction over fish within a 200-mile nautical zone, pending the conclusion of an international oceans agreement.

The bill also provides special protection for anadromous species that are hatched in this country and then migrate out into the high seas before returning to spawn in the streams of their origin. Management of migratory species such as tuna would be handled by international commissions.

Similar legislation passed the Senate last year, but was not brought to a vote in the House.

The need for the 200-mile limit is well documented.

Within the last five years alone, the foreign fishing effort off our coast has increased severalfold. And scientists are now saying that about 25 species of fish are depleted or threatened with depletion, largely as the result of overfishing.

Maine's experience demonstrates just how serious the situation is, especially in view of the fact that so many Maine residents depend on these fish stocks for their living.

In 1950, Maine fishermen landed 353 million pounds of fish of all species. By 1970, that total had been more than cut in half, and in 1974, fish landings totaled only 148 million pounds.

For individual species of fish, the statistics are even more dramatic. Since 1966, Maine's whiting catch has declined by 90 percent, from 30 million pounds to 3 million pounds in 1974. The catch of sea herring has declined 75 percent; ocean perch, 61 percent; cod, 30 percent; pollock, 42 percent; and haddock, 97 percent, from 6.5 million pounds in 1950 to 220,000 pounds last year.

Perhaps the chief remaining roadblock to adoption of a 200-mile limit is the Administration, which strongly supports the concept of international negotiations.

I agree with the Administration, and I think, with the majority in Congress, that international negotiations are the only long-term solution to the problems caused by increasing competition for the world's fish and other ocean resources.

But the present structure of international agreements is clearly inadequate to provide the interim protection our fish stocks so desperately need.

At present the United States is party to 22 international fishing agreements and virtually all of the fish stocks depleted or threatened with depletion are subjects of those agreements. Obviously, further steps must be taken to prevent the depletion of our offshore stocks—for the sake of conserving the world's fisheries resources as well as preserving the U.S. fishing industry.

The world's fishing effort is now so much greater than a decade ago that stocks can be decimated in a season or two, a rate much too fast for international negotiations to cope with. Protecting these stocks is something more than a regional or national interest. It is a global interest.

In addition, nothing in the 200-mile fish limit legislation is inconsistent wth our negotiating position at the Law of the Sea Conference.

Ambassador Stevenson, head of our Law of the Sea delegation, has said this country is "prepared to accept, and indeed, would welcome, general agreement on a twelve-mile outer limit for the territorial sea and a 200-mile outer limit for the economic zone provided that it is part of an acceptable comprehensive package."

The U.S. position accepts the concept of 200 miles for fishery management jurisdiction. It also accords with the two other fishery management proposals contained in the proposal before Congress—management of anadromous species by the nation in whose rivers they spawn; and management of migratory species through international commissions.

The key to a 200-mile limit worldwide, according to the U.S. position, is a "responsibility" that coastal states have to ensure the highest and best use of offshore resources.

I believe the United States has the responsibility to act now, on an interim basis, or there will be no stocks left to protect.

It is my own guess that it will take at least until 1976 before the nations represented at the Conference can work out the complex range of issues—and there are some ninety of them—that must be worked out if a new law of the sea is to be written. Time and time again in discussions with foreign diplomats in Caracas, I heard it said that "we need time to build new international law." Certainly, time is needed for ideas to mature concerning some of the more complex issues the conferees are dealing with. But if we are to preserve our offshore stocks, I do not think we can afford to wait until the Law of the Sea Conference produces a treaty.

In Caracas, several foreign delegates suggested to me and the other U.S. Senators attending the Conference that the U.S. ought not to act irresponsibly by enacting unilateral fish legislation. If we are being asked to exercise restraint with respect to this kind of legislation, then it seemed to me not unreasonable to ask restraint in the short-run of those who have created the problem off our coasts—the Soviets, the Germans, the Poles, the British, and the Japanese. But when I suggested this to their delegates in Caracas, I got very little positive response and sensed few of these nations share our sense of urgency about the need to protect offshore fish stocks in the North Atlantic.

If the United States does not take effective short-run action to protect the fish stocks off our coasts, who will? Are America's—or the world's—best interests really served by our waiting a couple of more years for diplomats to negotiate a comprehensive international oceans treaty before any meaningful steps are taken to preserve our offshore stocks? I think not. And I believe an increasing number of members of Congress agree.

A second key Administration objection is supposedly related to our national security. The Defense Department supports the U.S. position on the 200-mile limit.

But the department is worried about the possible reaction of other nations to a unilateral U.S. action. It seems to believe that if the United States enacts this legislation, other nations will automatically abrogate unilaterally our rights of free transit and overflight.

As an official advisor to the U.S. delegation, I attended the meetings in Caracas last year and talked with many foreign delegates. In none of my conversations was there any indication that the major nations of the world would react to our passing a 200-mile fish limit bill by immediately ending our rights of free transit and overflight. Of course, in some of these talks, foreign delegates expressed reservations about America's enacting interim 200-mile limit legislation. But my guess is that their first reaction, after denouncing the legislation, would be to negotiate at the next session of the U.N. Conference with a new sense of urgency.

It is important to remember that this legislation will not prohibit other nations from fishing in the 200-mile zone. In fact, it would preserve the rights of nations which have traditionally fished off our shores. But it would reserve to the United States the right to manage our offshore stocks to assure their best and most prudent use.

Finally, I believe the 200-mile limit is important as a sign of good faith to our fishing industry. Our fishermen in Maine and nationwide are an independent group. They have not been anxious for regulation of any kind, and in fact they suffer under various government restrictions and duties on equipment from foreign sources which hamper their ability to compete.

They seek no relief from these restrictions. But the 200-mile limit has become a symbol—a rallying cry for fishermen who see the livelihood of generations threatened by rapacious foreign competition.

Government's failure to adopt a 200-mile limit will be nothing more than a desertion of this traditional segment of our economy. I will be working to see that does not happen.

PEOPLE DESERVE TO BE HEARD ON POST OFFICE CLOSINGS

Mr. ABOUREZK. Mr. President, it is no surprise that the recommendations of the General Accounting Office on closing third- and fourth-class post offices have aroused comment from the people served by those offices.

Rural and small town people depend on their post offices and are rightly indignant that the GAO would propose closing the doors without regard for local problems or preferences.

Because I believe that it is essential for people in the local communities to be consulted, I have introduced Senate Resolution 200. This is a "sense of the Senate" resolution which would express the view that any post office closings should be dealt with individually, case by case.

We in the Senate sometimes deal with problems in the abstract. This is one issue which demands that we think in terms of individuals and communities. The correspondence I have received opposing the GAO recommendations show graphically why an ax job on small post offices would be a serious mistake.

I ask unanimous consent that excerpts

from some of the dozens of letters I have received on this topic be printed in the RECORD.

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

Hitchcock, S. Dak.: I believe that before they close the 3rd and 4th class post offices it should be looked into and checked out as to which is best for the people of the area both in location and service.

Wolsey, S. Dak.: We are a small town here in So. Dak., but we include quite a large territory in mailing addresses. I really can't think of a meaner thing to do than take away our post office. At least we should be entitled to that much.

Hayes, S. Dak.: They'd better come out here in Western South Dakota and see for themselves before cancelling out our local post office. Even that is a 24 mile trip to mail packages and get stamps. If they close the Hayes post office, we will have a 52-mile trip to mail packages and get stamps.

Harrold, S. Dak.: I think it's up to the people to have a say in this kind of a deal. I for one am tired of being a football.

Piedmont, S. Dak.: Our newly remodeled office has just been occupied this Spring and I believe nearly every box is rented and there must be at least 200 people receiving mail on a rural route.

Harrison, S. Dak.: We need our rural post offices and the employment it furnishes for many honest hard-working people out in the country rather than flocking to bigger cities, only making the situation worse.

Hayes, S. Dak.: We only get our mail every other day as it is and in winter or when it is muddy, the mailman can't travel his route, we can at least make it over to Hayes in a four-wheel drive pickup to get our mail. There have been many times that we wouldn't have had mail for two weeks at a time because of weather conditions.

I realize it is hard for many of the larger city people and especially back east to see our problem. But we are human and not stupid. Would they travel half way across the country for their mail?

LaBolt, S. Dak.: The small post office is the hub of every town and village and renders service to the community far beyond the call of duty.

Corson, S. Dak.: The carrier stops for less than a minute and waiting to catch him to get mail or try to send a package is almost impossible. Packages left by the mailbox to get rained on or taken are also a worry. We know that the post office will be open all day and can go up there at our convenience.

Trail City, S. Dak.: I'd hate to drive 20 miles if I had a large package that they couldn't put in a mailbox just to pick up my package.

Firesteel, S. Dak.: I think that it would be a terrible thing to do to the small towns that are struggling to make a go of it. Also it would cut off the small towns and rural citizen from his only connection with the government that he still has. Please do everything you can to keep the small offices from closing. Rural America needs them to keep their identity.

Columbia, S. Dak.: I cannot imagine the short-sightedness of the people in the General Accounting Office in making such a recommendation. The postal service in our area is excellent and provides a service that no small community should be without. Our post office and rural carrier here do a great job of delivering the mail to well over 250 families—and it is very much our feeling that the service they render is vital and cannot be lost to us.

Roslyn, S. Dak.: Closing all these post offices would bring undue hardship on so many people—especially the elderly and disabled.

Gayville, S. Dak.: Our town is one of a lot of retired people who depend so much on the convenience of a post office close by.

Vienna, S. Dak.: Our small towns are fading fast; if we remove more businesses they won't be a part of our S.D. heritage. There will be more ghost towns.

Enning, S. Dak.: Our family is lucky to live close to our post office. We may use the mails more than our neighbors because we run a repair business in this rural area. We order many parts by mail; those parts are sent to us by mail. Because of the nature of our work, we send for those parts as we need them, which can be several times a week. If we do not receive the right parts, we must return them. Although we have United Parcel Service delivery, we do not have pickup service. If our post office is closed, we will be forced to drive to Sturgis or Rapid whenever the wrong part is sent to us, simply to replace a small piece. Those towns are 50 and 80 miles from us, and you can see that would not be practical.

We have never been in the habit of going to town each week; we space our trips several weeks apart, planning our purchases to conserve time and fuel.

If we had a rural carrier we would have to meet him at the designated point because we do not feel we should have expensive packages left in a mailbox. If by driveway service you mean a mailbox within sight of the house, we would approve, but it should not take the place of our local post office. However, this might not work in some areas; we can only speak for our own location and situation. Some people live many miles from the mail route, whereas our family doesn't need a mailbox.

I would not want to live more than 10 miles from a post office; other persons think 25 miles is a reasonable distance. Still, to us, even 10 miles would be an inconvenience, especially in the winter.

Bruce, S. Dak.: Adee Honey Farms, with branches in Nebraska, Kansas and Mississippi is headquartered here (Bruce). We have 14 people employed who are residents of the community and enjoy living here. Because Bruce is a small town, most of our business is carried on with people outside the local community. Consequently, a good share of it has to be handled by mail or over the phone which is followed up by mail. . . . Are not those people and businesses who have chosen the small town as their home entitled to the same services the government provides for those who live in cities?"

Meckling, S. Dak.: In some ways we get superior service from Mrs. Betty Mead's post office here that the larger ones cannot equal.

CONCLUSIONS CONCERNING THE SALE OF WHEAT TO THE SOVIET UNION

Mr. HUMPHREY. Mr. President, I wish to point out two informative articles in the July 18 edition of the New York Times on the sale of wheat to the Soviet Union.

The first article by Robert Trumbull deals with the Canadian sale and the impact which it had on prices for wheat and other grains. It points out that the prices for these grains fell initially after the announcement of the transactions. The sales had been anticipated by the market, and the relatively small size of the transaction led to the price drop.

The second article, "Wheat Men Ponder Soviet Deal," by H. J. Maidenburg, dealt with, among other things, the issue of low-protein content in U.S. hard yellow wheat. The Soviet Union wanted wheat with a minimum protein content of 12 percent. But, according to the author, the protein content of much of the winter wheat crop was less than 11 percent for the first time in years. One reason, according to Kansas City experts, was that farmers decreased their use of nitrogen fertilizer and another reason was that adequate sun was lacking during the growing season.

Mr. President, there has been a great deal of concern expressed over sales of grain to the Soviet Union because of the impact which the 1972 exports had on our supplies and prices. It is clear that in light of our anticipated bumper harvest that we will need to make large exports this year. However, we must exercise a close monitoring of these sales. In contrast to 1972, our stock carryover from the previous year is rather modest. We are talking in terms of selling from this year's production. We will use only about one-third of our wheat production, for example, and since our livestock herd has been substantially reduced we will need to export a substantial volume of corn. I hope that we have learned a valuable lesson from our 1972 exports, and that we will not ignore the lessons of that experience.

Mr. President, I ask unanimous consent that these two articles be printed in the RECORD.

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

WHEAT MEN PONDER SOVIET DEAL

(By H. J. Maidenberg)

When the Department of Agriculture confirmed yesterday that the Soviet Union had bought 3.2 million metric tons of wheat from two American grain exporters, it answered one question but raised a number of others vital to the trade and consumers.

The news, which was followed by a Canadian Wheat Board announcement that Moscow had bought 2 million long tons of wheat in that country, served to confirm recent reports that the Soviet Union is in the world market for grain.

What was left unanswered is whether the Soviet purchases were for its own use or for shipment to Cuba and other political allies.

Further the confirmation that Cook Industries, Inc., Memphis, had sold 2 million tons and Cargill, Inc., Minneapolis, 1.2 million tons to the Soviet Union did not answer the question of what kind of wheat was involved and where it will come from.

The last question fascinated the grain trade yesterday because of the dearth of high-protein wheat in the nation. And the Soviet Union has traditionally bought only the best grades available.

Yesterday, Agriculture Secretary Earl L. Butz reiterated his view that the record wheat harvest this season—59.5 million metric tons, up 22 per cent from last year—would provide sufficient supplies to meet all possible domestic demands for grain.

Actually, the nation requires fewer than 21.8 million metric tons for food, seed and animal feed each year.

However, the historic 46.4-million metric tons of winter wheat now almost harvested has shown another poor protein content. Indeed, most of the winter wheat cut thus far has been classified as No. 2 hard yellow, not the high-protein hard red variety.

For the Soviet Union and other lands dependent on bread for a large part of their protein needs, hard yellow wheat has rarely been acceptable, according to grain traders.

"Moscow wants wheat with a minimum protein content of 12 per cent," one trader

said, "and hard yellow usually doesn't come up to 11 per cent."

Moreover, to produce bread with a 12 per cent protein content, millers need at least 13 per cent protein grain.

Protein is also important to American millers and bakers because without it their bread and hard rolls do not hold their shape and firmness. The loss of those properties would complicate packaging by modern automated production machinery, for one thing.

Most domestic bakers thus require a protein content of at least 12 per cent for their quality breads and hard rolls. Lower grades of wheat may be used for soft rolls, quick breads, cakes and the myriad of so-called junk foods where protein is a lesser concern.

Kansas, the nation's leading wheat-producing state, reported last week that its winter-wheat crop showed a protein yield of less than 11 per cent for the first time in years.

One reason, Kansas experts said, was that farmers cut their use of nitrogen fertilizers, a key factor in protein yields, because of the rising cost of that chemical. Lack of adequate sun during the growing period was another reason, they added.

"If Russians want hard red wheat," one Kansas City grain specialist declared yesterday, "they won't find it from here to the Gulf of Mexico. We have loads of cheaper stuff, but not what they traditionally want from us."

Perhaps that is why Edward W. Cook, chairman of Cook Industries, stressed upon his return from Moscow yesterday that "not all the wheat we sold will come from the United States."

And that may also be why, with a record American wheat crop looming, the Soviet Union has also purchased 2 million of Canada's estimated harvest of 17 million long tons—of 2,240 pounds each, compared with 2,204 pounds for a metric ton.

Canadian wheat is normally higher in protein than United States grain, with their average content about 13.5 per cent.

CANADIAN WHEAT IS SOLD TO SOVIET

(By Robert Trumbull)

OTTAWA, July 17.—The Soviet Union has purchased two million metric tons of high grade wheat from Canada for delivery in the fall, the Canadian Wheat Board announced today.

The Canadian sale, combined with the Soviet purchase of 3.2 million metric tons from the United States, should strengthen the market for the grain "for quite a while," a spokesman for the board said in a telephone interview from the board's headquarters in Winnipeg.

Negotiations in Winnipeg between the Canadians and the Soviet grain organization, Exportkhleb, followed the appearance of a shortfall in the Soviet harvest, which produced only 197 million tons of the 215 million ton target for this year.

The fact that the Moscow buyers took mainly No. 1 and No. 2 grades of Canadian western red spring wheat was taken as an indication that the Soviet harvest had fallen short of expectations in quality as well as quantity.

"The sale has made people aware how thin the world's supplies of wheat have been and how quickly the market can turn around," a Wheat Board official said, commenting on the strengthening of prices for the commodity in the last three weeks, as rumors of the Soviet negotiations reached traders.

DOLLAR VALUE WITHHELD

While the Wheat Board policy is to withhold the dollar value of its foreign sales, observers acquainted with the market have estimated that Canada would realize about $330-million from the transaction. Yesterday's price of the No. 1 grade figuring in the sale was $4.74 a bushel at Thunder Bay, the main wheat port on Lake Superior, and $5.18 in Vancouver, while the No. 2 variety was $4.63 a bushel in Thunder Bay and $5.57 in Vancouver.

The contract reportedly includes an option to ship part of the purchase to Cuba in the form of wheat or flour.

Approximately 400 tons of the shipment will leave Canadian West Coast ports beginning in October and the remainder is to be shipped on the St. Lawrence River starting the following month.

WHEAT FALLS SHARPLY

(By Elizabeth M. Fowler)

With the recent announcement of the Soviet wheat purchases, wheat prices dropped sharply yesterday under the pressure of commercial sales.

September delivery wheat closed at $3.62 a bushel, down from $3.75. Corn and soybeans, despite some active buying by commercial concerns, also ended with sharp declines. September corn closed at $2.73, off more than 7 cents; September soybeans closed at $5.51, down from $5.66 a bushel.

The Department of Agriculture released the weekly export commitment figures, which tended to show that the actual Soviet purchase might have been made through Cook Industries, Inc., and Cargill, Inc., about July 3, a day the price for September wheat rose from $3.02 to $3.05½ or the following week when prices began to move up sharply. Exporters generally buy futures shortly after they receive a big order to assure their supplies at then current prices.

Export commitments that week jumped 70 million bushels, to a total of 294 million bushels. Some analysts pointed out that this amount was the size of the recent Soviet order for wheat and that they knew of no other sizable purchases at that time that would account for the increase.

SOYBEAN AND CORN DEALS

No deals have been announced as yet about Soviet purchases of soybeans and corn, but it is thought that announcements are pending and that such purchases might have been made recently through the same companies.

Sugar prices moved up again on the New York Coffee and Sugar Exchange, still under the influence of rumors about a possible Soviet purchase of sugar from the Philippines because of drought conditions in the Soviet sugar-beet growing areas. September sugar jumped the limit during the session to 17.40 cents a pound and then closed at 16.40, up from 16.30.

The downturn came after some heavy selling by the Czarnikow-Rionda Company, Inc., a sugar dealer. A spokesman for the company said that the selling had nothing to do with the Soviet rumor and that the Company was selling as it does from time to time in the course of regular business.

OPEC OIL PRICES

Mr. STONE. Mr. President, it is my strong conviction that full economic recovery cannot take place with the artificially high prices of imported oil imposed by the OPEC cartel.

Whatever else this Congress may do about energy—and we need to be doing a great deal—we cannot ignore the predicament of our dependence on foreign petroleum and the apparent determination of OPEC nations to take full advantage of this situation. I believe that this country cannot be successful in meeting the challenge of the energy crisis unless we proceed to develop an effective policy for countering the imposition of exorbitant and increasing prices for imported petroleum.

In an effort to address this situation I have introduced S. 680, a bill which would set a ceiling price of $9.50 per barrel for both imported and domestic crude oil; and S. 1989, a bill which would direct the executive agencies to prepare and submit to the President information describing the many economic, agricultural, and technological relationships between the United States and oil producing nations. The Senate Government Operations Committee, recognizing the need to compile information necessary to negotiate effectively with the OPEC cartel has scheduled hearings on S. 1989 on July 25, 1975.

Mr. President, William V. Shannon has urged a firm policy with respect to the OPEC cartel in an article which appeared in the July 22, 1975, edition of the Washington Star.

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 Washington Star, July 22, 1975]

FIGHT THE OIL CARTEL

(By William V. Shannon)

The oil problem is essentially political in nature and can only be overcome by the power of government. But the United States has been unable to cope with the problem because the Nixon and Ford administrations insist upon treating it as an economic issue that can be resolved by the natural play of market forces.

Because of the sudden, huge increase in the price of oil, the inflation and the recession were both made much worse than they would otherwise have been. As long as President Ford persists in his mistaken policies, the United States will continue to suffer severe economic damage in lost jobs and depreciated currency.

Ford follows the judgment of the major international oil companies on oil problems in the same way that he amiably heeds the advice of other big businesses on the problems that interest them. This is partly because, like Nixon before him, he is heavily dependent on the oil industry as part of his political base. He is also a stolid believer in the business ideology of rugged individualism, free markets and price competition virtues that exist more clearly in his mind than they do in the practices of the international oil industry.

But, basically, Ford plods ahead with his disastrous policies because he does not know any better.

The fundamental fact is that there is no oil shortage and no energy crisis. Rather, one is a political crisis. In this crisis, no one is defending the interests of American consumers. Although five of the seven major international oil companies are American-owned, their interests and the nation's interests are not identical.

With the world market now glutted with oil, these American companies help the Arab countries allocate and rationalize the cutbacks in production that are necessary to keep prices from falling. As business partners of the Arabs in the Middle East and as producers of oil in the United States, these companies have no incentive to keep the price of oil down. On the contrary, they are the propaganda and political protagonists inside this country for the cartel.

Ford is now urging Congress to abolish the price ceiling of $5.25 a barrel on oil from wells that were producing before 1973. This so-called "old oil" provides 40 per cent of

U.S. supplies. The rest of native oil is selling at the world cartel price of about $13 a barrel.

Since companies produce both old and new oil, they are getting an average price for their total output of roughly $7.50 a barrel. This is triple the price of only two years ago. Yet the companies have the audacity to say that they need to get the extortionate world price for all their oil if they are to have any "incentive" to search for and produce additional oil in this country.

The United States ought to have the political will and toughness to refuse to be blackmailed. It should stabilize the price of domestic oil, old and new, at $7.50 a barrel as provided in a bill sponsored by Rep. John Dingell, Michigan Democrat. It should then make a concerted effort to break the world cartel price.

The Arab countries supplied only 1.3 million barrels of oil a day to this country in the first quarter of this year, less than 8 percent of total U.S. oil requirements. By conservation, the U.S. could promptly reduce oil consumption by that amount. A sustained cutback of this magnitude would be a significant political signal to the cartel.

Gasoline consumption could be limited by law to the present level. As the economy recovered and as Detroit produced more fuel-efficient cars, gasoline consumption could gradually be reduced from present levels by steeply rising gasoline taxes.

The United States could adopt a much firmer policy toward Saudi Arabia and Iran than merely getting some of its depreciated dollars back by selling them military equipment and petrochemical plants. They should both be treated the way one treats any blackmailer.

As the world's strongest economic power and greatest single user of petroleum, the United States could face down the cartel and win. But not as long as its President espouses the policies of the American division of the world oil cartel.

SOUTHERN CONFERENCE OF BLACK MAYORS ENDORSES DR. F. DAVID MATHEWS AS SECRETARY OF HEW

Mr. SPARKMAN. Mr. President, on yesterday the Senate confirmed Dr. David Mathews as Secretary of the Department of Health, Education, and Welfare. Just today I have received a telegram from A. J. Cooper, Jr., mayor of Pritchard, Ala., a very able and successful mayor of a large city. He is also president of the Southern Conference of Black Mayors, strongly endorsing Dr. Mathews. I believe this endorsement should be printed in the CONGRESSIONAL RECORD even though Dr. Mathews has already been confirmed. Accordingly, I ask unanimous consent to have the telegram printed in the RECORD.

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

PRITCHARD, ALA.

DEAR SENATOR SPARKMAN: I am pleased to find it possible to write to you in support of the nomination of Doctor David Mathews by President Gerald Ford for the position of Secretary of Health, Education, and Welfare. Doctor Mathews' nomination has caused some comment with regards to his liberality or lack thereof depending on one's perspective.

I can comfortably support this nomination as a result of both personal experience and close observation. As an attorney I represented black students at the university in a suit to desegregate the university's athletic department and recently at the university's request I represented black football players during a dispute at the Sugar Bowl. In both instances Doctor Mathews was a positive force for good. In general Doctor Mathews has had not only a liberal ivy effect with regard to the university but specifically he has had a liberalizing influence on the entire State.

David Mathews represents an image this State needed and I believe brings to the Federal Government an image the youth of this Nation needs. He brought to University of Alabama, the practicality and commitment I believe he will continue to demonstrate most importantly. David Mathews has demonstrated the capacity to change and I must say in Alabama this have been a key facet to our progress.

In conclusion the last decade of life in Alabama has seen change in many quarters, some more rapid than other men like David Mathews, while not deliberals some of us would want them to be, have been sincere and strong forces for positive change. I believe Doctor Mathews will fulfill his legal obligations with courage and will discharge his leadership responsibilities with vision and energy.

Sincerely,

A. J. COOPER, Jr.,
Mayor of City of Pritchard, Alabama and President of Southern Conference of Black Mayors.

THE PRESIDENT'S DECISION TO DECONTROL OLD OIL

Mr. PELL. Mr. President, I am deeply concerned by President Ford's announcement over the weekend to veto any legislation extending the price control and allocation authority beyond August 31. It is most disturbing that the President has chosen to totally disregard the wishes of a clear majority in the Senate and House, including many Republican colleagues, to extend price and allocation authorities through the end of the year and possibly into 1976. Furthermore, the President has also completely disregarded the resolution of the FEA Consumer Affairs Advisory Committee condemning the decontrol proposal. This group was established specifically to represent consumer interests in FEA/administration decisionmaking.

The announcement is especially disturbing in that it comes at a time when questions are being raised regarding the adequacy of Federal Energy Administration efforts to monitor the pricing, as well as marketing practices of the major oil corporations and to push antitrust action when appropriate.

Mr. President, there is no question in my mind that the administration's decision to proceed with phased decontrol of old oil or possibly immediate decontrol by August 31 would have grave consequences for the Nation. As prospects for economic recovery are beginning to brighten, decontrol would slow that recovery by fueling inflation, showing production and delaying industrial expansion, and increasing unemployment. Furthermore, according to the Library of Congress, the rise in the price of two-thirds of our domestic production from $5.25 to the current uncontrolled price of $13 along with the continuation of tariffs would cost the consumers almost $20 billion annually. Ralph Nader recently estimated the new decontrol measure and tariffs would cost every person in the country $225 a year. These figures furthermore, would not take into consideration the "ripple effect" of the price increases throughout the economy due to the widespread use of oil in many sectors of the economy, especially transportation, agriculture, and in generating electricity.

Eventually, there will be higher prices for the finite and increasingly used up resource that is oil. However, we must spread this rise over as long a period as possible so that alternative energy sources are available. We can do so by concentrating on sensible programs of conservation and insulation. As of now, we are still the most wasteful nation in the world when it comes to the consumption of petroleum products.

Equally alarming to the potentially dramatic fuel price increases is the fact that failure to extend the legislation beyond August 31 would end existing authority for continuation of the mandatory fuel allocation program. This authority has provided protection for independent marketers and retailers, especially important in New England, and permitted a quick response to future shortages as well as the possibility of another embargo. It is highly questionable at this time whether adequate authority would exist under the Defense Production Act to fill this gap.

If these two matters are not troubling enough, the abrupt ending of all price controls or even a phased decontrol would place oil companies in a position to make staggering windfall profits as the oil price climbs to OPEC levels possibly even to $17 after October 1. Furthermore, under decontrol, major producers would have little incentive to compete with OPEC since their price and profits would be pegged entirely to the cartel price. Although President Ford has attempted to correct this situation by proposing a windfall profits tax with a plowback provision, such taxing authority does not presently exist. In addition, congressional efforts to impose such a tax during the 93d Congress, which I strongly supported, met with considerable opposition, and were never formally adopted. The prospect for such windfall profits has led one congressional analysis to conclude that decontrol would add $318 billion to oil company funds over the next decade.

Without any question what concerns me most about the President's program of decontrol, as well as continuation of the tariff, is its impact on consumers and industry in New England and specifically, Rhode Island. As I have remarked before on the Senate floor, energy prices in New England have been far higher than those in the rest of the country as a whole. A recent Regional Federal Energy Administration study prepared last month confirms this fact again. The report shows that in 1974, prices paid for energy were 35-percent higher in New England than in the United States—an increase over the 1973 differential of 32 percent and the 1972 differential of 28

percent. I ask unanimous consent that the FEA study be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. PELL. Mr. President, unfortunately what the administration fails to recognize is that, with the region's heavy dependence upon oil as the primary source of energy, the program of decontrol and continuation of the tariff would pose an enormous challenge to the consumer's purchasing power, and to industry by further frustrating their efforts to compete with other regions of the country. The program would also make it extremely difficult to promote industrial development or expansion in New England. Needless to say, with unemployment ranging between 16 and 17 percent in Rhode Island, such a proposal without further Federal assistance would be totally unacceptable.

The adverse impact of the administration's decontrol and tariff program to the region has been well documented by Paul London of the New England Economic Research Office. According to Mr. London, the President's tariff program alone is costing the region an additional $534 million, this figure based upon the region's consumption of petroleum products—445 million barrels per year. With the President's decontrol proposal added to the above figure, New England would pay an additional $900 million to $1.2 billion annually. The cost to Rhode Island based upon the State's fuel consumption last year—37.6 million barrels—would be an additional $120 to $196 million including the existing tariff fees and decontrol. For individuals, these two programs would raise the price of gasoline, heating oil and other fuels approximately 10 cents per gallon either after August 31 or by 1977 at the latest. As mentioned previously these costs to consumers would not take into consideration the "ripple effect" on the economy.

Mr. President, in my view, the administration's decision is irresponsible, especially, if one considers the enormous problems posed by immediate decontrol after August 31. The President's decontrol cost/benefit analysis submitted to Congress on July 17 is superficial, dealing only briefly with the issue and only on a national level. Although the goals of the administration are ones I share very much and strongly endorse, especially the better conservation of petroleum products, increased production of domestic supplies, and reduction of imports, the material presented for my examination as a justification for the program only reinforces my earlier conclusions that the Executive is giving very little attention to the impact of such drastic programs on specific regions and those groups most affected by the proposals. Certainly such factors as fuel costs, energy dependency, and unemployment ought to be of prime importance in any final determination of policy.

Furthermore, although the administration goals merit strong support, I fail to be persuaded that the President's approach will accomplish his stated objectives. Price hikes since the 1973 embargo have not significantly stimulated production or cut consumption. In fact, our consumption levels in certain fuels are rapidly approaching the 1972 levels. In this regard, I would remind the administration that New England has led the national efforts to conserve energy. Figures according to the FEA indicate that overall consumption of energy has declined 1 percent in New England between 1972 and 1974. During the same period, energy consumption increased 2.7 percent in the United States. In addition, between 1972 and 1974 petroleum consumption declined 5.6 percent in New England, but increased 1.1 percent in the United States as a whole. No other region has sacrificed so much—or had so many of its interests so sacrificed by a hard-hearted Washington bureaucracy.

Mr. President, as I have remarked before, I am deeply aware of the grave situation which confronts our Nation with respect to energy, especially with the continuing outflow of dollars to OPEC estimated at $25 billion annually, as well as our rising imports of oil rapidly approaching 40 percent of total consumption. I am aware, to, that a third of our driving, of our gasoline consumption, is for recreational purposes and that we still have far to many gasoline-guzzling automobiles on our roads. I would agree that some criticism of Congress is warranted and that prompt action by Congress on a total national energy policy is absolutely essential. On occasion, though, Congress has responded very quickly to energy problems, especially during the oil embargo in 1973, far ahead of the administration. Moreover, since that time, Congress has adopted numerous pieces of legislation accelerating the development of alternative energy sources. More recently, only last week the Senate passed a major fuel economy legislation, S. 1883, which by 1985 will meet almost one-half of the administration's import reduction goal of between 3 and 5 million barrels—this step causing no harm to the economy and resulting in much savings to the consumers.

I firmly believe therefore, that the confrontation on energy issues between the Congress and administration must end. There is, indeed, room for compromise between both branches and we must continue to work together to resolve our most critical domestic problem. Any compromise, however, must not be at further expense to consumers and small business interests, who have already sacrificed tremendously.

In view of the potentially drastic impact that an abrupt end to price controls and allocation authority would have on the Nation and specifically New England, I strongly urge the President to reconsider his position on the issue and extend the basic allocation authority adopted by the Senate under S. 1849. This legislation would provide the necessary time to implement a windfall profits tax on any decontrol move, increase Federal assistance to those regions and groups most affected by any price rise, and insure adequate protection to the independent sector of our petroleum energy industry.

EXHIBIT 1

[Federal Energy Administration, Region I]

THE PRICE DIFFERENTIAL FOR ENERGY BETWEEN NEW ENGLAND AND THE UNITED STATES—UPDATE

(By Linda K. Mansfield, May 30, 1975)

NEW ENGLAND—UNITED STATES ENERGY PRICES

In 1974 the price paid by end users for major forms of energy was 35% higher in New England than in the United States as a whole. This is an increase over the 1973 differential of 32% and the 1972 differential of 28%. The 1974 increase in the differential is attributable to the substantially higher electric prices. (The increase in residual fuel oil prices were much higher than those for coal or natural gas). Table 1 illustrates the trend 1970–1974.

TABLE I.—PRICE OF ENERGY TO THE END USER IN NEW ENGLAND AND IN THE UNITED STATES

	Dollars per million Btu		New England higher than United States percent
	New England	United States	
1970	$1.7880	$1.4003	27.7
1971	1.9638	1.5224	29.0
1972	2.0076	1.5739	27.6
1973	2.2909	1.7287	32.5
1974	3.4406	2.5410	35.4

If New England were taken out of the U.S. figure in 1974 the energy prices in New England would exceed those in the rest of the United States by 38%.

The overall energy price is determined by weighting the prices of coal, natural gas, residual oil, gasoline, distillate, and electricity by the nonutility consumption of these products. All prices are exclusive of taxes.

The 1974 breakdown by product is shown in table 2 and figure 1.

TABLE II.—1974 FUEL PRICES AND INDEX WEIGHTS

	New England		United States		N.E. price higher than United States (percent)
	Weight	Price per million Btu	Weight	Price per million Btu	
Coal			8.0	$1.1290	
Natural gas	11.4	$2.4636	35.9	1.0786	128.4
Residual	21.0	1.9135	5.3	1.8657	2.6
Gasoline	27.8	3.2876	25.9	3.2340	1.7
Distillate	29.8	2.6174	12.9	2.4652	6.2
Electricity	10.0	10.6900	12.0	6.7425	58.5
Total	100.0	3.4406	100.0	2.5410	35.4

New England pays the greatest premium for natural gas and electricity. However, the prices it pays for oil products are not substantially different from those paid in the United States as a whole.

If New England paid the same prices for energy as the United States, the differential would only be 11%. So it can be concluded that the 35% differential is due primarily to higher natural gas and electricity prices, and to New England's consumption patterns which are concentrated in high price fuels, particularly distillate fuel oil.

COST COMPONENTS OF NEW ENGLAND ENERGY PRICES

It appears that cost components differ substantially among fuel types. Preliminary information based on a telephone survey indicate that the cost of crude is the major component in the New England's oil costs, the price of coal at the mine is the primary component in the coal costs, and distribution is in the case of natural gas. The components are shown in figure 2.

Gasoline and distillate show average U.S. crude costs to the refiner, $9.22/bbl, refining costs, and transportation from Texas to Massachusetts via pipeline and barge. To this is added terminalling costs in the region and the retailer's margin to make up distribution costs. The taxes shown are federal and state at the pump.

The natural gas production cost is the wellhead price, $.26/MCF. Transportation is from Texas to the final distributor in Massachusetts, via pipeline. Distribution costs are the difference between the cost of the distributor and the end-user.

The coal costs are composed of the price at the mine in West Virginia, $25/ton, and the transportation from there to New Hampshire, $6.11/ton. Since utilities contract for nearly all of the coal directly there are not distribution costs shown.

It can be seen that the production costs amount to 80% of the total cost of coal, 59% of distillate, 42% of gasoline, and 10% of natural gas. Accordingly, further increases in the price of coal at the mine or in crude oil would have a large relative effect on the final end price. However, doubling of the wellhead price of natural gas would only result in a 10% increase in the final price.

SUMMARY

Forecasts of price differentials between the U.S. and New England cannot be made without taking into account the capital changes that may be required in the conversion to alternate fuels. However, it appears that some actions would probably lead to reduced differentials. These include: deregulation of the price of natural gas; increase use of coal; and increased use of nuclear plants for electric baseload. Further work is required to determine the optimum fuel mix for the region in terms of price, security, environmental, and economic objectives.

EXTENDING THE VOTING RIGHTS ACT

Mr. MONTOYA. Mr. President, the Senate is engaged in vigorous debate concerning an issue which forms a basic thread in the fabric of American democracy. We are concerned in this debate with legislation that seeks to guarantee each citizen the right to vote. It has become an accepted fact that the right to vote is not an effective one when encumbered by artificial barriers such as literacy tests and other "tests or device." The Voting Rights Act of 1965 developed a set of interacting mechanisms, of varying application, for both immediate and long-run impact. The act served the immediate need to increase registration by suspending literacy tests and the future needs by the preclearance provisions in section 5.

Mr. President, the Voting Rights Act is 10 years old now, and we are being asked to extend the act for an additional period so that its protection will be available not only to those previously covered but to new groups and areas of the country as well.

Much progress has been made during the last 10 years, minority political participation has increased substantially; more minority citizens are registered, voting, running for office, and holding office than at any time in our Nation's past. In the Southern States covered by the act, black registration has increased by over 1.1 million, meaning that over 56 percent of the eligible black voters in those States are now registered. The disparity in registration rates between white and black citizens has also been reduced, dropping to 11.2 percent from over 40 percent. This progress, I believe, reaffirms the original wisdom of the Congress in passing the act and also argues for extension which is now being proposed.

Mr. President, this bill not only extends the act for 10 years it also expands the law to cover other minority groups, such as Spanish-speaking and American Indians. Let me take this opportunity to state that I fully support this expansion of the act. We cannot ignore the fact that significant numbers of minority citizens other than blacks have been victims of discrimination in the voting process. As Members of the Senate, I believe it is incumbent upon us to take decisive action to correct this situation so that all citizens will enjoy the full protection afforded by the 14th and 15th amendments. A country, such as the United States, which has such a wealth of racial and ethnic diversity cannot allow any citizen to be barred from voting, because of either overt or covert discrimination. The bill before us today takes much needed steps to eliminate even the remote possibility that any citizen may be deprived his basic right to vote. Mr. President, earlier I mentioned that new areas of the county as well as new groups were covered under this expansion of the 1965 act. In addition to continuing coverage in those areas covered by the 1965 act as amended in 1970 the "1975 Extension" would expand coverage in primarily the Southwest and West. The act will, if the current version is adopted, extend coverage to three counties in New Mexico.

Now, Mr. President, I want to make it clear that I do not believe any voter discrimination exists in my State. Spanish-surnamed officials have been a regular part of the New Mexico political scene as long as I can remember. Currently, over 35 percent of the State legislature, the Governor, attorney general, secretary of state, commissioner of public lands, State auditor, and a corporation commissioner of the State are of Spanish descent, and of course one-half of our congressional delegation is Spanish-surnamed. Not only is there high representation of Spanish-surnamed citizens in State and Federal offices, but the same representation is found throughout county, city, and among appointed officials as well. Furthermore, New Mexico can count many American Indians among its State and local officials. The above facts lead me to conclude that New Mexico cannot be charged with discrimination against any group of voters. These same facts also compel me to believe that New Mexico and the three counties which are included by the triggering formula used in the act have nothing to fear from inclusion within the law. Mr. President, while it would be preferable for New Mexico to be exempted from the coverage of this act, I am sure that the "bail-out" provisions of the act will operate to allow the three New Mexico counties which are covered an opportunity to remove themselves from the scope of the act. I would not that jurisdictions in Alaska, Arizona, Idaho, North Carolina, New York, Wyoming, and California were able to exempt themselves by utilizing the "bail-out" provisions of the act. I am confident that the three New Mexico counties covered by the act will also be able to secure their exemption. Let me stress that those areas of the country such as my own State of New Mexico, who have a strong history of commitment to equal opportunity for all citizens, have nothing to fear from the bill before us today.

Mr. President, the 1975 Voter Rights Extension Act is a significant piece of legislation which will provide the ammunition necessary for us to continue the battle for full equality for all our citizens. The facts demonstrate that much has been accomplished in the 10 years since the original act was passed, but they also show that there is much to be done. The current law expires in just a few weeks and it is clear to me that the Congress cannot recess without extending this vital law. It is my hope that the Senate could act expediously on this matter without amending the House version so that this measure could be sent directly to the President for his signature. I do not assert here that the bill is perfect in all respects, but I am convinced that it is more important to secure the uninterrupted extension of the law than it is to seek to delay the bill further. Also, I understand that the distinguished chairman of the subcommittee, and manager of this bill, Senator TUNNEY, had made known his intention to hold additional hearings for the purpose of amending the act once it is extended. I urge my colleagues to hold amendments until that time and act with dispatch in approving H.R. 6219, as passed by the House so that the President can sign this bill into law well in advance of the expiration of the present law.

EXHIBITION OF ARCHEOLOGICAL FINDS FROM THE PEOPLE'S REPUBLIC OF CHINA

Mr. SYMINGTON. Mr. President, "The Exhibition of Archeological Finds From the People's Republic of China" recently completed a very successful showing at the Nelson Gallery-Atkings Museum in Kansas City, Mo.

Two hundred and seventy thousand

Midwesterners enjoyed this exhibit from April 20 through June 8, thanks to the combined efforts of Greater Kansas City leaders and the educational and cultural affairs section of the Department of State.

The show itself elicited an exceptional amount of civic pride and energy in the "Heart of America" in this contribution to a better understanding and appreciation of the cultural heritage of the most populous member of the family of nations.

I ask unanimous consent that a letter from Mr. John Richardson, Jr., Assistant Secretary for Educational and Cultural Affairs for the Department of State, and clippings from the Kansas City, Mo., Times reporting on the success of this exhibition, be printed in the RECORD.

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

DEPARTMENT OF STATE,
Washington, D.C.

Hon. STUART SYMINGTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SYMINGTON: "The Exhibition of Archeological Finds from the People's Republic of China," has just completed a very successful showing at the Nelson Gallery-Atkins Museum in Kansas City, Missouri. For the Exhibition, the Nelson Gallery received a grant of approximately $397,000 from the National Endowment for the Humanities, and arrangements were facilitated by the Department of State under the Mutual Educational and Cultural Exchange Act of 1961 and the Shanghai Communique of February 1972. In view of the significance of this exhibit in your region in helping to strengthen understanding between the United States and China, I thought you would be interested in a brief report concerning its reception thus far.

I would like to express my appreciation for the support Congress has given this exhibit. Congressional enactment of P.L. 93-287 in May 1974 authorizing the Department to enter into an indemnification agreement with the People's Republic of China against loss or damage to the objects in the exhibition, helped assure that this major exhibition could be held in the U.S.

As you may know, the exhibit opened last December at Washington's National Gallery of Art, where it drew the largest crowds in the museum's history. It will conclude its U.S. tour at San Francisco's Asian Art Museum this summer. In Kansas City, where approximately 270,000 people attended, the Exhibition is being lauded as one of the most important cultural events held in the Midwest in recent years. The Midwestern region has drawn creatively upon resources from professional circles in business, education and the arts to support and extend the impact of the show. It has elicited an exceptional amount of civic pride and energy. We are pleased that so many Americans have had the opportunity to participate in an international cultural event of this kind.

As the enclosed clippings suggest, the Chinese Exhibition has contributed to American understanding of China. And, we believe that through the process of arranging and mounting this exhibit, the Chinese scholars and officials involved have learned about our society, too. We look forward to further shared endeavors between Congress and the Administration to bring about new educational and cultural exchanges of similar importance.

Please do not hesitate to call on me if you would like more information on this or other cultural exchanges.

Sincerely,

JOHN RICHARDSON, Jr.,
Assistant Secretary for Educational and Cultural Affairs.

CHINESE EXHIBITION LURES 6,000 TO GALLERY OPENER

(By Kathleen Patterson)

The Friends of Art of the Nelson Gallery of Art waited in 50-degree temperatures under the stars until 11 o'clock last night to view the Exhibition of Archaeological Finds of the People's Republic of China. Once through the turnstiles, they took the first day attendance to more than 6,000 persons.

A party atmosphere pervaded even the lines outside the gallery, which grew to 2,000 persons. A corresponding number of unticketed cars lined the no-parking areas along Rockhill Road.

Soon after the 7 p.m. Friends of Art reception began, Han Hsu, leader of the Chinese delegation, made a brief stop at the gallery. His car drew cheers from the waiting patrons.

Yesterday afternoon 1,800 persons from as far away as New York and Michigan stood in line about an hour and a half for the first public showing of the exhibition. Attendance was below what had been expected, but gallery officials said it was just as well—more persons could not have been accommodated in the 4-hour afternoon showing.

About 150 persons were turned away when the doors were closed at 4 p.m. Another 300, the last admitted, waited in lines inside. Those who waited their turns, in the afternoon and evening, said the time was well spent.

The invitational reception for the Friends of Art, the membership group that supports the gallery, was to have run in two shifts, from 7 to 9 p.m. and 9:30 to 11:30 p.m. But the plan was scratched when turnout was much larger than expected. About 9 p.m. officials went through the lines outside with the news that the gallery would stay open as late as possible to let all the members through.

At 10 p.m. officials announced that the special shuttle buses from the Country Club Plaza and south on Oak to 52nd would continue running until 3 a.m.

"It's a thrilling experience," Mrs. Beryl Flathmam, 108 W. 103rd, said while walking out of the exhibition. "Kansas City is very fortunate." When the exhibition leaves this country, it will have been shown in only two other American cities, Washington and San Francisco.

Equally eager were those outside. "We don't mind waiting at all," members of the Alan Ryder family, of 8508 W. 88th, Overland Park, said. "We've been here about an hour," Ryder said. "It's not bad. I'm sure it's worthwhile."

No one in the line, which was replete with long gowns and dark suits, abandoned plans to see the show. Two-hour waits were average.

In the Rozelle Court gallery officials took a break. Mrs. Philip F. Rahm, chairman of the planning committee for the receptions last night and Saturday, suggested a pool to guess the total attendance last night. She guessed 7,200 persons. Ralph T. Coe, assistant gallery director, guessed 6,800 and Laurence Sickman, director, took the lowest number, 5,100. There was mention of the winner treating the losers to a Chinese dinner.

The officials' days had been long. Coe escorted Han Hsu and two other members of the Chinese delegation around the city, including the stockyards, Kemper Arena, Truman Sports Complex, the Liberty Memorial, and even a dairy farm 60 miles from the city.

Mrs. Rahm began at 9:30 a.m. tearing down the decorations for the Saturday night reception, to replace a huge centerpiece in Kirkwood Hall with more room for lining up persons during the afternoon public opening.

The reception refreshments last night included 100 cases of white wine and 150 pounds of pastry. Around 10 p.m. more wine was ordered.

Friends of Art membership jumped when the Chinese exhibition and the Friends of Art reception, were announced. Mrs. Glenna Youngstrom, executive secretary of the organization, said the 5,000 memberships had grown to nearly 6,500 since March 1, including family memberships.

Another party is scheduled for tonight, Mrs. Rahm said. Sickman is giving a party for all employees at the gallery, including workers hired to help set up the exhibits, and the policemen assigned to duty at the gallery throughout the exhibition.

"He is giving the party to thank everyone who has worked so hard," Mrs. Rahm said.

The crowd on hand for the first public showing of the historical collection yesterday afternoon included a couple from Ann Arbor, Mich. They flew to Kansas City yesterday morning and planned to return to Ann Arbor last night.

"We love art," Jerry and Gerry Dombchik explained. They read about the exhibition in the New York Times. "But I think we could get to China faster," Mrs. Dombchik, a student and painter, said, looking from the second floor lounge to the line below in Kirkwood Hall.

Four students from Omaha were turned away at the entrance in the last afternoon and complained they would not be able to return because of impending final exams.

At the entrance to the exhibition, after individuals wound their way through the gallery's west wing, then through a maze in Kirkwood Hall, they were told to go through the exhibition at their own pace. They could linger to read about the excavations which produced the objects. Most viewers did, taking an average of an hour and a half to wander through the exhibition.

Robert K. Martin, project director, said about 500 persons toured the exhibition each hour. For future reference, he said, the public opening yesterday indicated persons could figure on about three hours at the gallery for the Chinese show, including time for waiting in line.

Police stationed at the gallery said there had been no traffic problem although the parking lots were full most of the afternoon. Special shuttle busses from the Country Club Plaza and University of Missouri-Kansas City ran empty or half full. A driver at the Sears parking lot at the Plaza, where busses left three times an hour, said he carried 42 persons on his first trip, then no more than 12 on successive trips. His seventh trip arrived empty.

A Blue Springs family arrived at 9 a.m. in hopes of being first in line for the opening. They followed four other persons, but claimed to be the first family admitted.

Mr. and Mrs. Raymond Naudet, and Amy, 12, Pat, 10, and Kelly, 7, all of 171A Lake Tapawingo picnicked while they waited.

"We wanted the children to remember as long as they lived that they were first in line for the Chinese exhibition," Mrs. Mary Kay Naudet said. The children attend a Montessori school owned by their parents, and had been schooled on the exhibition. Kelly was able to explain to another group in the exhibition just why the Chinese depict a horse with wings.

"When horses die, they turn into dragons," Kelly said. "They believe that the horse will take them into the other life."

They liked the "happy dragon," a wine vessel in the shape of a dragon with a grin on

its face. Amy was interested in the acupuncture needles.

"They had them 2,000 years ago, and we're just now beginning to get into it," she said, but admitted she wouldn't want to try the surgical method unless the practitioner knew what he was doing.

Several parts of the exhibition held their viewers for more than a few minutes. A crowd gathered around the jade shroud sewn with gold thread and worn by Tou Wan, wife of Prince Ching of Chung-shan. A parent-child interchange next to the suit's glass case:

"Did they really put a man in there?"

"No, it was a woman."

'Did they really put a woman in there?"

"Yes."

"How come they buried her in that?" No reply.

Mrs. Julianna Liu, of 3506 N.E. 46th Terrace, was impressed by the jade suit. "It looks perfect," she said, sitting next to her 4-year-old daughter and Chinese-speaking mother-in-law, Mrs. Nancy Liu.

Now an American citizen, Mrs. Liu said she moved from Peking to India at the age of three and has lived in this country for six years. Friends in New York who saw the exhibition while it was in Washington recommended it, she said.

THE GREAT CHINESE EXHIBITION AT THE NELSON

Kansas City's good fortune as one of the few cities of the world selected for the display of artifacts discovered in the People's Republic of China was not exaggerated. Thousands here have seen it already and tens of thousands will see it before the June 7 closing. Most will testify to the beauty and historic grandeur of an ancient civilization outlined at the William Rockhill Nelson Gallery of Art.

Taken as a whole, as a procession of man's climb through the ages, the collection is almost overwhelming. Taken separately, the beauty of individual works—some done by craftsmen 6,000 years ago—is evidence of man's constant yearning toward utility and beauty, and of the timeless creative spark that generated incredible skills in unknown centuries of prehistory.

Among the 385 objects, each viewer will have his own favorite. The Flying Horse of Kansu is the centerpiece for many. It is displayed in a shaft of light but with strategically placed openings in the room from which a procession of similar horses and warriors can be seen from dramatic perspectives. The little gilt-bronze leopards of the Han dynasty with their blazing garnet eyes have been favorites in every city. Those who have seen the exhibition elsewhere say that the display is superior at the Nelson.

The Chinese prescribed the order of the objects and specified all wall labels, maps and photographic materials. The gallery staff, in co-operation with the Chinese, has mounted an exhibition that is ingenious in its arrangement for the convenience and ease of the visitor. The lighting is outstanding, the cases can be viewed from two or more sides to reduce crowding, and the channeling of the viewers encourages leisurely or quick inspection. Not all gallery buildings are flexible enough to absorb a display of this scope.

"The Exhibition of Archaeological Finds of the People's Republic of China" will draw immense crowds to the Nelson over the next six weeks. Kansas City, along with the Chinese, is host to one of the great anthropological and artistic occasions of the age. It is a time of cultural opportunity for the region and a source of pardonable pride.

IMPROVING THE COST-OF-LIVING ADJUSTMENT MECHANISM

Mr. KENNEDY. Mr. President, enactment in 1972 of the cost-of-living adjustment mechanism represented an important first step in protecting elderly persons from the impact of inflation.

Nearly 31 million social security beneficiaries received an 8-percent automatic adjustment on July 3 of this year, instead of the 5-percent ceiling proposed by President Ford.

I was pleased to join Senator CHURCH, the chairman of the Committee on Aging, in resisting the administration's outrageous attempt to reduce monthly benefits authorized by law. It would have cost the elderly recipients $2.1 billion in lost income had it been designed.

The automatic escalator was designed to protect the elderly from inflation. President Ford's proposal, however, struck at the very heart of this concept.

Because the Congress prevailed, the average social security beneficiary will receive approximately $70 more during the next year than under the administration's recommendation.

When the administration could propose a 35-percent hike in weapons research and development, I find it incomprehensible that the administration could have decided to force the elderly to bear the major burden of budget cuts.

Inflation continues to be the aged's No. 1 enemy. The cost-of-living adjustment mechanism, to be sure, has provided valuable protection. But other actions are still needed if older Americans are to have full protection from inflation.

Recently, Senator CHURCH introduced the Social Security Cost-of-Living Improvement Act which I cosponsored. The bill is designed to strengthen the automatic escalator provision in two ways:

First, it would authorize adjustments up to twice a year, provided the Government's Consumer Price Index increases by at least 3 percent from one base period to another.

Second, it would direct the administration to develop a special Consumer Price Index for the elderly.

Recently Wendell Coltin, of the Sunday Herald Advertiser, Boston, Mass., wrote an excellent article, describing Senator CHURCH's Social Security Cost-of-Living Improvement Act.

Mr. President, I commend this account 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:

MEDICARE MAILBOX—SENATOR CHURCH FILES BILL CALLING FOR SEMIANNUAL COST OF LIVING HIKES

(By Wendell Coltin)

Even before the 31 million Social Security beneficiaries endorsed their checks received three days ago, containing the first cost-of-living increase (8 percent) under the 1972 amendments, Sen. Frank Church (D.-Idaho) introduced legislation to authorize cost-of-living adjustments up to twice a year.

Sen. Church, chairman of the Senate Committee on Aging, was the sponsor of the cost-of-living adjustment mechanism and was quoted in our special section Tuesday, June 10, as stating its enactment "represented a major victory for the nation's elderly."

Incidentally, because of numerous inquiries—and orders we continue to receive for that special section—requests should be addressed to SS-75, Herald American, PO Box 900, Boston, Mass. 02103. Along with enclosing 25 cents for each copy requested, those requesting it for themselves, or to be mailed to others, should be sure to include the name and address where each paper should be sent.

Sen. Church's proposal to improve the cost-of-living adjustment mechanism for Social Security beneficiaries is designed to strengthen the automatic escalator provision by authorizing twice-a-year payments and directing the Social Security Administration to develop a special index to serve as the basis for such adjustments. His bill calls for adjustments to be made in April and October instead of once a year.

"A special index is needed now," he said, "to reflect more accurately the impact of inflation upon the elderly. In recent years, some of the sharpest increases in prices have occurred in areas where the elderly have the greatest expenditures."

During the past year, food, housing, medical care and transportation increased at a rate ranging from 29 to 43 percent higher than other items in the Government's inflation measurement index, it was pointed out. These expenditures typically account for about 80 percent of an aged family's limited budget.

Sen. Church said the change to two SS adjustments a year would allow benefits to be kept current with rising prices during periods of accelerated inflation. It would also provide an extra hedge against inflation, particularly when living costs jump precipitously, he stated.

PARKS ARE FOR PEOPLE

Mr. MOSS. Mr. President, in recent months there has been a significant shift in National Park Service policy. The National Park Service seems determined to eliminate overnight lodging concessions from the national parks. This policy has important ramifications for those people who visit our national parks because it would limit the use of the parks which belong to the people.

The Park Service claims this policy is consistent with their Organic Act of 1916 which directed the agency to conserve the scenery and natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such manner and by such a means as will leave unimpaired for the enjoyment of future generations. However, I am certain that those wise legislators who foresaw that hundreds of visitors in the 1920's would become thousands and even millions in the 1960's, never intended to seal off use of the parks so that most latter-day Americans could not enjoy them.

We are forgetting, I believe, that our national parks are for people, and that a vast majority of Americans see most of our natural wonders from the window seats of their automobiles, or after a short hike from a visitor's use area. They come into our national parks not with a pack on the back, but with a car full of children.

Are we over emphasizing wilderness and under emphasizing people? I think so. At least the situation in my State of Utah leads me to think so. The National Park Service is proceeding on schedule to phase-out the lodging facilities at Zion National Park. Zion Park is the most popular park in the State. Last year over 900,000 people visited Zion Park and the rate of visitation is up this year. Elimination of the overnight facilities will lead undoubtedly to a significant drop in total visitation. There are not tourist facilities available to fill the void created by

the elimination of Zion's overnight facilities. The National Park Service expects the town of Springdale—population 172—and the town of Virgin—population 119—to meet the tourist demand. These small communities cannot do it. A draft environmental impact statement prepared by the Department of the Interior recognizes this problem but it seems the Park Service cannot be deterred. The environmental impact statement states that the town of Springdale is expected to absorb the increase of overnight travelers. However, the draft goes on to say that initially Springdale most likely will not be able to handle the increased tourist demand and the result would be inconvenience to the park visitor and a continuation of lodging facilities for at least 6 to 8 years may be a necessary alternative.

The National Park Service should be seeking, in the words of past Park Director Hartzog:

> To extend more broadly to all Americans the many values and opportunities represented in their national park system.

Instead it is attempting to limit use of the national parks.

LIMITED NUCLEAR WAR

Mr. SYMINGTON. Mr. President, the administration's recent statements concerning the possible use of nuclear weapons by the United States have stimulated considerable debate on American nuclear policy both within and outside the Government.

Among the various articles and statements which have recently appeared in the press on this subject, two in particular illustrate the central issues in this debate.

The first is an article by George C. Wilson which discusses the administration's proposed new nuclear strategy of "limited nuclear warfare." This article appeared in the Washington Post on Sunday, July 20.

The second is a letter to the editor of the Post by Dean Adrian Fisher of the Georgetown University Law Center, which discusses U.S. nuclear policy toward nonnuclear nations. It appeared on July 21.

As these writers make clear, any change in U.S. nuclear policy will have significant implications not only for the defense of this country, but the perception of America by the rest of the world.

At a time when the administration is seeking to lessen international tension through the Strategic Arms Limitation Talks—SALT—and various other arms control, trade and cultural efforts, it would appear that any shift in our nuclear doctrine toward making a so-called limited nuclear war more acceptable could upset the present nuclear balance as well as possibly encourage further nuclear proliferation.

I ask unanimous consent that the two articles in question be printed in the RECORD.

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

NEW U.S. STRATEGY FOR NUCLEAR WAR

(By George C. Wilson)

The congressman from Michigan took the floor of the House on Jan. 19, 1951, to demand that the White House and State Department let the U.S. Air Force bomb deep inside China to help American troops "pressed to the breaking point" in Korea.

"First and foremost," he said, "we must bomb the Chinese Communist supply bases in China itself. . . . The fallacy of fighting the hordes of Asia on the ground is obvious. We are bleeding ourselves to death, which is just what Stalin wants us to do. It is utter stupidity to continue such a policy when we are not fighting with both fists."

Back then, in 1951, he was Rep. Gerald R. Ford, an obscure Republican from Grand Rapids, Mich. Today he is President Ford—commander-in-chief of military forces that could incinerate the world in half an hour. He talked about Korea and the use of American power again, as President, just a few weeks ago.

"Mr. President," a reporter asked him at his June 25 press conference, "let me just ask you this question point blank: If North Korea attacked South Korea, would you use nuclear weapons to stop that?"

After some verbal fencing, the President responded: "I am not either confirming it or denying it. I am saying we have the forces and they will be used in our national interest, as they should be."

While Congressman Ford in the 1950s was complaining about restraints on American power, a Harvard professor was calling for more imaginative use of our A-bombs and H-bombs. In 1957, the professor set down his thoughts in a book entitled "Nuclear Weapons and Foreign Policy." He argued that nuclear weapons could be used without crossing the firebreak separating little wars from world holocaust.

"With proper tactics, nuclear war need not be as destructive as it appears when we think of it in terms of traditional warfare," he wrote.

"Without damage to our interest," he argued, "we could announce that Soviet aggression would be resisted with nuclear weapons if necessary; that in resisting we wuold not use more than 500 kilotons explosive power unless the enemy used them first; that we would use 'clean' bombs with minimal fallout effects for any larger explosive equivalent unless the enemy violated the understanding; that we would not attack the enemy retaliatory force or enemy cities located more than a certain distance behind the battle zone. . . .

"A limited nuclear war does not guarantee success by itself," he wrote, "but it would use the sociological, technological and psychological advantages of the United States to best effect. . . ."

Back then, in 1957, he was Prof. Henry A. Kissinger, executive director of the Harvard International Seminar and a strategist confined to consulting the government. Today he is Secretary of State Kissinger, maker and implementer of government policy, staff boss of the President's National Security Council. In those jobs, he has signed off on changes in American nuclear war strategy—with some concepts reminiscent of the ideas he set down in his 1957 book and amended in a subsequent study.

Another college professor—this one an associate professor of economics at the University of Virginia—joined Kissinger in the 1950s in theorizing about how America could use its power in the world more effectively.

"We have not reconciled ourselves emotionally to the need for the continual exercise of power to protect our interests," this professor wrote in a book published in 1960 and entitled "The Political Economy of National Security."

He contended that "we must become adjusted to the heavy costs of limited warfare as a condition of life. . . ."

This same professor later devoted full time to analyzing military strategy as director of strategic studies of the Rand Corp. from 1963 to 1969. He never served in any military service himself and thus was denied the chance to see what happens to many theories in actual combat.

Today he is Secretary of Defense James R. Schlesinger—civilian head of the world's mightiest military establishment and adviser to President Ford, both as defense secretary and member of the National Security Council.

Mr. Ford, Kissinger and Schlesinger—who came together by a series of political accidents—are now this nation's civilian triad for making military policy. Their past statements portray them as hawks, believers in using American military power forcefully—including setting off nuclear weapons on a battlefield, under some circumstances, in the common belief this would not necessarily lead to uncontrolled incineration of the world.

THINKING THE UNTHINKABLE

The extraordinary willingness of these three top government executives to think and talk about the unthinkable—nuclear war, including firing the first "nuke"—has aroused concern among arms control specialists in this country and drawn fire from Soviet spokesmen over the last several weeks.

The public perception has been that nuclear weapons would be used only if everything else had failed—the American or NATO cause appeared almost lost or Russia had hit us first. But the Ford-Kissinger-Schlesinger willingness to consider nuclear war controllable has resurrected some of the old scenarios about using nukes like conventional artillery on the battlefield. Army theoreticians—to the disgust of some battle-hardened officers who know that actual combat is often mass confusion—are holding secret meetings in the Pentagon these days for example, to sing the praises of the new nukes that destroy only the target—nothing else. "Zero collateral damage" is one of the buzz phrases used by this once "out" group that now finds itself "in."

Strategic Air Command bomber crews, to cite another reaction to this "nuclear wars can be small" theory, are being trained to swing their sights to smaller targets in Russia, such as a single refinery or factory, rather than a big target like an airfield or missile base or city.

The first question one might ask about all this is whether there is anything really new in what our government's hawkish triad is saying and doing about American nuclear strategy? Secondly, if there are changes being made in long-standing American strategy, are they anything to worry about? The main source for the answer to the first question is Schlesinger, whom President Ford has let explain administration policy in this area.

There is indeed something new—as Schlesinger himself has said publicly on a number of recent occasions. These are a few of his specific statements on this first question of newness and change, listed in chronological order:

"There has taken place . . . a change in the strategies of the United States with regard to hypothetical employment of central strategic forces. A change in targeting strategy as it were . . ." Jan. 10, 1974, before the Overseas Writers Association.

"The main point of this change in strategic doctrine is to introduce flexibility and options for the national command authorities so they may deal with a set of events without being forced by prior planning to make a decision that would bring about a degree of devastation that neither the Soviet Union nor the United States, nor our allies around the world, would find palatable . . ." April 4,

1974, before two subcommittees of the Senate Foreign Relations Committee.

"The change in targeting doctrine is, of course, both broader and more limited than counterforce attacks." (Counterforce is the term for weapons shot at the other side's missiles and bombers—his military force as distinguished from his cities.) ". . . The purpose of our changing our targeting doctrine has been to enhance deterrence . . . A major change which results from the change in targeting doctrine is that we are paying much more attention than previously to planning for the possibility of these kinds of selective strikes we have been talking about . . ." Sept. 11, 1974, before the Senate Foreign Relations Arms Control subcommittee.

So we have Schlesinger's own word that there is something new in American nuclear doctrine—that there have been changes made, even though some Pentagon officials are still reluctant to admit it.

TO WOUND, NOT KILL

The basic objective of the changes is to let the President aim for the enemy's ear lobe, leg or arm with the nation's nuclear gun—not just the heart or other vitals. The President under this changed strategy could merely wound his adversary—not necessarily kill him.

This option to wound rather than kill could mean that in a war the President would give an Army colonel permission to set off nuclear mines to stop Soviet troops marching toward West Germany; order a B-52 bomber pilot to fire one of his SRAM nuclear-tipped missiles at a single Russian refinery or factory; radio a submarine skipper to shoot a missile at a Soviet airfield; approve the launch of a few Minuteman ICBMs to knock out the communications center for Soviet rocket forces without hitting cities in the process.

Without such an option to wound, Schlesinger argues that the American President might be afraid to fire the nuclear gun at all. Schlesinger has made that point in the complex phrases of the nuclear strategist—a specialist sometimes hard to understand:

"The point is that we should deter nuclear attacks on the United States across the spectrum" by preparing for a limited nuclear conflict as well as an all-out war. "If an opponent were to decide that we would be self-deterred because the President of the United States lacked adequate response options, and if an opponent were a risk taker, then such a selective nuclear attack becomes conceivable."

Having sold this strategy to President Ford, with the help of Kissinger or at least his compliance, the defense secretary is now trying to give America's nuclear forces more of a wounding capability than they have had in the past as well as a killing one. For the moment, this requires tinkering with the missiles and bombers we already have rather than building new ones. The idea is to make these wepons more selective, more accurate and more responsive to the President's commands.

For example, before Schlesinger started to implement the changes, it would take up to 24 hours to go inside a Minuteman III long-range missile targeted on Russia and tinker with its brain—a computer—so it would shoot at a different target than the one previously programmed. The Air Force is now installing what it calls a command data buffer system so the missile's mechanical brain can be washed of its old targets and re-instructed within 36 minutes to hit new ones. The men making the change would no longer have to go inside the missile silo itself.

Such tinkering and research on ways to make our nuclear weapons more surgical will cost about $300 million in this year's Pentagon budget, but that is just the beginning unless the United States and Soviet Union find a way to call off this pursuit of precision.

The second question, about whether changes in American nuclear strategy are anything to worry about, is the tougher and more important one. Certainly, respected members of the arms control community and of Congress are worried about the changes, even if Ford, Kissinger and Schlesinger are not.

THE KING'S NOSE

Critics of the new targeting doctrine recall the age-old warning about never hitting a king in the nose unless you intend to kill him. They contend that there is no such thing as a little nuclear war—that once either the United States or Russia hits the other's homeland with a nuke there will be no way to control the nuclear incineration. Schlesinger escalated their concern by recently asserting that the United States might fire a nuclear-tipped Trident submarine missile at Russia before the Soviet Union had resorted to nukes in a war in Europe. This willingness to threaten "first use" of a big strategic missile like Trident—as distinguished from smaller battlefield nuclear missiles like mines or short-ranged missiles which would not reach Russia from Germany—is considered provocative by some arms control specialists.

Sen. Stuart Symington (D-Mo.), a former Air Force secretary and member of the Senate Armed Services, Foreign Relations and Joint Congressional Atomic Energy Committees, heard Schlesinger explain the new targeting strategy in top secret briefings and came to this conclusion:

"The new targeting program lowers the nuclear threshold and increases the possibility of the beginning of nuclear weapons use in war. . . . The more you lower the kilotonnage of these weapons, the more you disperse them around the world, the more you make them common practice for utilization of our services and those of our allies, the greater the chance of their going off and the world blowing up."

Sen. Edmund S. Muskie (D-Maine), chairman of the Senate Foreign Relations Arms Control Subcommittee, is worried that the unthinkable idea of using nuclear weapons has already become thinkable by virtue of officials in the United States and Soviet Union portraying them as legitimate arms for battle. Said Muskie to Schlesinger:

"Whether or not this new strategy is designed to lower the nuclear threshold, it seems to me at the very least to reflect the fact that perhaps the nuclear threshold has already been lowered; that both sides now are less horrified by the prospect of nuclear war; that both sides are now more willing to consider the use of tactical nuclear weapons."

"What concerns me," Muskie said in another exchange with Schlesinger, "is that in building these limited responses we cloak the possibility of massive exchanges" of H-bombs and thus erode the deterrent value of "massive retaliation" which has kept the United States out of a nuclear war so far.

"If we add evidence to our doubts upon our willingness to go the full route," Muskie argued, "it seems to me that we add assurance to the other side's belief that we will be self-deterred. Therefore, you encourage the development of limited war as an acceptable kind of conventional military involvement. And when you escalate the possibilities to that level, it seems to me you escalate the possibility for ultimate nuclear war."

In rebuttal of such fears, Schlesinger has cited the desires of earlier Presidents to have something besides "an all or nothing at all" option; stressed that the United States would only fire nukes in response to aggression, and that even then it would be an agonizing decision; said filling in the gaps in our nuclear deterrence, while strengthening conventional forces, will make nuclear war less—not more—likely.

Schlesinger has translated his theory about the possibility of selective nuclear warfare into a Soviet missile attack on the Whiteman Air Force base outside St. Louis, Symington's hometown. Whiteman is a big launching pad for Minuteman missiles targeted on Russia and thus might be selected by Kremlin leaders trying to hit military targets instead of cities—a so-called "selective" strike.

If Russia, said the Pentagon, hit each of the 150 Minuteman II silos at Whiteman with two, big dirty nukes and attacked Strategic Air Command bomber bases as well, as many as 750,000 people in St. Louis would die and another 210,000 would be injured by the radioactive fallout carried to the city by the wind after what the Pentagon called a "worst case comprehensive counterforce attack." Russia would not aim at cities in such a counterforce attack, but at American missiles and bombers.

The Pentagon said it figured those casualties on the basis of the average fallout protection in U.S. metropolitan areas. It did another calculation figuring the shelter St. Louis itself actually has available, estimating the fallout casualties from the "dirty" attack would be 51,000 deaths and 540,000 injuries.

If the Kremlin's leaders concentrated on precision and aimed a single "clean" one-megaton bomb at each of Whiteman's missiles, the casualties from fallout would be much less in St. Louis but still not comforting. The Pentagon figured 26,000 people in St. Louis would die from fallout coming from a selective, clean attack and 130,000 would be injured—using the national average of fallout protection. With what the Pentagon called "effective" use of shelter available in St. Louis, the Pentagon said deaths in St. Louis from fallout might be brought under 1,000 and injuries would go down to about 3,000.

If the wind were blowing from east to west, said the Pentagon, the fallout from such a precision attack on Whiteman would hit Kansas City—killing 216,000 and injuring 477,000 people there, using the national average of city protection. Those figures would be lowered to 1,500 deaths and 8,000 injuries if Kansas City's shelters were used effectively, the Pentagon added.

Thus, if the Ford administration pursues this new selective targeting doctrine to its logical conclusion, it will have to re-issue the politically unpopular call for spending more money on fallout shelters.

With rhetoric which Hollywood might put into a Dr. Strangelove movie, the Pentagon has put together a slide show on the new targeting doctrine to help congressmen and others understand it. Slide 17, for example, makes the argument this way:

"The Soviets have a capability to conduct limited nuclear strikes on U.S. military targets. Nth country attacks will by their nature be limited in the foreseeable future.

"Although the probability of nuclear war is extremely remote, a limited strike scenario—as contrasted with a full exchange scenario with the Soviet Union—may be the more likely way a nuclear war could start.

"By: Developing pre-planned options for less than SIOP (Single Integrated Operation Plan)—level strikes. Investing in C3 (command, control and communications) and retargeting flexibility to provide improved ad hoc response capability.

"We can contribute to deterrence of such attacks by improving our capability to deny the hypothetical attacker his objectives.

"To do otherwise would result in unacceptable alternatives in the face of such an attack—no response or holocaust.

"The likelihood of limited nuclear attacks cannot be challenged on the assumption

that massive civilian fatalities and injuries would result."

KEEPING UP WITH MOSCOW

In plain language, the Pentagon is arguing that the Soviet Union is pushing ahead with nuclear weapons that could be used for selective as well as all-out attacks; that the United States must keep up with Russia in this endeavor unless both sides agree to call off the development and fielding of more precise nuclear weapons.

But how will such neat theories about nuclear warfare stand up if they ever have to be tested in battle? The Vietnam experience is hardly comforting in this regard. Before that war got out of hand and required the presence on the ground of a 500,000-man American expeditionary force, the theorists were talking about keeping the war manageable through a strategy of graduated response—tit-for-tat.

Ironically, Kissinger himself—despite his support of the new targeting doctrine today—warned against expecting limited nuclear war to remain limited. In his 1960 book, entitled "The Necessity for Choice," he wrote the following:

"While it is feasible to design a theoretical model for limited nuclear war, the fact remains that 15 years after the beginning of the nuclear age no such model has ever won general agreement. It would be next to impossible to obtain a coherent description of what is understood by 'limited nuclear war' from our military establishment.

"The Air Force thinks of it as control over a defined air space. The Army considers it vital to destroy tactical targets which can affect ground operations, including centers of communications. The Navy is primarily concerned with eliminating port installations.

"Even within a given service, a detailed, coherent strategy is often lacking. The Strategic Air Command and the Tactical Air Force almost surely interpret the nature of limited war differently.

"Since disputes about targets are usually settled by addition—by permitting each service to destroy what it considers essential to its mission—a limited nuclear war fought in this manner may well become indistinguishable from all-out war."

LETTERS TO THE EDITOR—ON THE QUESTION OF FIRST USE OF NUCLEAR WEAPONS

In its July 14 editorial the Post, in my judgement, was properly critical of a proposed unilateral declaration of no first use of nuclear weapons applicable even to another nuclear power. However, your editorial did not explore the matter in depth.

The question of first use of nuclear weapons is critical not only to the relationship between the U.S. and the U.S.S.R., but equally to the relationship between these two powers and the rest of the world, particularly as it affects the vitality of the non-proliferation policies of the United States. Put in its simplest terms, we are now asking other countries to accede to the Non-Proliferation Treaty (NPT) and thereby to renounce nuclear weapons. It would seem that under the circumstances the least that we can do is agree not to use nuclear weapons against parties to the NPT who have pledged not to acquire nuclear weapons of their own. This is the issue.

The issue is *not* whether we should agree not to use nuclear weapons against another nuclear power in the event of hostilities. Viewed in this light, the argument that an agreement not to use nuclear weapons against non-nuclear states would threaten the stability of NATO appears to be irrelevant. I know of no person who is seriously concerned about an attack against the NATO powers carried out by the Warsaw Pact powers without the involvement of the U.S.S.R. By the same token, I know of no American official who has said what Secretary Schlesinger has stated in one important respect: He is the first to assert publicly that we could conceivably retaliate against the *Soviet homeland* with strategic nuclear weapons in response to a conventional Soviet attack in Europe. Past pronouncements have always dealt with a scenario wherein a conventional attack in Europe is met by a nuclear response in Europe with tactical battlefield nuclear weapons. That traditional scenario is horrendous enough to contemplate, but the launching of nuclear weapons against the Soviet homeland would almost certainly escalate into all-out nuclear war.

The U.S., at least on one occasion, has worked out what seemed to many to be a credible solution of this no first use against non-nuclear countries dilemma. I refer to the ratification of Protocol II to the Treaty establishing the Latin American Nuclear Free Zone (the Treaty of Tlatelolco) in which the United States explicitly undertook "not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty." In its resolution consenting to ratification of the Protocol the Senate qualified that commitment somewhat to assert that the United States government would "have to consider that an armed attack by a Contracting Party, in which it was assisted by a nuclear weapon-state" would invalidate the United States' no-first-use pledge.

A formulation of this kind in an agreement with the U.S.S.R. dealing with the non-use of nuclear weapons would resolve the dilemma. It would remove the U.S. from the untenable position of asking other countries to sign the Non-Proliferation Treaty while not indicating any willingness to restrict its own nuclear options. It would also satisfy any legitimate concern about an attack on NATO carried out in concert with the Soviet Union.

While such a formulation is not perfect it would however, be infinitely better than the continuation of a policy of threatening to be the first to unleash the horrors of nuclear war.

ADRIAN S. FISHER,
Washington.

CUBA

Mr. KENNEDY. Mr. President, an apparent shift of attitude and policy by the administration recently with regard to Cuba deserves our commendation and support. The strong trend within the hemisphere supporting an end to the anachronistic policy of isolation has been evident for some time. Now it appears at last that the United States has begun to move with the hemisphere tide rather than against it.

In practice, if not formally espoused as yet as policy, we have acted within the Organization of American States in support of lifting the sanctions against Cuba imposed more than a decade ago.

Had such an attitude been exhibited at Quito last fall, we could have avoided the past months of continued dissension within the OAS on this issue. The hemisphere sanctions would have been lifted and each nation could then have proceeded on its own course of normalization.

The efforts to modify the Rio Treaty to permit a majority decision to amend that measure now is underway at Costa Rica. Prospects from recent reports and from the Department of State are positive in that regard. And we are supporting that conclusion.

More important, there appears to be general agreement to promptly hold a subsequent session of the OAS members in a formal "organ of consultation" in order to specifically act on the issue of the sanctions themselves. Although this decision would require a two-thirds majority, the administration is now supporting this decision. That altered attitude offers positive perspectives that the necessary two-thirds will be obtained.

In the aftermath of that action, I would hope the administration then would move expeditiously to begin the process of normalization of our own bilateral relations with Cuba.

I urged the start of that process some 5 years ago. The administration's past failure to take steps in this direction increasingly has been an obstacle to our fulfilling the concept of the new dialog proposed by the Secretary of State.

In that regard, I have introduced S. 935 to remove the legislative authorization for the trade embargo against Cuba. Senators CRANSTON, CULVER, HATHAWAY, MCGEE, MCGOVERN, SYMINGTON, and TUNNEY have joined me in that effort. In the House of Representatives, Congressman BINGHAM, Congressman HARRINGTON, and others have introduced similar measures.

At a time of acute awareness of the impact of embargoes, the maintenance of our own trade embargo against Cuba reflects a glaring contradiction in policy on our part. In addition, the embargo has failed to achieve its original objectives and reflects attitudes which can no longer be defended in a time of renewal of relations with China and with the process of détente with the Soviet Union.

In addition, more normal relations with Cuba holds out hope for advances in several important areas of humanitarian concern. It clearly would result in more flexible travel policies between our two countries, policies that would likely permit long-separated families to meet once again.

Also it could well have a positive impact on the political prisoners still languishing in Cuban jails. However many individuals have exited from prison during the Cuban process of rehabilitation, a substantial number still remain behind bars. There is no question that our past policies have not been effective in achieving any change in the condition of those prisoners.

The removal of the embargo and the diminution of the specter of a perpetually hostile U.S. adversary on the other hand may set the stage for humanitarian actions on the part of the Cuban Government in this area. And there have already been some indications of this possibility in the freedom granted to a small number of U.S. citizens held prisoner following the visits of Senators JAVITS, PELL, and MCGOVERN.

I would hope that the normalization of relations with Cuba would be the outcome of the process whose opening chapter is now being written in Costa Rica, and being written with the acquiescence of the administration.

I ask unanimous consent that recent articles on our change in policy at the OAS be printed in the RECORD.

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

[From the New York Times, July 16, 1975]

CUBA EMBARGO THE MAIN ISSUE AS OAS MEETS

(By David Binder)

SAN JOSE, COSTA RICA, July 16.—Delegates of 24 member countries of the Organization of American States convened here today to seek ways to accommodate Cuba once more in the hemisphere body, ending 11 years of boycott.

The O.A.S. failed to lift the 1964 embargo on trade and political relations with the Government of Premier Fidel Castro in an attempt at a meeting of foreign ministers last November in Quito, Ecuador.

At that time, a pro-Cuba faction believed it had sufficient supporters—14 of the 12 members who imposed the embargo—to lift the ban. But only 12 countries voted for the change. The United States was among those abstaining.

Now the promoters of change, including the United States, are attempting a more elaborate exercise involving amendment of the 1947 Treaty of Rio de Janeiro upon which the O.A.S. is founded.

Over the next two weeks, the delegates assembled here at the Irazú Hotel, named for Costa Rica's quiescent volcanic mountain, will attempt to alter the treaty to allow such matters as the Cuba issue to be dealt with by a simple majority instead of a two-thirds majority.

That shift and others would still require ratification by the parliaments of the O.A.S. members, a process that could take up to two years. But in the view of some members, a change in the voting rules would indicate a shift on the Cuba question.

If it succeeds, hemisphere officials said, the United States and other members would propose jointly that the O.A.S. delegates here transform themselves into an "organ of consultation" at the close of the formal session and then take up the Cuba issue directly.

In the O.A.S. charter, an organ of consultation is empowered to vote a change forthwith.

[From the Washington Post, July 17, 1975]

OAS SESSION OPENS, WITH UNITED STATES CHANGING STANCE ON CUBA

SAN JOSE, COSTA RICA, July 16.—The Organization of American States began a two-week conference here today that could lead to prompt dropping of collective sanctions imposed on Cuba 11 years ago.

U.S. ambassador William S. Mailliard declared last night that he feels enough votes, including his own, are lined up to end the sanctions.

Even so, that move probably would come at another meeting, perhaps immediately after this one, where the delegates would be properly constituted as an organ of consultation under the Rio Treaty of mutual assistance.

It was under that treaty that the required two-thirds of the 21 signatories voted to isolate Cuba. Venezuela had documented charges that in 1964 the Communist government was arming guerrillas there. The United States, which had earlier broken diplomatic relations with Cuba, encouraged the OAS to move.

The purpose of the present conference is to modernize the 1947 Rio Treaty, including to make possible lifting of sanctions by a simple majority. When the OAS met in Ecuador last fall on Cuba, only 12 nations, two short of the required 14, voted to repeal sanctions. Latin advocates of normalization had miscounted their votes.

That time, the United States abstained. Last night, Mailliard told newsmen that now, "I think there are 14 votes." He indicated that the United States would join if its vote was needed.

Mailliard said he did not know that Cuba has renounced a policy of exporting revolution, but Cuban subversion "in the area is now at a very low ebb compared to what it was some years ago. Times have changed . . . the world has changed."

A proposal circulated by the U.S. delegation would have the OAS, voting as an organ of consultation, free each member to determine "the policies it will follow with respect to the government of Cuba."

Thus the U.S. embargo of Cuba would continue, although the ongoing relaxation of that policy would also.

Nine OAS members already have diplomatic relations with Cuba. They are: Colombia, Peru, Argentina, Panama, Mexico, Venezuela, Trinidad-Tobago, Barbados and Jamaica. However, the last three are not voting members since they did not sign the Rio Treaty.

Any modifications of the treaty that are approved face lengthy ratification processes in member states.

In today's opening session, the new secretary general, Argentine Alejandro Orfila, said, "The overall mission of the OAS is to permit the exchange of ideas in an atmosphere of mutual respect to reach solutions acceptable to all. The sacrifice of extreme positions is the only way to achieve a continental consensus."

PROGRESS, PROBLEMS ON 202 HOUSING FOR THE ELDERLY

Mr. WILLIAMS. Mr. President, my Subcommittee on Housing for the Elderly held hearings last month to evaluate proposed regulations for the popular section 202 housing program for the elderly and handicapped. I must sadly report that the Department of Housing and Urban Development remains unwilling to implement this program as Congress intended. Even though the law was passed 11 months ago, HUD has still not approved one single unit for the elderly—in fact, we do not have final regulations for the program.

A few words of background will help to illuminate the issues explored at our hearings on June 6 and June 26.

EARLY DEVELOPMENTS

The section 202 program originally was authorized in the Housing Act of 1959 (12 U.S.C. 1701), and provided direct, 50-year Federal loans to nonprofit sponsors for construction of housing for the elderly and handicapped. While limited dividend sponsors were also permitted to participate, the program soon became a vehicle for the nonprofit sponsor almost entirely. The emphasis on the nonprofit aspect of this program is most important for it meant that experienced, well-established, local organizations with a long history of dedication to their communities could use section 202 as a means of service or even "ministry" to the elderly in their area. Typical sponsors were church or other religious groups, labor unions, and service organizations such as the Elks or the VFW. In other words, the section 202 program attracted sponsors who became long-term managers with the commitment to make the building livable and financially viable for many years. The 202 loan was made directly to the nonprofit sponsor who thus could control the major decisions necessary to insure development of a project that would last. This program protected the sponsor from a builder or developer who simply wanted to throw something together and leave the management problems to someone else. Perhaps, most importantly, sponsors saw section 202 structures as much more than buildings. They saw the building as the central core for bringing in many other services to the elderly of their community.

It is no wonder, then, that section 202 was a smashing success. In the program's brief 10-year lifetime, approximately 45,000 units were built, representing about 330 projects. To date only one of those projects has suffered foreclosure—a success record unparalleled in the history of the Department of Housing and Urban Development.

Then in 1969, this program was phased out by administrative decision. One reason given for its demise was the apparently heavy impact of a direct loan program on the annual Federal budget, even though the loans were to be paid back. For several years I introduced legislation to continue section 202, with no result. Finally, in the last Congress we changed some of the features of the program that had brought it into administration disfavor and incorporated them into the 1974 Housing and Community Development Act. This bill was signed into law on August 22, 1974. Later in the year, Congress passed a Supplemental Appropriations Act which approved a borrowing level for the 202 program of $215 million for fiscal year 1975. It looked like we were finally making some headway. But then new signs of trouble appeared.

In late January 1975, then HUD Secretary James T. Lynn announced that the Department was going to "move ahead" with section 202, but the direct loans would be limited to short-term, or construction, financing. This major policy change was totally unexpected. Congress had clearly intended that the program provide long-term, or permanent financing, which was how section 202 had always been used in the past. Nonprofit sponsors waiting anxiously to apply for section 202 money were troubled by this new direction announced by HUD, but they could see some virtue in it. If the loans were restricted to short-term—18–24 month—construction financing, then the money could be returned to HUD and loaned out again. In other words, it could be "turned over" much more rapidly, and many more units could be built. This would certainly be an advantage, but the success of such an approach hinged on the availability of permanent financing once the short-term loan was repaid. Without the long-term financing, most nonprofits would be unable to proceed, and they waited anxiously for promised regulations in hopes that HUD would provide some feasible vehicle for refinancing the short-term money so that the nonprofits could use the program.

PROPOSED REGULATIONS PUBLISHED

The wait was in vain. On May 15, HUD published proposed regulations in the Federal Register (24 CFR part 895) detailing the restriction of section 202 money to construction financing. Construction loans would be made, however, "only in instances where the applicant has obtained a commitment, satisfactory to HUD, for permanent long-term fi-

nancing of the project upon completion of construction."

In other words, no nonprofit would be able to make the first move until it had arranged permanent financing with a lending institution. Helping nonprofit sponsors finance housing for the elderly was the purpose of section 202 and the new regulations ruled nonprofits right out of it.

Within weeks I received many letters from experienced section 202 sponsors lamenting these new regulations. Mr. Clark Harshfield, executive director of the Retirement Housing Foundation, wrote:

. . . it now appears that the administration has again frustrated the whole nonprofit industry by arbitrarily limiting its application to interim financing. As an interim financing program, it is absolutely useless, redundant, and ridiculous. The only reason for 202 nonprofits is to provide a more flexible permanent financing vehicle for such facilities, hopefully at a lower rate of interest than the market provides. If those purposes cannot be achieved, then you might as well forget it because as it stands, it is useless.

Mr. Stanley Axlrod, president of the National Association for Nonprofit Retirement Housing—representing most of the current section 202 sponsors—agreed:

The proposed rules are unworkable and, in our judgment, clear evidence of HUD's continued resistance to Congressional intent for prompt and effective implementation of the 202/8 [1] program for elderly housing as manifested in the Housing Act of 1974 and accompanying Committee reports.

The most fundamental deficiency of proposed 202 rules is the absence of permanent loan financing or provisions for obtaining permanent financing.

JUNE 6 HEARING

In the face of this mounting criticism of HUD policy, my subcommittee met on June 6, 1975, to hear testimony about the proposed regulations.

Representing a coalition of 11 national organizations for the elderly, Mr. John B. Martin, former Commissioner of the Administration on Aging, and presently special consultant to the National Retired Teachers Association—American Association of Retired Persons, testified:

. . . it is the unanimous opinion of the cooperating organizations that comprise the Ad Hoc Coalition on Elderly Housing that the proposed regulations promulgated by the Department fail to meet the statutory language of Section 210 of Public Law 93-383, the Housing and Community Development Act of 1974. The promulgated regulations neither offer nonprofit sponsors an adequate opportunity to build under the designed program nor establish an administratively viable program that will provide quality housing for older Americans.

Besides NRTA-AARP, the ad hoc coalition included the following organizations: AFL-CIO, American Association of Homes for the Aging, B'nai B'rith, Cooperative Services, Inc., Lutheran Housing Coalition, National Association for Nonprofit Retirement Housing, National Caucus of Black Aged, National Council of Senior Citizens, National Council on Aging, and Senior Advocates International. All the other witnesses on June 6 echoed the same conclusions of the ad hoc coalition. In addition, I have yet to receive any communication from nonprofits indicating that this new approach will work.

I am often asked by those outside this field why nonprofits cannot obtain permanent financing. Perhaps a word of explanation is helpful here, for this issue lies at the core of the problem. First, one must understand, the average nonprofit group does not carry great financial clout; it has little if any assets; and certainly it has, at best, very little ready cash. Unlike the big builder or developer, the nonprofit cannot walk into a lending institution and exhibit an indepth balance sheet covering several years. Bargaining for a long-term loan is therefore difficult.

More specifically, should the nonprofit seek a conventional loan—that is, without Federal insurance—the lender would require a downpayment of probably no less than 20 percent. Twenty percent of a $3 million project of 150 units would require $600,000 in cash. Should the nonprofit try to obtain an FHA-insured loan instead, he could probably get 100-percent financing and not need a downpayment. However, FHA maximum rates are now set at 8.5 percent, and lending institutions are seeking 10 percent or more on their long-term loans. Consequently, to obtain permanent financing, nonprofits would be required to pay the lender points—in other words, pay at closing an estimated $270,000 in cash for an FHA-insured 100-percent loan at 8.5 percent for the same $3 million building. Nonprofits very simply do not have this kind of money; and, for obvious reasons, the direct loan, no downpayment advantages of the section 202 program have in the past been the "open window" for their participation.

JUNE 26 HEARING

HUD Secretary Carla A. Hills had been unable to arrange her schedule to testify on June 6, but we were able to work out a date 3 weeks later. The 30-day comment period on the proposed regulations had ended on June 16, 1975, and the subcommittee was anxious to hear what changes might be forthcoming in the face of almost unanimous opposition. To our dismay, Secretary Hills offered no change at all.

As proposed, the revised section 202 program will work in conjunction with the administration's new section 8—housing assistance payments—program under which HUD contracts with private landlords agreeing to pay the difference between fair market rent for a unit and no more than 25 percent of the tenant's income. In answer to the charge that the 202 regulations are unworkable for nonprofits because they provide no assistance for obtaining permanent financing, the Secretary said over "40 percent of the applications for new section 8 units received to date are for the elderly and handicapped; over 50 percent in the case of new construction."

She added:

The high rate of applications for housing for the elderly under the Section 8 program also indicates that there are sources of permanent financing for subsidized housing for the elderly in the private sector.

Since it is clear that a great many of the applications coming in for section 8 are from public housing authorities and State housing finance agencies—both having authority to raise their own permanent financing through bonds and other means—I asked how many of these applications for the elderly were from nonprofits. HUD representatives could not say because they said they do not have that fine a breakdown of the applications at this point. Without such a breakdown, I find their argument specious to show that nonprofits can find permanent financing in the private market.

In summary, despite negative nationwide reaction to the "construction loan only" approach, HUD seems determined to hold fast to this policy. Housing experts and all my mail argues in opposition to this policy, and HUD has yet to explain satisfactorily to anyone how the nonprofit is supposed to obtain permanent financing. I would add one further word of caution. Should permanent financing remain unavailable to the nonprofit, the section 202 program will be used—and controlled—solely by private builders and developers. Any participation by nonprofits would be only as a "front" organization lending its name and good will to a project over which they have no effective control. Such a program would perhaps build housing for the elderly, but it would not deserve the name or the reputation of section 202.

1976 APPROPRIATIONS

I feel very strongly that it is incumbent upon this Congress to continue sending to the administration firm indications of our intent that section 202 be implemented in a feasible manner for nonprofits by providing some mechanism to insure access to permanent financing. In this regard, on June 2, I wrote to Senator WILLIAM PROXMIRE, chairman of the Appropriations Subcommittee on HUD-Independent Agencies, asking for an increase in the borrowing level for section 202. At this stage no clearer support for 202 could come forth than approving the full authorized level of $800 million for fiscal year 1976, and I strongly recommended that the subcommittee approve this amount.

I am delighted that Mr. PROXMIRE's subcommittee has seen fit to respond positively to the spirit of my request. On July 16, the subcommittee approved a borrowing level of $500 million for 1976, and I would like to say a word of special thanks to my colleague Senator MATHIAS, the ranking minority member of that subcommittee, whose leadership was primarily responsible for the action taken.

I am equally delighted to report that yesterday the full Senate Appropriations Committee approved the $500 million level including statute language directing HUD to make funds available for permanent financing for housing for the elderly. The bill will soon go to conference where I hope similar results will prevail.

Finally, Mr. President, I ask unanimous consent to have two items printed in the RECORD at the close of my remarks. The first is a syndicated article that appeared in the Record, Hackensack, N.J.,

[1] Section 8 is described briefly later in this statement.

on July 6, 1975, by Theodor Schuchat who writes frequently on matters concerning the elderly. In this article which summarized very well the issues I have addressed, Mr. Schuchat quotes at some length Mr. Nelson H. Cruikshank, president of the National Council of Senior Citizens. I would like to thank Mr. Cruikshank and the National Council for all their support on behalf of section 202. They, as well as others, have made it a high priority issue with their organization, and I greatly appreciate their dynamic assistance.

The second item presents the results of an informal survey I took of all section 202 and section 236 housing projects for the elderly. Significantly, this survey indicates that for each unit of housing for the elderly there is approximately one person on a waiting list to get in. Second, it indicates that the average waiting time for admittance to housing for the elderly of this type is nearly 21 months. These findings, I feel, only accentuate the already commonly known fact that decent housing for the elderly is both scarce and in great demand.

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

HOUSING FOR AGED IMPERILED

(By Theodor Schuchat)

The U.S. Department of Housing and Urban Development has found a new way to keep the hard-pressed construction industry from building senior citizen housing.

Nearly a year ago, Congress passed legislation reestablishing the program of low-interest, long-term federal loans to nonprofit groups to enable them to build apartments for low-income retirees.

The Department had opposed the program for years. Though President Ford signed the bill into law, the bureaucrats think they have found a way to veto it.

They proposed regulations that would require all loans from the government to housing sponsors under the so-called Section 202 program to be repaid within 12 months after construction is completed.

The National Council of Senior Citizens filed a strong protest immediately. Council President Nelson H. Cruikshank explains that "any organization which wants to create housing units for the elderly will have to go to commercial lending institutions with FHA insurance and the grant under Section 202 to apply for loans at the commercial rate."

"Since banks and lending institutions accepting construction loans with FHA insurance are limited in the amount of interest they can charge on such loans, they will load up any such loans with 'points'—a procedure which is allowed under FHA-insured borrowing," he said.

A church or fraternal organization that applies for a $3 million loan of this kind might have to pay as much as $250,000 extra to get the loan. If they had that kind of money, these groups would not need a government loan in the first place.

"Our protest centers on three points," Cruikshank continues.

"First, the regulation passed by HUD will destroy nonprofit participation in a program that has proved successful and that has the clear support of Congress."

"In this respect we believe the regulations are illegal and violate the intent of Congress."

"Next, the time factor in getting these regulations out is a clear indication of a pattern established under President Nixon to get HUD out of the senior citizen housing construction loan business." Even if the regulations are changed now, Cruikshank notes, a year will have gone by with no loans made under the new law.

This he calls "impoundment by delay" and assails it as a step which is in clear violation of the intent of the Impoundment Control act.

"The HUD regulations, if accepted as proposed, will further wound one of this nation's most seriously depressed economic sectors—the building trades."

"The housing industry is in terrible economic shape," says Cruikshank. "Yet the Section 202 program, which these HUD regulations would destroy, is the only potentially active housing construction program in the whole of HUD."

SUMMARY OF QUESTIONNAIRES

In May 1975, Senator Harrison A. Williams, Jr., Chairman of the Subcommittee on Housing for the Elderly of the U.S. Senate Special Committee on Aging sent out questionnaires to more than 700 sponsors of housing projects specifically designed for elderly residents. Each recipient of a questionnaire managed a housing project built under either the Section 202 Direct Loan Program (Housing Act of 1959) or under the Section 236 Interest-Subsidy Program (Housing Act of 1968).

Senator Williams conducted a similar survey in 1973. The later results and a comparison with earlier survey are provided below.

I. 1975 SURVEY

A. Total sent, 735.

B. Total Number of Projects Responding, 440 (60%).

C. Those Responding Report:

1. Units Under Management, 66,780.
2. Average Units per Project, 152.
3. Number of Elderly on Waiting List, 63,767 (8 projects did not respond here).
4. Average number on Waiting List, 148.
5. Estimated Average Waiting Time,* 20.6 months (29 projects did not respond here).

*Actual question posed: "If an elderly person applied for an apartment today, how long do you estimate it would be before he or she could move in?"

II. 1973 SURVEY

A. Total sent, 511.

B. Total Responses, 303 (59%).

C. Those Responding Reported:

1. Units Under Management, 46,620.
2. Number of Elderly on Waiting Lists, 44,577.
3. Average Number on Waiting List, 147.

THE MARIANAS

Mr. GARY W. HART. Mr. President, a few days ago the House held hearings on a bill which would ratify the White House's arrangements with the Mariana Islands, which serves as a 7-year authorization act to provide almost $10,000 for every single islander and which would make the islands a part of the United States. One would think that these fundamental matters would have drawn more interest from those who can see the obvious military, political, and foreign policy implications in our Nation absorbing new peoples and territories into the United States after many years of denying ourselves the rewards of conquest.

Yet, the witnesses at the House hearings were entirely White House appointees plus a substantial delegation of Marianas islanders who, to a man, argued that the United States was doing the right thing allowing them to become Americans and, by inference, wards of the taxpayer. Not one witness discussed or even mentioned the possible benefits that the United States gains by accepting the Marianas as a new colony. Naturally, the islanders who came to Washington for the hearings were in favor of the arrangements concluded by the administration in isolation from Congress. They were in favor because the bill, if passed without alteration, is a dream come true, a promise of substantial American tax dollars for years to come. Given the same choice, no doubt half the world would like to make the same arrangement with us.

But there is a further explanation why no Marianas citizens who oppose the acquisition of their homeland by the United States appeared in Washington. It is because only those who supported the bill were given free passage to the hearings, and some of them even got tickets for their wives. The source for the funds paying the way for the 20 or more "friendlies" was the government of the Marianas, which is to say the trip was paid for by the American taxpayer.

No doubt the White House will tell us that no opponents could be found to take the free trip to Washington offered to so many, but I have received a letter from the acting president of the United Carolinian Association who complains that not one opponent was given the opportunity to present the other side. And there is another side because the Carolinian minority fears its culture will be submerged, other Marianas peoples do not understand what choices they had in the recent plebiscite and the "education" campaign preceding the plebiscite has been seen by some as completely one-sided.

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

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

UNITED CAROLINIAN ASSOCIATION,
Saipan, Mariana Islands, July 10, 1975.

Hon. GARY W. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: The representatives of United Carolinian Association and other concerned citizens on Saipan would like to meet with you to discuss the problems of the proposed covenant recently approved by many misinformed citizens of the Northern Mariana Islands.

The delegation from the procovenant group on Saipan, are already scheduled to meet with Congressman Phillip Burton and his subcommittee on July 14, 1975. We are concerned of the fact that our legislators, comprised of procovenant group can appropriate fund for themselves to testify in the hearing but cannot appropriate fund not even for one representative from the anticovenant group. Our persistent argument against their action, among other things, is that we are also taxpayers in the Northern Marianas, therefore, we are entitled to use the fund for the trip to the hearing.

We are determined to find some funds from other sources in order to meet with you and your colleagues to discuss some of the glaring problems of the covenant. We think it is only fair and appropriate that we also present our views to the United States Congress at the same time the procovenant group are there to lobby for the covenant.

Because Congressman Phillip Burton and his committee are very much sold on the terms stipulated in the covenant, we would like to ask that we only meet with your group to hear our views and arguments.

Your earliest response to this matter shall be greatly appreciated.

Very sincerely yours,

ABEL R. OLOPAI,
Acting President of the United Carolinian Association.

TODAY'S PIONEERS

Mr. MOSS. Mr. President, tomorrow at 5:18 p.m. the Apollo spacecraft will splash down in the Pacific Ocean. With this splashdown we conclude what is one of the greatest pioneering efforts of man. It is significant to me, and many others from Utah, that these modern-day pioneers are concluding our first manned space flights on July 24. Everyone in Utah holds a special reverence for that day. It was on July 24, 1847, that the Mormon pioneers concluded their trek across half a continent through the vast unknown reaches of what are now the Rocky Mountain States. So, just as today's pioneers are ending this journey into space and will go on with new programs to help build a better world, so, too, the Mormon pioneers entered the Salt Lake Valley to end their long journey and build a great center of commerce, industry, and productive farms.

One hundred twenty-eight years ago the first company of Mormon pioneers arrived in Salt Lake Valley under the leadership of Brigham Young. The final journey from the Missouri River to Utah was of 3 months duration. In the company were 143 men, 3 women and 2 children.

Tomorrow my people in Utah will celebrate the anniversary of the arrival of the first Mormon company.

To further honor those brave and noble pioneers of 1847, I ask unanimous consent that the names of the members of the first company be printed in the RECORD.

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

Barnabas L. Adams, Rufus Allen, Truman O. Angell, Millen Atwood, Rodney Badger, Robert Baird, Lewis Barney, Charles D. Barnum, Ezra T. Benson, George Billings, Francis Boggs, George Brown, John Brown, Nathaniel T. Brown, Thomas Bullock, Charles Burk, Jacob D. Burnham.

Albert Carrington, William Carter, James Case, Solomon Chamberlain, Alexander P. Chesley, William Clayton, Thomas Cloward, Zebedee Coltrin, James Craig, Oscar Crosby, Lyman Curtis, Hosea Cushing.

James Davenport, Isaac Perry Decker, Franklin B. Dewey, John Dixon, Sterling Driggs, William Dykes, Sylvester H. Earl, Ozro Eastman, Howard Egan, Joseph Egbert, John S. Eldridge, Edmund Ellsworth, William A. Empey, Datus Ensign, Addison Evrett.

Nathaniel Fairbanks, Aaron Farr, Perry Fitzgerald, Green Flake, John S. Fowler, Samuel B. Fox, John M. Freeman, Monroe Frick, Burr Frost, Andrew Gibbons, John Gleason, Eric Glines, Stephen H. Goddard, David Grant, George R. Grant, John Y. Green, Thomas B. Grover, Joseph Hancock, Alvarus Hanks, Hans C. Hansen, Appleton M. Harmon, Charles A. Harper, William Henrie, John S. Higbee, John Holman, Simeon Howd.

Matthew Ivory, Levi Jackman, Norton Jacobs, Artemas Johnson, Luke S. Johnson, Philo Johnson, Stephen Kelsey, Levi N. Kendall, Ellen Sanders Kimball, Heber C. Kimball, William A. King, Conrad Kleinman, Hark Lay, Tarleton Lewis, Jesse C. Little, Franklin G. Losee, Chauncey Loveland, Amasa M. Lyman.

Samuel H. Marble, Stephen Markham, Joseph Matthews, George Mills, Carlos Murray, Elijah Newman, John W. Norton, Seeley Owen, John Pack, Eli Harvey Pierce, Francis Pomeroy, David Powell, Orson Pratt, Tunis Rappleye, R. Jackson Redden, Willard Richards, Orrin P. Rockwell, Albert P. Rockwood, Benjamin Rolfe, Joseph Rooker, Shadrach Roundy.

George Scholes, Joseph S. Schofield, Henry G. Sherwood, Andrew Shumway, Charles Shumway, George A. Smith, William C. A. Smoot, Erastus Snow, Roswell Stevens, B. Franklin Stewart, James W. Stewart, Briant Stringham, Gilbard Summe, Seth Taft, Thomas Tanner, Norman Taylor, Robert T. Thomas, Horace Thornton, Marcus B. Thorpe, John H. Tippetts, William Vance.

Henson Walker, George Wardle, William Wardsworth, Jacob Weiler, John Wheeler, Edson Whipple, Horace K. Whitney, Orson K. Whitney, Almon M. Williams, Wilford Woodruff, George Woodward, Thomas Woolsey, Brigham Young, Clarissa Decker Young, Harriet Page Wheeler Young, Lorenzo D. Young, Loreenzo Zobieski Young, Phinehas H. Young.

CHILE

Mr. KENNEDY. Mr. President, I want to call the attention of my colleagues once more to recent developments involving U.S. policy toward Chile.

It appears that despite the continued use of repression and torture by the Chilean regime, the arbitrary detention of several thousand individuals on political grounds and the continued denial of individual liberties in that country, a move is afoot within the administration to seek a loophole in the current prohibition on any U.S. military assistance to the Chilean junta.

What is even more unsettling is that these discussions come on the heels of the Chilean junta's preemptory rejection of the scheduled visit to that country of the United Nations Human Rights Commission.

This inquiry which followed testimony before the Commission, and United Nations resolutions urging a halt to repression by the junta, actually first was proposed by Chile in arguing that the Commission did not have sufficient evidence to reach a judgment on human rights in that country.

A recent press report of the Washington Post on the subject of the cancellation of the Human Rights Commission visit notes some of the reaction around the world.

In Geneva, the International Committee of Jurists—which condemned human rights violations in Chile after an on-scene study last year—declared that cancellation of this week's visit "inevitably leads to the conclusion that the Chilean government was not in a position to face an objective investigation."

Reports from Chile of continuing detention confirm that conclusion.

And reports from our own officials on the scene there also confirm a continuing high level of repression and denial of human rights.

In fact, the denial of permission to the United Nations Human Rights Commission initially drew a strong reaction—and an appropriate reaction—from Deputy Secretary of State Robert S. Ingersoll. He sharply criticized the Chilean action, according to news reports, in a meeting with the Deputy Foreign Minister of Chile.

It therefore is extremely difficult to see any basis in the human rights area—the basic reason for congressional adoption of my amendment barring military transfer under any arrangements to the junta—for lifting that prohibition.

Not only is there no justification in Chile's own actions to commend any change in the prohibition, but any such action without positive congressional action I believe is clearly prohibited by section 25 of the Foreign Assistance Act.

That prohibition was extended through the Continuing Resolution. Let me quote the colloquoy in the Senate floor debate between my colleague Senator BROOKE, the ranking minority member of the Foreign Operations Subcommittee, the distinguished chairman of the Senate Appropriations Committee, Mr. MCCLELLAN; and the ranking member of the full Committee, Mr. YOUNG:

Mr. BROOKE. "As the ranking member of the Subcommittee on Foreign Operations, I simply want to emphasize that the prohibition contained within Public Law 93-559 barring any military assistance of any kind, including grants, credit sales, cash sales, guarantees or transfers to the Government of Chile remains in effect and is in no way altered by this continuing resolution. The Appropriations Committee report of this year, Senate Report 94-39, also affirms the inappropriateness of U.S. Government involvement in the acquisition of military equipment by Chile while the current state of affairs in that country continues.

"I would just like to know if that is the understanding of the distinguished chairman of the Appropriations Committee and also if that would be agreed to by the distinguished ranking minority member (Mr. Young)."

Mr. MCCLELLAN. "I believe that is the understanding. It is my understanding."

In addition, as the author of the initial Senate action on this subject, I made the following statement during consideration of the continuing resolution:

Mr. KENNEDY. Mr. President, with regard to the consideration of the continuing resolution, I simply want to emphasize that this resolution does not in any way contain any authority to void any of the prohibitions contained within the Foreign Assistance Act of 1971, Public Law 93-559.

In that regard, I want to emphasize that the prohibition of any military assistance to Chile, including grant, credit sale, cash sale, guarantee or transfer, that is, any U.S. Government acquiescence to Chilean military purchases in this country, remains prohibited.

As the author of that amendment, I simply wanted to emphasize that it is my understanding after consulting with the Appropriations Committee and legal counsel, that the prohibitions remain fully in effect.

I also want to note once more that continuing reports of torture in Chile of political prisoners, the continued detention of some 5,000 persons, the continued arbitrary detention of individuals for their political views and the continued repressive nature of the regime unfortunately still justify our refusing to provide that regime with military aid.

In that regard, high officials in the State Department recently have affirmed the existence of such conditions in Chile. That af-

firmation also comes from the Inter-American Commission on Human Rights whose report on violations of human rights was accepted by the General Assembly of the Organization of American States at its recent meeting here last month.

Thus, it is clearly the intent, conviction, and belief of the responsible Senators that any action now being contemplated to vitiate in any way the military aid prohibition is barred by law.

Finally, let me note that any change in policy would be a particularly disturbing development following the positive posture taken by our delegates at the Organization of American States general assembly sessions here in May. They rightly supported the Inter-American Commission on Human Rights which had discovered and reported gross violations of international human rights standards.

I would hope that the administration would come directly before the Congress during the consideration of the Foreign Aid legislation to justify, if it believes a case can be made, for any alteration in the denial of military assistance to Chile. I do not believe such a case can be made. And until it is and a positive change in the law takes place, all such attempts to provide military equipment to Chile remain prohibited.

I ask unanimous consent to have printed in the RECORD, articles by Lewis Diuguid of the Washington Post and David Binder of the New York Times on this subject, as well as other recent articles on the continuing repression in Chile.

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

[From the Washington Post, July 2, 1975]

U.N. VISIT TO CHILE CANCELED; GEN. PINOCHET REVERSES STAND ON RIGHTS UNIT

(By Lewis H. Diuguid)

Chile has canceled the visit of the U.N. Human Rights Commission, due to begin Thursday, in a break with the military government's prior policy of permitting international investigation of torture charges.

President Augusto Pinochet, announcing the cancellation in a speech Friday night, said: "I know that this is going to attract strong reaction from the Marxist world and that they are going to continue to attack us."

Gen. Pinochet earlier called U.N. Secretary General Kurt Waldheim asking that the commission investigate Cuba, the Soviet Union and other Communist countries, in the same manner as it has been studying the charges of human-rights violations in Chile since the overthrow of its Marxist government in 1973.

Chile actually had proposed the commission visit when the U.N. Economic and Social Committee took up the torture charges last year. In March, the Foreign Ministry offered its cooperation as "an example for those countries that brag about their concern for human rights outside their borders but that systematically refuse" investigation of charges at home.

In Geneva, the International Committee of Jurists—which condemned human rights violations in Chile after an onscene study last year—declared that cancellation of this week's visit "inevitably leads to the conclusion that the Chilean government was not in a position to face an objective investigation."

Chileans expelled by the Pinochet government report that in recent days numerous families in Chile have made frantic calls abroad for help following arrests without charge. Pressures from abroad have been credited with influencing the junta to make some concessions to human rights.

The most detailed investigation to date of conditions in Chile came from the Human Rights Commission of the Organization of American States, which spent 12 days on the scene last August.

When that commission's report chronicling cases of arbitrary detention, torture and disappearances was put before the OAS general assembly in May, the Chilean delegation asked that general discussion of its content be put off until after the U.N. group's visit.

The six-nation U.N. group was already assembling this weekend in Lima, Peru, for the trip to Santiago on Thursday.

During 10 days ending last week, the Geneva-based U.N. Commission had taken secret testimony in New York.

Among those heard were Laura Allende, sister of the late President Salvador Allende; Ralph Dungan, former U.S. ambassador to Chile; former Attorney General Ramsey Clark; Orlando Letelier, a minister in Allende's Cabinet who was jailed for a year after the coup; and Galo Gomez, a former university vice rector who was jailed for a year and a half.

Dungan and Clark have made investigatory visits to Santiago.

Also testifying were several expelled Catholic priests and students from across Chile's once-broad spectrum of political tendencies. All parties have now been disbanded by the military.

The ruling junta has consistently argued that Marxists are directing a campaign against it.

Pinochet said Friday that "International Marxism, which feels it has lost this battle (for Chile), does not hesitate to lie, to send commissions here to see that human rights are respected . . . We are David and they are Goliath, but Chile is a free and sovereign nation."

Members of the rejected commission come from Pakistani, Belgium, Austria, Sierra Leone, Romania and Ecuador.

Gen. Pinochet has contended that prisoners in Chile are treated in keeping with international norms. In an interview in May with Joanne Omang of The Washington Post he said that soldiers guilty of mistreating prisoners were themselves in jail.

Omang's followup of the names provided by Pinochet failed to produce evidence of their involvement in torture cases. After her reports of the matter, Omang was declared persona non grata as a reporter in Chile.

[From the New York Times, July 12, 1975]

U.S. AIDE REBUKES CHILE FOR BARRING U.N. INQUIRY

(By David Binder)

WASHINGTON, July 11.—Deputy Secretary of State Robert S. Ingersoll strongly admonished Chile's Deputy Foreign Minister Wednesday and again today over the decision of his Government to deny entry to a United Nations panel seeking to investigate charges of violations of human rights.

The six-nation United Nations Human Rights Commission had been scheduled to visit Chile yesterday, having been invited to investigate by the Chilean Government. But on July 4, President Augusto Pinochet declared that the group could not come at this time.

The panel members, from Pakistan, Sierra Leone, Belgium, Rumania, Ecuador, and Austria, were assembling in Lima, Peru, last weekend to prepare for the visit when General Pinochet's message reached them.

"RIOT ACT" WAS READ

A Chilean diplomat said Mr. Ingersoll "read the riot act" to the Deputy Foreign Minister, Enrique Valdez, who is an army colonel, in their initial meeting here Wednesday, telling the Chilean that American public opinion and Congressional sentiment was sharply opposed to General Pinochet's about-face.

A State Department official said that Mr. Ingersoll met with Colonel Valdez again today and "talked very clearly" about the matter. According to Chilean diplomats, Colonel Valdez replied that Chile had not "canceled" the visit of the United Nations panel, but had merely "postponed it until a more opportune time."

The Ford Administration was described by another American official as being extremely annoyed by the Pinochet decision, since the United States had gone along with other members at the general assembly of the Organization of American States in May, when it was decided to postpone an airing by the organization of the Chilean human-rights issue.

The premise for the O.A.S. decision was that Chile had welcomed the United Nations inquiry into reports of torture, arbitrary imprisonment and other violations of human rights since the military coup of September, 1973, that brought General Pinochet to power.

A State Department official said it was "unusual" to speak to a senior foreign official as Mr. Ingersoll did. The official acknowledged, however, that United States Ambassador David H. Popper has repeatedly and firmly addressed the human-rights questions in his talks with authorities in Santiago, the Chilean capital.

U.N. ASKED TO DISSOLVE POWER

At the United Nations, Claudio Collados, the Chilean delegate, sent a letter to Secretary General Waldheim asking that the human-rights panel be dissolved, since Chile had refused it entry. Earlier, the Chilean Government denounced the panel as Communist-dominated and therefore not objective. But Mr. Collados apparently did not exclude the possibility that the United Nations panel could be reconstituted for a future investigation in Chile.

Chile has been barred from receiving United States arms under congressional action taken last winter in protest against human-rights violations. Santiago, however, still hopes to receive American weapons, especially antitank missiles.

NORTHERN MARIANAS PART OF U.S. FAMILY—ALMOST

Mr. GARY W. HART. Mr. President, before long the Senate will be considering whether to accept unchanged or to reject the agreement made by the White House with the people of the Mariana Islands in the middle of the Pacific. The agreement would make the islands part of the United States and the islanders Americans. If we approve it, it will authorize $1,000 for every man, woman, and child in the islands for each of the next 7 years. What is more, these promised payments would be in constant dollars, using fiscal year 1975 as the base. Is it any wonder that the islanders voted overwhelmingly last month to accept the very document now before the Senate?

I have said that the choice seems to be acceptance or outright rejection. This is because, if the Senate changes one word of the agreement-authorization bill, the whole document must go back to the Marianas for another look. This would, of course, upset the White House's timetable, and that is why the pressure is on Congress to rubberstamp the arrangement.

What this points out is that the administration has intended all along to do as

it wishes with Micronesia and the Marianas without any thought of Congress. It has, in effect, presented us with a fait accompli, just as the Senator from Virginia (Mr. BYRD) and I told this body last March was going to happen.

Those of you who read the July 17 Christian Science Monitor's comments on the House's lightning quick approval of the White House plan can get a hint of what the pressures are. In the article "A Knowledgeable Senate Source" is quoted as saying the Senate will go along because the people of the Marianas voted 60 percent for the administration's arrangements. This seems to me insufficient grounds to commit the taxpayer of the United States to a big front-end payment followed by U.S. support forever. The only reason heard so far is that the islanders obviously are delighted by this arrangement, but no doubt half the world would make the same choice given the same financial reward. The proper question for the Senate to ask is: Of what possible benefit is it to our country to make these obscure islands our colony?

Hearings to which members of the Armed Services and Foreign Relations Committee have been invited, will be held by the Interior Committee next Thursday. At them the proper questions can be asked for the first time since the White House began its campaign to sever the Marianas from all of the Micronesian Trust Territory several years ago. It is about time that the American people were told reasons the White House wants them to take on new economic burdens, apart from the only one so far heard which is that the islanders want it that way.

I ask unanimous consent that Lucia Mouat's article from the July 17, 1975, Christian Science Monitor be printed in the RECORD.

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

NORTHERN MARIANAS PART OF U.S. FAMILY—ALMOST

(By Lucia Mouat)

WASHINGTON.—Congress is expected to add its seal of approval soon to the Northern Marianas' recent vote to become part of the American family.

By 78.7 percent plurality last month, eligible voters in that part of Micronesia chose to move away from United Nations trusteeship toward United States commonwealth status.

The vote representing the 14,000 Northern Mariana residents is considered strong enough to net the necessary majority vote sanction required of both arms of Congress.

The House is expected to approve the joint resolution Monday afternoon. The House Committee on Interior and Insular Affairs reported the measure out to the full House this week after one day of hearings by a 30-to-0 vote.

Both the timing and the unanimity of the Senate vote are less sure.

In addition to a crowded Senate floor schedule, there is a question as to whether the measure may be the subject of hearings in the Senate Armed Services Committee and possibly even the Foreign Relations Committee as well as the Interior and Insular Affairs Committee.

Whatever the path, however, Senate majority approval is still considered certain. "I don't know of a substantive reason why the Senate wouldn't go along with the vote out there," comments one knowledgeable Senate source. "If the plebiscite had been 60 percent for and 40 against . . . but this way. . . ."

In any case, one senator who is making his many reservations about cemented political and economic ties with the Northern Mariana residents loud and clear is Sen. Gary Hart (D) of Colorado.

He is pushing hard for hearings in committees other than Interior on grounds that there are long-range foreign policy, military, and economic implications that need to be explored thoroughly. Referring to the "new colony in the far reaches of the Pacific Ocean," Senator Hart repeatedly has charged in remarks on the Senate floor that the plebiscite was a "triumph of advertising techniques" and the result of a one-sided educational campaign in which residents were made "extravagant promises of huge cash payments and endless federal subsidies." In addition to $1.5 million in planning money the Northern Marianas are to receive $14 million over each of the next seven years.

Senator Hart charges that the Ford administration is in effect trying to "steamroller" the taxpayer by telling him little or nothing about the benefits he receives from the new arrangement.

Even after congressional action, many technicalities lies ahead before residents of the Northern Marianas ever become U.S. citizens. For one, the UN Security Council must approve separation of the district from the rest of Micronesia which as a whole has been under UN trusteeship since 1947. For another, the U.S. must approve the Northern Marianas constitution once it has been drafted.

EXPLANATION OF HEW TITLE IX REGULATIONS

Mr. BELLMON. Mr. President, on Monday, June 21, the HEW title IX regulations mandated by the Education Amendments of 1972 and 1974 took effect.

These regulations have caused a fury of concern from many well-intentioned citizens who honestly believe that the implementation of these regulations, particularly those dealing with athletics, will have a devastating impact on our public elementary and secondary schools and institutions of higher learning. Unfortunately, the public debate on the title IX regulations has generated a great deal of misunderstanding. The purpose of this statement is to clarify several questions and to urge Congress to exercise diligent legislative oversight as these regulations are implemented.

Certainly Congress intended to accomplish a worthwhile and long overdue objective—the elimination of discriminatory practices in education—by enacting title IX. The regulations developed by HEW attempt to accomplish this goal in a wide range of educational practices, including admissions, employment, classroom composition and athletics. Since the debate has focused primarily on the regulations relating to athletics, I am afraid the broader and more important aspects of this law have largely been ignored. At the outset several false notions should be dispelled. For example, in the area of college athletics, allegations have been made that the title IX regulations will require an equal expenditure of funds and an equal number of scholarships for women athletes. This simply is not true. The regulations specifically state that providing an "equal opportunity in college athletic programs" does not mean an equal expenditure of moneys. Instead, the colleges and universities are given wide latitude through broad guidelines to tailor their own programs to insure an equal educational opportunity for all students.

Although I cannot agree wholeheartedly with every detailed provision, It is my firm conviction that the basic objective of these regulations is desirable. Unfortunately, those of us who have taken this position are placed in the awkward position of defending not the actual provisions of the title IX regulations, but rather the public misconception of the regulations which has been formed through the unfair and oftentimes deliberate dissemination of misinformation regarding their likely impact. As one who has been in public life for nearly 15 years, I have learned from experience that this is not an uncommon occurrence. We have witnessed on many occasions the attempt to mold public opinion with this tactic on other emotional issues such as busing, abortion, guncontrol and land use planning. For this reason, I ask unanimous consent that an excellent memorandum explaining the title XI regulation and accurately answering the most frequently asked questions be printed in the RECORD.

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

TITLE IX QUESTIONS AND ANSWERS

Question: What is Title IX?

Answer: Title IX is that portion of the Education Amendments of 1972 which forbids discrimination on the basis of sex in educational programs or activities which receives Federal funds.

Question: Who is covered by Title IX?

Answer: Virtually every college, university, elementary and secondary school and preschool is covered by some portion of the law. Many clubs and other organizations receive Federal funds for educational programs and activities and likewise are covered by Title IX in some manner.

Question: Who is exempt from Title IX's provisions?

Answer: Congress has specifically exempted all military schools and has exempted religious schools to the extent that the provisions of Title IX would be inconsistent with the basic religious tenets of the school.

Not included with regard to admission requirements ONLY are private undergraduate colleges, nonvocational elementary and secondary schools and those public undergraduate schools which have been traditionally and continuously single-sex since their establishment.

However, even institutions whose admissions are exempt from coverage must treat all students without discrimination once they have admitted members of both sexes.

Question: Does the law cover social sororities and fraternities?

Answer: Congress has exempted the membership practices of social fraternities and sororities at the postsecondary level, the Boy Scouts, Girl Scouts, Camp Fire Girls, Y.W.C.A., Y.M.C.A., and certain voluntary youth services organizations. However, if any of these organizations conduct educational programs which receive Federal funds open to nonmembers, those programs must be operated in a nondiscriminatory manner.

Question: May a vocational school limit enrollment of members of one sex because of limited availability of job opportunities for members of that sex?

Answer: No. Further, a school may not

assist a discriminatory employer by referral of students or any other manner.

Question: In athletics, what is equal opportunity?

Answer: In determining whether equal opportunities are available, such factors as these will be considered:

whether the sports selected reflect the interests and abilities of both sexes;

provision of supplies and equipment;

game and practice schedules;

travel and per diem allowances;

coaching and academic tutoring opportunities and the assignment and pay of the coaches and tutors;

locker rooms, practice and competitive facilities;

medical and training services;

housing and dining facilities and services;

publicity.

Question: Must an institution provide equal opportunities in each of these categories?

Answer: Yes. However, equal expenditures in each category are not required.

Question: What sports does the term "athletics" encompass?

Answer: The term "athletics" encompasses sports which are a part of interscholastic, intercollegiate, club or intramural programs.

Question: When are separate teams for men and women allowed?

Answer: When selection is based on competitive skill or the activity involved is a contact sport, separate teams may be provided for males and females, or a single team may be provided which is open to both sexes. If separate teams are offered, a recipient institution may not discriminate on the basis of sex in providing equipment or supplies or in any other manner.

Moreover, the institution must assure that the sports offered effectively accommodate the interests and abilities of members of both sexes.

Question: If there are sufficient numbers of women interested in basketball to form a viable women's basketball team, is an institution which fields a men's basketball team required to provide such a team for women?

Answer: One of the factors to be considered by the Director in determining whether equal opportunities are provided is whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes. Therefore, if a school offers basketball for men and the only way in which the institution can accommodate the interests and abilities of women is by offering a separate basketball team for women, such a team must be provided.

Question: If there are insufficient women interested in participating on a women's track team, must the institution allow an interested woman to compete for a slot on the men's track team?

Answer: If athletic opportunities have previously been limited for women at that school, it must allow women to compete for the men's team if the sport is a noncontact sport such as track. The school may preclude women from participating on a men's team in a contact sport. A school may preclude men or women from participating on teams for the other sex if athletic opportunities have not been limited in the past for them, regardless of whether the sport is contact or noncontact.

Question: Can a school be exempt from Title IX if its athletic conference forbids men and women on the same noncontact team?

Answer: No. Title IX preempts all state or local laws or other requirements which conflict with Title IX.

Question: How can a school athletics department be covered by Title IX if the department itself receives no direct Federal aid?

Answer: Section 844 of the Education Amendments of 1974 specifically states that: "The Secretary shall prepare and publish . . . proposed regulations implementing the provisions of title IX of the Education Amendments of 1972 relating to the prohibition of sex discrimination in Federally-assisted education programs which shall include with respect to intercollegiate athletic activities reasonable provisions considering the nature of particular sports."

In addition, athletics constitutes an integral part of the educational processes of schools and colleges and, thus, are fully subject to the requirements of title IX, even in absence of Federal funds going directly to the athletic programs.

The courts have consistently considered athletics sponsored by an educational institution to be an integral part of the institution's education program and, therefore, have required institutions to provide equal opportunity.

Question: Does a school have to provide athletic scholarships for women?

Answer: Specifically, the regulation provides: "To the extent that a recipient awards athletic scholarships or grants-in-aid, it must provide reasonable opportunities for such awards for members of each sex in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics."

Question: How can schools and colleges interested in a positive approach to Title IX deal with its provisions?

Answer: To encourage each school and college to look at its policies in light of the law, the final regulation now includes a self-evaluation provision. This requires that during the next year the educational institution look at its policies and modify them to comply with the law as expressed by the regulation. This includes remedying the effects of any past discrimination.

Question: Does Title IX cover textbooks?

Answer: No. While the Department recognizes that sex stereotyping in curricula and educational material is a serious matter, it is of the view that any specific regulatory requirement in this area raises constitutional questions under the First Amendment. The Department believes that local education agencies must deal with this problem in the exercise of their traditional authority and control over curriculum and course content.

Question: Many universities administer substantial sums of scholarship money created by wills and trusts which are restricted to one sex. If the will or trust cannot be changed to remove the restriction, must the universities cease administration of the scholarship?

Answer: Where colleges administer domestic or foreign scholarships designated by a will, trust or similar legal instrument, exclusively for one sex or the other, the scholarship recipients should initially be chosen without regard to sex. Then, when the time comes to award the money, sex may be taken into consideration in matching available money with students to be awarded the money. Scholarships, awards or prizes which are not created by a will, trust, or similar legal instrument, may not be sex-restricted.

Question: What are the Title IX requirements for counseling in schools and colleges?

Answer: An institution using testing or other materials for counseling may not use different materials for males and females, nor may it use materials which lead to different treatment of students on the basis of sex.

If there is a class or course of study which has a disproportionate number of members of one sex, the school is required to assure that the disproportion does not stem from discrimination by counselors or materials.

Question: May a college administer or assist in the administration of sex-restrictive scholarships, such as the Rhodes, which provide opportunities for students to study abroad?

Answer: Yes, if (1) The scholarship was created by a will, trust, or similar legal instrument, or by an act of foreign government, and (2) The institution otherwise makes available reasonable opportunities for similar studies abroad by members of the other sex. Such opportunities may be derived from either domestic or foreign sources.

Mr. BELLMON. Mr. President, in my opinion, it is absolutely imperative that we exercise a high degree of legislative oversight with title IX since the improper implementation of these regulations by Federal officials will not only frustrate their objective but will cause an undue amount of Federal interference with our institutions of learning. It is my feeling that the vast majority of our citizens are sick and tired of governmental interference and regulation in our daily lives brought about frequently by the failure of Congress to live up to its oversight responsibility. For example, my colleagues will recall that in 1970, Congress passed the Occupational Safety and Health Act with the idea of guaranteeing safe working conditions for all our citizens. At that time it was thought that this was a good idea whose time had come. However, through the administrative process, the Occupational Safety and Health Administration went entirely too far in the promulgation of burdensome and unnecessary regulations to implement this law far beyond what Congress ever intended. These OSHA regulations are now so complex and numerous that they are impossible for the small businessman acting in good faith to even understand, let alone comply with. This over-regulation has been counterproductive and in fact frustrated the very reason for passage of this law. We must be careful that this very same thing does not happen with title IX.

For this reason, I have introduced legislation which would establish a new congressional procedure, a "legislative veto," to guarantee that all regulations promulgated by the executive branch conform with the congressional intent of the enabling legislation. Hopefully, this proposal will one day receive the Senate's attention and a mechanism of this nature be approved. I ask unanimous consent that an earlier statement explaining this bill, S. 727, be printed in the RECORD.

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

Mr. BELLMON. Mr. President, today I am introducing legislation which would significantly reform the administrative process by insuring that regulations promulgated by the executive branch conform to congressional intent.

During the 93d Congress, we witnessed a reassertion of Congressional authority in several historical confrontations with the executive branch. For example, the Budget Reform Act was approved in order that Congress may have better control over the budgetary process. The Director of OMB is now subject to Senate confirmation. The War Powers bill was passed and other legislative measures enacted—all with the stated objective of reasserting Congress' authority in the decisionmaking process and restoring a balance of power with the executive branch.

My proposal would further extend congressional authority over governmental process by requiring that agencies and departments which promulgate regulations pursuant to enabling legislation conform to

the congressional intent of that legislation. This proposal requires that when a governmental agency promulgates regulations in order to implement Federal legislation the congressional committee of origin has 60 days to disapprove the proposed regulations.

The need for legislation of this nature is clear. The Senate is aware of the frustration of American citizens who believe that the Federal officials are callous and arbitrary. A system of checks and balances over the Federal bureaucracy is needed to insure that the will of Congress is followed in the regulatory process.

The problems we now face in controlling the agencies and bureaus have evolved over time. When the first regulatory agency, the ICC, was formed in the late 1800's there was no way to predict the eventual expansion of regulatory agencies. Congress has shared by giving agencies and departments the power to issue regulations, licenses, and permits if the agency deems it to be "in the public interest."

For example, implementation of regulations concerning the Occupational Safety and Health Act are left to those administrators who for the most part have never worked in private enterprise and do not understand the practicalities and expenses involved in many of the regulations which they require. These regulations apply equally to the giants of industry as well as the smallest, least sophisticated business in the country.

All sections of society, corporations, as well as the workingman and the poor, are affected by these broad generalized grants of authority to administrative agencies. Millions of citizens are in a poor position to defend themselves against arbitrary agency actions. Congress needs to make certain that regulators do not become dictators. Any member who has attempted to influence a Federal agency in the promulgation of regulations will understand the feeling of futility which is held by citizens across this land.

Many agencies, most notably those which have been granted the authority to disburse money for various Federal programs to individuals, organizations, and to the States, have almost the absolute power to turn on and off the flow of money.

The promulgation of regulations which are extremely complex and confusing to even the well educated are the sources of agency power. These rules and regulations are the conduit through which the agency imposes its views upon the general public, and the practical opportunities for protest are limited. Arguably, the opportunities for protest are present because of the Administrative Procedure Act. However, it is difficult and costly for citizens to hire Washington lawyers to represent them before the agencies. It represents the classic David against Goliath situation.

The effect of this legislation would be to provide a check on those agencies. The check would be imposed by the Congress from which the agency's power is initially derived. The values at stake are of constitutional impact and importance. Clearly the public can no longer stand helplessly by while Federal agencies make decisions which affect their very livelihood. Congress can no longer allow the laws to be misconstrued by the agencies and bureaus which Congress created.

The agencies have promulgated regulations so extensive and so complex that the public is endangered by the Government its taxes support. The effect has been to reduce the respect which the American people have for their Government. When Government is unresponsive to their needs, a sense of frustration and anger overwhelms them. As Winston Churchill remarked:

If you have 10,000 regulations, you destroy all respect for the law.

The purpose of this bill is to restore this lost respect for the law, by providing a check on the regulatory process.

I ask unanimous consent that the text of this bill be printed in full in the RECORD at this point.

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

S. 727

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 "Regulatory Control Act of 1974".

SEC. 2. That section 301 of title 5, United States Code, is hereby amended to read as follows:

"(a) The head of an executive department or military department may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property. This section does not authorize withholding information from the public or limiting the availability of records to the public.

"(b) That upon the promulgation of proposed rules and regulations implementing public laws, the committee of origin, whether in the Senate or in the House of Representatives, shall give approval or disapproval of said rules and regulations within sixty days from the date of submission of said rules and regulations.

"(c) In the event the said committee fails to disapprove the proposed rules and regulations within sixty days, such abstention shall be deemed to be approval of said rules and regulations."

IN SUPPORT OF PORTUGUESE DEMOCRATS

Mr. KENNEDY. Mr. President, last year, the Portuguese people overturned a government that had denied the rights and liberties of its people for nearly half a century. The new government set itself three tasks: To restore democracy to that country; to build up its economy; and to end 5 centuries of colonial rule in Africa. The last of these objectives has now virtually been achieved; and for that, Portugal has earned the respect and gratitude of free men everywhere.

Yet the democratic experiment in Portugal is in serious trouble. The coalition government has now been dissolved; a free press has ceased to exist; the two major democratic parties have been forced into public demonstrations to demonstrate the depth of their pouplar support. These events have taken place despite efforts in the Congress—and in some West European countries—to lend support to the Portuguese democratic experiment in both symbolic and tangible ways, through foreign aid—$15 million from the United States last fiscal year, under an amendment which I introduced. Regrettably, however, there was not enough support for the Portuguese democratic experiment, either from the U.S. administration or from most West European governments, during this difficult period.

If the Portuguese democratic experiment fails, it will be cause for deep sadness in the West—and cause for soul-searching about the roots of our commitment to Western democracy, to the real strength of our Western political system.

Of course, we can and must respect what Portugal does on its own. While giving what support we can to democratic forces—which gained nearly two-thirds of the vote in free elections for a Constituent Assembly last April—we must also grant the Portuguese a respect for their own sovereignty.

We in the West continue to bear an obligation to every member nation of the Western system to support democracy—an obligation on which we woefully defaulted during the Salazar and Caetano regimes in Portugal, and during the military junta in Greece. We are paying now for that default—that failure to live up to our commitments as democratic nations and as signatories of the North Atlantic Treaty. And the U.S. Government threatens to default on its obligations to democratic forces once again, by a premature effort to bring Spain into the Western Alliance.

Last week, the member nations of the European Community decided that its aid to Portugal should for the foreseeable future be conditioned on the development of a "pluralistic democracy" in that nation.

I agree with the judgment that further aid should wait for the outcome of today's efforts by Portuguese democrats. At the same time, however, I believe it is important that we assure the people of Portugal that we are prepared to help that nation economically, in tangible ways, if they can succeed in promoting the democratic experiment—if they can continue the effort to bring Portugal into the ranks of free and democratic nations in Western Europe. In the final analysis, democratic forces in Portugal can only succeed through their own efforts and determination. Yet they must also know that we stand ready to help; that a democratic Portugal will have major and sustained support for developing its economy and providing for the well-being of its people.

The United States has done too little to assist Portuguese democracy in the past; we must not make that mistake again.

We should also not repeat our mistakes in Portugal in neighboring Spain. Instead of seeking to include Spain in the North Atlantic Alliance, we should be indicating support for the further development of democratic institutions in that country. Nor should our emphasis in any event be on bringing Spain into NATO, where its membership would add little to Western defense that cannot be gained under current arrangements. Rather, we should be encouraging our European neighbors, in the European Community, to hold out the promise of full membership in the Community to a democratic Spain.

In this way, the nations of the West can indicate to democratic forces in Spain that we support a transition to democracy in that country—that efforts in that direction will have our firm suppor.

SUPERSONIC TRANSPORTS—THE NOISE OF THE FUTURE

Mr TUNNEY. Mr. President, during the past year we have heard a great deal about regular, commercial flights of the Anglo-French Concorde and the Soviet TU-144 into this country. Rumors have abounded about the dangers these

aircraft pose to the ozone, to the human ear, to the air and to our domestic economy. In each case, the FAA or representatives of the French and British Governments have attempted to refute claims about the dangers of regular SST flights.

In the past, I have counseled a wait and see attitude based primarily on the plethora of conflicting information about the ravages imposed by foreign supersonic jumbo jets. The Department of Transportation informed us that damage to the ozone is minimal; the National Academy of Science told us otherwise. The Environmental Protection Agency published a proposed rule which would have permitted at least the first 16 Concordes to conduct regular flights, then suddenly, refuted the FAA environmental impact statement which favored Concorde flight from Europe to New York and Washington. The question about low level vibration has never been adequately addressed in any study done to date.

Today, however, data are beginning to amass which point out that the Concorde, under summertime, full payload conditions, far exceeds the noise limits of FAR 36, and worse, exceeds the 120 dBA level established as the noise pain threshhold. We have long been told that the effect of Concorde or other commercial SST flights is no worse than many other aircraft which are too old to comply with FAR 36. The news reports from the London Sunday Times and the Daily Standard clearly point out that far from being roughly similar to present-day aircraft, the Concorde inflicts noise levels which are clearly adverse to neighboring airport populations.

What distresses me even more is the fact that not only is the noise inflicted on nearby communities much greater than that experienced as a result of subsonic aircraft landings and takeoffs, but the "footprint," the area impacted by aircraft noise, is greatly expanded. The meaning of this for Los Angeles International and other airports around the Nation into which Concorde may fly is tremendous. These airports must assume liability for noise damage suits—suits which, in the case of Concorde, could be avoided. It is likely that airports may bear the brunt of nuisance suits resulting from low-level vibration of these aircraft as well. All of us may someday bear the burden of a depleted ozone layer if Concorde is allowed to assume regular commercial flights and if the National Academy of Science report is accurate.

Mr. President, I urge my colleagues to read the following articles carefully and consider the grave consequences we may face if regular SST flights by foreign aircraft are mandated without sufficient concern about their possible effects on the people of our Nation.

I ask unanimous consent that the following two articles be printed in the RECORD.

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

[From the London (England) Sunday Times, July 13, 1975]

HUSH—IT'S ONLY CONCORDE

By the middle of last week, about 200 people had complained to the Department of Trade about the noise of Concorde after only three days of proving flights from Heathrow airport. The Department expects still more complaints by post.

That the number is so high is surprising. Inquiries last week suggested that it needed great patience to complain. Despite the critical importance of the trials, designed to simulate normal commercial flights, no one at Government level seems to have seen a need for special arrangements to monitor public reaction to the plane.

Moreover, what appears to be hasty changes in the customary system of receiving noise complaints have had the effect, of postponing, and possibly distorting, information on whether Concorde broke the Heathrow noise regulations.

The normal practice is for complainants to ring the British Airports Authority operations room at Heathrow. The invariably courteous staff in operations take down the complainant's name and address and the time of the noise. With this information, operations can usually identify the guilty aircraft. After the check, the complainant normally gets a letter saying whether or not the aircraft was within the noise limits as it flew over the appropriate point.

On this occasion, the complaints are being gathered together and submitted by the BAA to the Department of Trade. "This is a trial operation," explained the Department last week. "And we are anxious to get a genuine and co-ordinated response." Geoffrey Holmes, chairman of the local authorities aircraft noise council, has been told that this information is now "embargoed," and that the Department is deciding how to release it.

During Monday and Tuesday the BAA was receiving complaints on its usual two telephone lines. On Tuesday, one caller who rang after Concorde passed overhead at 3.24 pm found the number engaged until 3.40. When he managed to get through, he had to hold the line until 4.07. "A lot of people who would be complaining have been put off," says Mrs. Evelyn Atlee, chairman of the Federation of Heathrow Anti-Noise Groups. A BAA spokesman admitted such delays were disurbing and that it might be necessary to think about special arrangements.

He added that the switchboard had been "swamped by people saying how quiet it was—we were surprised." However, a Department of Trade spokesman said that all 200 calls were adverse. "Maybe the BAA isn't passing the others on," he said.

The Department would not reveal whether or not Concorde broke the Heathrow noise regulations on the grounds that it was "not proposing to issue individual figures for individual days."

This is also a departure from previous practice. When a Mr. Coffin complained about a Concorde take-off from Heathrow last October, he received a letter from the Department giving detailed figures of the aircraft's noise on take-off, and which concluded "so you will see it was well within the limits."

The significance of last week's flights compared with earlier tests at Heathrow and Gatwick, is that they were conducted at what for all practical purposes, was maximum gross take-off weight and on typically warm summer days—conditions which mean using full power on take-off and generating maximum noise. They provided the first opportunity for people living near Heathrow to test their experience against the makers' claim that Concorde is only slightly more noisy than existing conventional jets.

On the evidence we gathered last week—from several Sunday Times writers as well as one complainant who told us that a BAA staff member at Heathrow agreed "the noise was terrible—wasn't it?" Concorde is very noticeably noiser than other jets. Most people remarked on how much longer the noise lasted, and observers at Dorking (18 miles) and Bromley (28 miles) were shocked by the noise, suggesting that Concorde has greatly extended the traditional Heathrow noise area.

These observations are nonscientific, but they are supported by the readings on the noise meter set up by Geoffrey Holmes, chairman of the Heathrow local authorities noise group, at Hatton Green, some three miles from the start of Concorde's take-off run.

The reading during Concorde's take-off on Monday on Holmes's meter—placed in the middle of a residential area—were bad but on Tuesday, they were even worse. Prior to Concorde's departure, the noisiest take-off had been by a Trident which registered 108 decibels. Concorde's reading was 125.

"It's incredible," says Holmes. "But this is an exact fact." Such levels of noise, he says, are generally regarded as being above the threshold of pain. The group present at the Hatton Green meter find it hard to believe that Concorde was within the Heathrow noise limits.

Last week's flights did more than demonstrate Concorde's difficulty in meeting Heathrow noise rules. While no one can seriously believe that the British government will ban Concorde from operating at Heathrow, a concerted public protest from people around the airport will influence the vital American decision on whether to let Concorde fly into New York's Kennedy Airport. British Airway's managing director, Henry Marking, emphasised last week that London-New York is the most important and profitable route for Concorde.

The British Department of Trade is in an equivocal position. It is responsible for aircraft noise policy and its control, but also has to negotiate routes and flying rights for Concorde abroad. It certainly seems that some of the Department's officials are shaken by the reports of readings from the meter in Hafton Green.

Twickenham MP Toby Jessel has no doubts: "The British Government, to try to sell it, are pretending that it's quieter than it really is."—ROGER EGLIN.

[From the London (England) Evening Standard, July 9, 1975]

"SHATTERING CONCORDE ROAR" ROW

Concorde's shattering descent into Heathrow last night caused widespread alarm in West London.

Residents long-used to aircraft noise rushed into the streets to see what had caused the ear-splitting roar.

The supersonic airliner was flying on only three of its four engines because of a fault in the monitoring system, the British Aircraft Corporation said today. Apart from that the landing was "perfectly normal."

But in a terrace of 13 cottages at Richmond, four householders dashed into the street. Mr. Walter Mills, who has lived beneath the flight path for many years, said:

"I was watching television when everything in the house started shaking. I am so used to planes flying over that I tend to switch off and not hear more than a drone.

DEAFENING

"But this was something totally new. I couldn't hear the television three yards from me. The roar was so loud I covered my ears. It was genuinely scarifying."

A neighbor added: "Allowing for the fact it was a warm evening and all the windows were wide open the volume of noise was deafening. I also covered my ears. It seemed as if the plane was coming through the French windows and flying out the front door.

In Grena Road, Richmond, one resident said: "Concorde followed about five other planes into Heathrow which flew overhead with scarcely a thought or a glance, and it illustrated quite clearly the difference in noise level.

"Nobody will ever be able to persuade me that Concorde is just the same as any other aircraft. It isn't."

Mrs. Eileen Murray, who lives off Bath

Road, beneath the Heathrow flight path, said: "I for one will not be too happy if Concorde is taking off and landing regularly at the airport."

Mr. James Howard of Whitton, said: "It was noisy enough last night to make me go out and watch it. I am so used to airplanes overhead I learn to switch off after a while but for some reason this made me want to take a look.

BAC said later that yesterday's fault would not affect today's flying.

Mr. Philip Sayer, chairman of the Kew Society, said when he heard the Concorde from his home in Fitzwilliam Avenue, Kew, he thought the aircraft was just about to crash.

"The noise was really frightening," he said. "And I rushed out of the house, as did my neighbours and heard the ear-shattering noise as the plane went over. The noise got worse as the plane went off into the distance."

In the Hounslow area some people said they felt so battered by aircraft overhead every two minutes that Concorde had gone unnoticed this week.

The Department of Trade, to which noise complaints are being channelled is understood to have received a modest reaction to yesterday's flight, but it was noted today that some calls from people living in areas not usually disturbed by aircraft noise.

VALUES AND PRIORITIES

Mr. BEALL. Mr. President, the Wall Street Journal on July 21 contained an excellent editorial entitled "MACOS and Moral Values."

MACOS, as my colleagues know, is a controversial fifth grade social studies course developed under a National Science Foundation grant. Aside from the questions with respect to the grant itself, the Committee on Labor and Public Welfare on which I serve was deeply concerned regarding NSF's promotion and development activities.

It is my judgment that NSF had no business promoting and marketing such a controversial work through workshops and other lobbying activities.

As the ranking minority member of the Education Committee, it seems to me the priority of the Nation are not for research and curriculum development such as MACOS. In the fifties, NSF developed a physics textbook that became very popular and useful. In that instance, there seemed to be a critical need to upgrade scientific instruction in the Nation's schools following Sputnik.

If MACOS is a priority project for NSF, then they obviously have money to fund other than priority projects. With so many education problems, such as reading in which I have been interested, I find it indefensible that NSF expended millions for the promotion of this project.

I ask unanimous consent that this Wall Street Journal editorial be printed in the RECORD.

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

[From the Wall Street Journal, July 21, 1975]

MACOS AND MORAL VALUES

When the House of Representatives recently approved the appropriation for the National Science Foundation, it prohibited NSF from using funds to promote or market school materials. How the Senate will vote is anybody's guess, but the House action helps call attention to a simmering educational dispute that has received far less notice than it deserves.

NSF is involved because the federal agency spent nearly $7 million to develop a controversial fifth-grade social studies course that has been adopted by some 1,700 schools in 470 school districts nationwide. The course is called "Man: A Course in Study," a harmless enough title, but one that sounds like fighting words to a growing number of congressional and parental critics. MACOS, as it is known, has aroused passions much like the recent West Virginia textbook dispute, but the issue here is national rather than regional.

The purpose of MACOS is to foster an appreciation of alien customs among fifth graders. Students examine several species of animals plus the Netsilik Eskimos, a society of hunters who live in the Canadian Arctic. But critics say the course promotes cultural relativism by adopting a morally neutral attitude in its many references to cannibalism, adultery, bestiality, infanticide, incest, wife-swapping and gerontocide.

It's easy to brush aside that concern as ethnocentric or ignorant, but it should not be dismissed so lightly. Youngsters should be taught that other civilizations have much to admire, even so-called primitive peoples whose very survival is a miracle of adaptation and resourcefulness. But the process of education is a process of drawing distinctions; what is civilization, after all, if it is not drawing moral judgments about cannibalism or infanticide?

Moreover, although the educational process necessarily must confront students with new experiences and break down existing barriers to understanding, there is no apparent excuse for subjecting pre-teenagers to vivid films of Netsilik killing caribou and seals, then drinking their blood and eating their eyeballs. Perhaps these scenes are no worse than the scenes of violence youngsters routinely see on television in their own homes, but there is no reason for schools to compound that error.

However, some serious questions about MACOS go beyond course content. Paramount among them is to what lengths federal agencies should go to develop and promote curriculums and textbooks. As Robert Merry outlined it in The National Observer, the original MACOS grant was awarded in 1963 to the Education Development Center, a nonprofit organization dedicated to innovation in education. In 1967, after receiving $4.8 million in NSF grants, EDG's curriculum was ready to market. But more than 50 textbooks publishers turned the course down because it was too controversial, too expensive or inadequate.

So EDC sought more NSF funds to establish a "dissemination network" to publicize MACOS. It established a five-week workshop to familiarize academics, teachers, and school administrators with the curriculum. Many participants, some of whom received college credits for attending, later applied for their own NSF grants to conduct similar lobbying activities. Other curriculums are reportedly being funded in part by NSF, and a multimillion dollar sequel to MACOS for high schools was recently developed at taxpayer expense.

MACOS officials say that no school district is forced to adopt the curriculum. But this argument ignores the potential corrupting influence of federal money. The course clearly would never have gotten off the ground without what Congressman John Conlan describes as "a sophisticated and aggressive promotion and marketing network being organized at taxpayers' expense. . . ."

No wonder a growing number of Congressmen are concerned about possible tax and financial irregularities within the MACOS program. They insist that the NSF peer review system, used as the basis for the curriculum grant awards, is rampant with cronyism and federal grantsmanship. Still, the more important question is why Washington is dabbling in curriculum matters at all. And since it is, why is it reluctant to affirm a preference for Western values, products not of ethnocentrism but of a proud and honorable moral tradition?

ADMINISTRATION OF CRIMINAL JUSTICE

Mr. BENTSEN. Mr. President, our criminal justice system is on trial today. The FBI has announced an 18-percent first quarter increase in the Nation's crime rate. Other crime statistics are not merely alarming, but frightening.

Although the system has remained essentially unchanged over the past few decades, changes in society and increases in the occurrence of violent crimes indicate a breakdown in many areas of criminal justice administration. Much of the problem is in numbers, particularly in urban areas where there seems to be a direct correlation between crime and urban overcrowding. The problem is not a simple one, and there are no simple solutions. But it is my view that swift, fair, and certain judicial action is the most effective response to the rising crime rate.

The difficulty is balancing our society's interest in order with society's interest in the protection of the rights and liberties of individuals. Both interests are legitimate, but our concern for the perpetrators of crime might have weighed too heavily in this balance with too little concern for their victims, too little little weight given to the interests of our society.

Punishment for the criminal offender in this country is no longer swift and by no means sure. An adult burglar knows that he has only 1 chance in 412 of going to jail for any single burglary he commits. The robber arrested in England is more than three times as likely to go to jail as the robber arrested in New York. Too often too many officials are too hesitant to even face the issue squarely, preferring to speak in terms of "rehabilitation" rather than "punishment" or "detention."

The result is a crisis of confidence not only with our criminal justice system, but with government in general. Rising crime, therefore, threatens not only faith in our criminal justice system but menaces the very fabric of our society as well.

I cosponsored the Speedy Trial Act approved by Congress last year and have introduced several pieces of crime-related legislation this year, including legislation to change rules of procedure in Federal rape trials and mandatory imprisonment for certain classes of convicted criminals found in possession of a handgun. I am preparing legislation to provide stiffer penalties for repeat offenders and to encourage more effective use of police, court, and prison personnel.

The criminal today can expect a lengthy delay from the time of arrest until and between the trial and completion of the appeal process. He can depend on crowded court dockets to enhance his chances of a reduced charge through plea bargaining. He can depend on a murky, discretionary parole and probation system to eliminate or ameliorate his prison term should he be ultimately convicted and sentenced. It is not surprising that serious crime in this

country went up 18 percent during the first 3 months of this year.

For example, in theory the guilt or innocence of an accused in our system is determined at trial; the fact is that the overwhelming majority of convictions result not from trials, but from plea bargaining. The system should be revised providing for more, not less, judicial control rather than allowing the two opposing attorneys to freely bargain with the accused's fate. New methods for expediting and improving trials would also reduce the present need for plea bargaining.

Other improvements are needed such as stronger police forces, which in turn would require more meaningful internal administrative regulations. Our grand jury and pretrial hearings system should be reviewed. Courts should be responsible to keep the dockets moving, disallowing perversions of the system such as unneeded postponements.

Mr. President, we must be openminded, willing to examine methods which may differ radically from traditional concepts. Only by revamping our criminal justice system and by changing our attitudes about the purpose of that system to insure swift, fair, and certain judgments, can we combat the epidemic of crime that is sweeping the United States.

ARMY BAND HEADQUARTERS UNNECESSARY NOW

Mr. PROXMIRE. Mr. President, the action of the Department of the Army in continuing to emphasize frills at the expense of combat skill by proceeding with plans to build a military band and chorus training center at a cost of $2,680,470 is unwise and financially imprudent.

The armed services already maintain a force of some 100 bands and 5,500 uniformed musicmakers or roughly one-third of an infantry division. They resort to the defense priorities system to buy sheet music and instruments on a preferential basis for this musical force. And now the Army has let a contract to construct a special training facility at Fort Myer, Va.

There is no need for this extraordinarily expensive building. Why cannot the band and the Army Chorus practice in an existing military facility? There are many defense installations with underutilized buildings right now.

This new, fancy training center would have individual practice rooms and a recording studio as well. At $2.6 million it should be the envy of band centers everywhere.

The planned training center for the Army Chorus and Band is but another part of the costly public relations programs of the military services. It serves absolutely no military function and its impact on morale will be slight, since the Army Band plays mainly for social and ceremonial functions in the Washington area. There are already too many of these bands and too many military music schools at the service training commands.

If the Army is truly serious about improving image and morale, it could spend these funds much more wisely on improved troop facilities or on enhancing military skills.

At a time when we are trying to economize in Government and especially in the swollen military budget, this kind of frivolous spending makes absolutely no sense at all. Rather than improve the Army's image, it undermines Army credibility, with the public, as a well-managed fighting force.

MARIANA ISLANDS

Mr. GARY W. HART. Mr. President, on Wednesday, July 16, 1975, Senate Joint Resolution 107, the covenant to make the Mariana Islands part of the United States, was introduced and referred to the Committee on Interior and Insular Affairs for action. Hearings will be held on this measure on Tuesday, July 24, 1975, at 10 a.m.

Senate Joint Resolution 107 is a particularly momentous piece of legislation because it makes fundamental changes in the military and foreign policies of the United States, not to mention that it creates a new form of colonialism. In respect to military policy, if the covenant, which is a White House creation negotiated and signed without the approval of Congress, as yet, is approved, the Senate will have authorized a military land acquisition measure, brought new concepts into our Pacific defense policies and will have, for the first time in our history, absorbed foreign territories for the specific purpose of acquiring military base locations.

In the foreign policy area, covenant approval means we have decided to put at risk U.S. control of the major part of Micronesia which is not included in the administration's territorial acquisition plan. This will happen because the other island groups are free to shop around among the nations of the world for a sponsor who would be as generous to them as the administration proposes to be to the Marians. Surely, the United States cannot afford equal magnanimity to all of Micronesia.

Furthermore, acquisition by a U.N. trustee power of part or all of the territory and people given to its care by the United Nations is unprecedented. We do not know from the White House—so far the only actor, in addition to the peoples of the Marianas—who will profit greatly by the arrangements promised by the administration, whether the United Nations Security Council or General Assembly will approve of what we plan to do. It may be that the administration intends to present the U.N. with a fait accompli, just as it has done with Congress. Perhaps this is what the Congress and the citizens of the United States want to do, but so far we have no evidence on which to form an opinion.

For these reasons and for others, the covenant deserves a thorough airing before the Senate acts on it. In addition, the covenant is a 7-year authorization act, which means it has significant fiscal implications. Fortunately for the United States, the upcoming Interior Committee hearings will provide the forum for this essential analysis and will provide an opportunity for the Senate to take its proper place as part of the national structure the Constitution establishes to make foreign and military policy decisions.

This will happen because the distinguished Senator for Washington (Mr. JACKSON), in recognition of the importance of the covenant, will invite the membership of the Armed Services and Foreign Relations Committees to participate in the Interior Committee hearings tentatively scheduled for this Thursday morning. I urge all members of these committees to accept this opportunity to join in the review of this important piece of legislation.

ENERGY CONSERVATION

Mr. BROOKE. Mr. President, a solution to the problem of pricing oil and natural gas is as long overdue as is the enactment of a tough national energy conservation program. The Congress has so far failed to act decisively. And we have come to a confrontation with the President in which it would seem each side is seeking to put blame on the other for whatever controversial program ensues. The nation cannot afford such political gamesmanship. An opportunity for serious negotiation of a compromise solution is at hand, and we must all seize it.

I support the vote yesterday of the majority of the House which disapproved the oil decontrol proposals of the President. The proposal would have been entirely too costly for our faltering economy. But this vote should not be taken as the final congressional word. This should simply represent a rejection of the President's opening offer in the process of arriving at a fair price which will encourage domestic production but not impose unbearable hardship on our people. It is up to the Congress to offer a reasonable alternative.

Yesterday, I wrote a letter to the President of the United States emphasizing those issues I believe to be of paramount significance in the solution of the fossil fuel pricing problem. These are as follows:

First. The price of natural gas must be linked to the price of oil, as these two fuels compete for the same users;

Second. There should be no tariff on crude oil imports, as these do not affect equally all parts of the country; and

Third. There must be established a ceiling price for oil and gas which covers the costs of exploration and production, but which does not give excessive profits to the producers. We must not exchange an American regulatory system for one manipulated by the oil cartel.

In the letter, I expressed the hope that the Congress and the President be flexible in the process of negotiating a prompt resolution to this conflict.

Mr. President, we must act now. The prospect of the expiration of oil price controls is grave indeed. Elected officials must face squarely the fact that fuel prices will continue to rise. No one is going to enjoy this. But that is no excuse for ducking our responsibilities. We must help shape an effective energy program. And we must delay no longer.

Mr. President, I ask unanimous consent that the full text of my letter to the

President of the United States be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., July 22, 1975.

President GERALD R. FORD,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Although I share your frustration with the slow pace of Congressional response to our energy crisis, I would respectfully like to suggest some energy pricing questions which I believe merit your further consideration.

First, let me say I applaud your endorsement of a price ceiling which protects our domestic energy markets from arbitrary OPEC pricing. However, I feel that a price system which controls oil but lets natural gas prices rise without limitation is not in our best interests. The competitive economic relationship among all fossil fuels would, in an unregulated market, mean that all their prices become equivalent btu-for-btu. A decontrol proposal which seeks to eliminate some of the economic irrationalities of regulated pricing should not encourage new distortions in the relationship between oil and gas prices. I believe a favorable climate for the deregulation of natural gas could be created if wellhead gas prices were tied to a plan for the reregulation of oil prices. I hope you will give this proposal serious consideration.

Second, I am disappointed that the $2.00 tariff is not removed by your proposed program. As I have indicated in the past, I feel the tariff is the least useful tool for reducing imports. It penalizes those regions which depend on imports, inhibits development of a domestic refining capability, and falls on vital products which are being used conservatively, like home heating oil, just as hard as it impacts on products whose use could be reduced, like gasoline.

Finally, I feel a $13.50 ceiling is too high. While I share your concern for reducing demand, I believe such measures must be balanced against the economic shock of such large increases coming over so short a period as three years. I view the findings of the Congressional Joint Economic Committee on the impact of phased decontrol with considerable concern. Even if the studies indicating the costs of recovery run well over $12 are correct, oil producers will make a substantial profits from the price gains on their old oil. Let me add in that regard that I wholeheartedly support your call for a windfall profits tax.

I would like to offer you any assistance I might be able to provide in the negotiations for a comprehensive fossil fuel pricing policy which I hope will be forthcoming in the next few weeks. I, too, feel that the inaction of the Congress on a national energy policy has been unfair to the Nation. But I am mildly optimistic that as a result of your leadership, these issues are being given the prompt and serious consideration they have so long deserved.

With every good wish,

EDWARD W. BROOKE.

FOREIGN POLICY

Mr. CRANSTON. Mr. President, on July 4 my colleague from California, Senator TUNNEY, addressed a distinguished audience which included experts in the field of national security policy, members of the British and several foreign governments, and representatives of the international press. The setting for this address was the prestigious International Institute for Strategic Studies in London, best known for its yearly assessments of the world's military situation, the "Military Balance," and the "Strategic Survey."

In his speech, Senator TUNNEY sought to address two issues of great concern to our allies. The first is the effect of growing congressional influence in foreign policy decision-making upon U.S. commitments abroad. The second is the need to alter our perspectives on foreign policy to include issues outside the traditional bounds of strategic doctrine but nonetheless of vital significance to the security of the developed nations in an increasingly interdependent world.

In the words of Senator TUNNEY:

Today, the issues which loom large for foreign policy go far beyond the bounds of strategic weapons, military alliances or the sheer force of arms. The equation of world leadership has become a complex one indeed.

Mr. President, because of the importance of the Senator's remarks in the context of the Senate's upcoming debate over the fiscal year 1976 foreign assistance budget, I ask unanimous consent that they be printed in the RECORD.

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

ADDRESS OF SENATOR JOHN V. TUNNEY

First, I would like to express my appreciation at your invitation to address the institute. It may seem a bit strange for an American to be addressing a British audience on American Independence Day.

To me, however, it is quite appropriate, for while my country is as proud of her independence as your own, its future is as inextricably bound to yours as at any time since Englishmen first set foot on American shores. Speaking before the House of Commons in 1948, Sir Winston Churchill said: "In the ever-closer unity of the English-speaking world lies our main hope for freedom and the greatest part of our hope for survival."

For years your institute has been one of the most respected international forums for evaluating international problems.

You have heard from many distinguished Americans—Congressman Les Aspin, Admiral Elmo Zumwalt, Senator Edward Kennedy to name a few—but perhaps none has spoken at a time of greater world-wide doubt about the solidity of our support for our historic allies.

Vietnam hammered great fissures in American unity at home and weakened confidence in America abroad. Watergate and the resignation of the President resulted in further doubts about American leadership. During the recent North Atlantic assembly conference in Brussels, I was quite surprised at the depth and scope of concern over America's continued role in the alliance.

America remains strong. Her constitution, founded in the bedrock of the English common law and the strength of man's aspirations for personal liberty, has prevailed through foreign and domestic turmoil.

The end of the conflict in Indochina in no way signals an abrogation of America's responsibilities around the world. While the United States was mistaken in its commitments in Southeast Asia, it can hardly be accused of defaulting on them. The collapse of Vietnam and Cambodia sprang not from a failure of American resolve, but from a failure of American understanding.

I have just come from my home state of California where I have talked with hundreds of my fellow Californians in large cities and small towns, on the assembly lines and along main street.

At the vast aerospace plants outside Los Angeles or along the shaded streets of Auburn in the foothills of the Sierra, the message is the same: Americans want a strong United States—seeking world peace and fulfilling its world responsibilities.

It would, therefore, be a grave mistake for any nation to misread the withdrawal from Vietnam as the harbinger of American withdrawal from its world role. It would be equally mistaken to overestimate the differences between the administration and Congress on foreign policy.

To international observers, familiar with political systems in which the legislative and executive branches are more congruent, congressional action may appear to be little more than interference in an otherwise orderly process. Actually, Congress is attempting to introduce an element of stability by clearly reaffirming the constitutional bounds within which foreign policy may be conducted.

By enacting the war powers act, by investigating the activities of the CIA, by embargoing arms to Turkey, Congress seeks to establish the ethical framework within which the President can exercise his discretion. Such participation is an integral part of the American system of checks and balances.

In attempting to re-establish itself as a coequal branch of government with the President, Congress may appear a leaderless, groping and stumbling institution—overshadowed in time of crisis by the President who can act with a single mind. As a conglomerate of many minds, each struggling to grasp the needs and aspirations of the United States as a whole and of each constituency in particular, Congress sometimes is a frustration to friends overseas. And, I must say, to voters at home. Nevertheless, for all its faults, Congress has knocked the armor from the imperial presidency and is asserting anew its rightful role in foreign policy—no longer as the affirming echo of presidential fiat—but as a check on arbitrary action and as a guardian against precipitate decision.

For example, there is growing pressure to review our agreements with nations whose repressive internal politics—characterized by press censorship, suppression of political opposition and suspension of free elections—are the reverse of our own. This reflects a lesson learned the hard way in Vietnam and Chile, and one which I was pleased to see Secretary of State Kissinger publicly acknowledge last week. He said in substance—without the support of the people it purports to represent, no government can seriously hope to prevent subversion or maintain its own security.

For the present, American military commitments to nations such as Korea or the Phillippines will remain in force.

The price of American assistance, however, is likely to rise as the Congress insist that our interests be allowed to determine our commitment rather than the commitments our interests. I hope to offer an amendment this year to the foreign assistance bill to reduce American aid to Korea and the Philippines unless there are significant changes in their repressive domestic policies.

While I recognize the right of a sovereign state to conduct its internal affairs free from direct foreign intervention, I don't think that the American taxpayer has a responsibility to subsidize oppressive governments.

The time has also come for greater congressional oversight of secret executive agreement. I would like to see the Congress adopt legislation requiring Senate confirmation of key overseas base agreements, such as the one with Spain, which expires in August.

As for the President's reassessment of American policy in the Middle East, it will undoubtedly run into formidable roadblocks on Capitol Hill. There is a general consensus that both sides in the Middle East conflict will have to make accommodations if another war is to be avoided. But public announcements of reappraisals and ultimated at a time when Israel is approaching multilateral negotiations in Geneva—against a united front of the Arab states and the

Soviet Union—is highly prejudicial and totally unwarranted.

As to NATO, America's commitment should remain steadfast. The House of Representatives last month voted overwhelmingly to reject a measure to reduce American troops overseas. The Senate did not even consider the Mansfield amendment during debate on the military procurement bill—a bill which authorized the Department of Defense to raise our combat forces in Europe by a division and procure an additional 6 AWACS aircraft for deployment in the central region.

In the face of shifting economic fortunes, however, Congress is likely to insist upon closer links between economic and military policy in Europe. For one thing, it may again propose that Europeans assume a greater share of their own defense burden. Rising U.S. defense costs together with declining European contributions as a percentage of gross national product, will produce strong congressional pressures for a realignment of cost-sharing arrangements; and any West German rejection of a renewal of the 14-year-old offset agreement will have a marked negative impact on congressional opinion.

Beyond financial considerations, questions of defense doctrine will be subject to more careful scrutiny. The debate over AWACS and the deployment of "mininukes" in Europe are examples.

So, too, is the administration's new reliance upon a doctrine of flexible tactical nuclear response, which seriously lowers the nuclear threshold in Europe and raises the spectre of limited nuclear war in which, specialists estimate, some 20 million Europeans could be killed.

Closely related is the question of maintaining 7000 nuclear weapons in Europe. Recent studies have shown that the dual functions of deterrence and augmentation of NATO's war-fighting capability can be accomplished by a much smaller number of weapons. Even Secretary Schlesinger, in his testimony on the fiscal year 1976 defense posture statement, suggested that the oft-invoked Shibboleth of overwhelming Warsaw Pact conventional superiority was becoming less and less credible.

I personally think financial savings can be achieved and the problem of security at over 100 weapons storage sites simplified without adversely affecting NATO's defensive position. The number of tactical nuclear weapons deployed should be significantly but gradually reduced. Units now protecting those weapons should be transferred to conventional units. NATO tactical aircraft should be more widely dispersed to assure that a greater number will survive any Soviet first-strike. And to resolve problems with command and control, more emphasis must be placed in the NATO general strike plan on conventional response.

In a strategic context, many of my colleagues in Congress have strongly opposed Secretary Schlesinger's revision of American targeting doctrine. I agree with them. Continued development testing of a maneuverable reentry vehicle for the Minuteman 3, combined with breakthroughs in terminal guidance and warhead miniturization, threaten to upset the strategic balance. From a Soviet perspective, the upgrading of our counterforce capacity suggests the creation of a first-strike potential.

I do, however, support procurement of the B-1 bomber and for the time being continued development of the cruise missle. While the B-1 program will cost over $20 billion, a strategic force which can be swiftly dispersed, recalled, and placed on airborne alert provides a wide range of options for use if war clouds ever again darken our skies.

This brings me to something of a turning point in my speech. I would like to discuss now some issues which might seem to lie outside the traditional bounds of national security, but which I believe are of increasing relevance to our survival.

In his address accepting the Nobel prize for literature in 1953, Winston Churchill said: "Since 1900 we have entered an age of storm and tragedy.

The power of man has grown in every sphere except over himself. Never in the field of action have events semed so harshly to dwarf personalities. Rarely in history have brutal facts so dominated thought or has such a widespread individual concern found so dim a collective focus. The fearful question confronts us: Have our problems gotten beyond our control?

Today, the issues which loom large for foreign policy go far beyond the bounds of strategic weapons, military alliances or sheer force of arms. I have been particularly impressed over the past few years by the absolute insufficiency of military or strategic theory to explain the ebb and flow of international fortunes. The equation of world leadership has become a complex one indeed.

Years ago, an American historian suggested that the history of civilization is distinguished by the irreversible progression of society from lower forms of organization to immensely more integrated and complex ones. Today, as the process of integration continues and accelerates, transcendent issues and problems will further blur national boundaries. As this happens, national security itself will become an increasingly amorphous concept.

Sometimes, as I listen to the debates over our nuclear posture, along with the inevitable comparisons between our arsenal and the Soviets', and the ephemeral scenarios of what might happen if the Russians in a moment of supreme irrationality should launch a first-strike against us, I am struck by the unreality of it all.

Armageddon may not result from a clash between the so-called super-powers, but may come because of explosive circumstances affecting the small and the poor as well as the big and the well-off.

Of particular concern to me is nuclear proliferation. Quite frankly, I was greatly disturbed at the announcements of the German and French Governments that they will transfer complete nuclear fuel cycle technology and reprocessing facilities to South Korea, Pakistan, Brazil, and Argentina.

It has with satisfaction that I noted the opening in London last week of a 7-nation conference on the question of controls and safeguards on nuclear exports. Early reports indicate that some progress was made and that another meeting will be held.

But we can't wait 3 or 4 years for results. By then it may well be too late to stop the proliferation spiral. Once Brazil develops enrichment technology, Agrentina will have to have it. Now that India has tested a nuclear device, Pakistan will have to test one. If South Korea gets reprocessing facilities, North Korea will demand them. The time for action is now.

While the non-proliferation treaty was a major step forward, it was not enough. The NPT contains at least one gaping loophole—there is nothing in it to prevent any Nation who has been given a full fuel cycle or reprocessing technology from duplicating that technology on its own and using it to build weapons.

A first major task before us, then, is to amend the treaty as soon as possible to provide safeguards against such dangers. In the interim, the exporting countries must impose a moratorium on the export of enrichment technology. There is a resolution pending in the United States Senate of which I am a cosponsor that would require the President to undertake, as a top priority, initatives to obtain such an agreement.

There is no reason why Nations not already possessing enrichment technology need that technology for the development of an indigenous nuclear power industry. Fuel supplies can be obtained from a variety of sources with little prospect of their embargo. And under a plan offered by the U.S. arms control and disarmament agency, regional enrichment facilities could be established to ensure a continuous supply of fuel.

In the absence of multilateral agreements, I would favor unilateral action by the United States. American exports of nuclear technology should be keyed to bilateral guarantees under which the recipient would agree to adopt restrictions on all its plants of whatever origin in return for economic concessions from the United States.

Beyond nuclear proliferation, other lethal problems stalk our planet. A nuclear war might incinerate 20 million persons. Yet, last year alone nearly 20 million persons died of starvation. Over 400 million people are suffering from malnutrition, and according to the retiring chief of the United Nations food and agricutlural oragnization, the situation is deteriorating. The world food conference set a target figure of 3.6% for annual growth in world food production, but only 1.6% has been achieved. At the same time, population around the world is expanding at a rate of 2% per year. It takes no mathematical merlin to conclude that the gulf between food and hungry mouths is widening at an alarming rate.

The same day that FAO made its assessment, the European Common Market Commission refused to increase its contribution of grain to needy countries, and authorities in the United States were openly discussing a policy of triage.

While there seems to be an unwillingness on the part of nations to step up their contributions to the economic and agricultural needs of the lesser developed countries, there doesn't seem to be any similar reluctance to provide military assistance. As all of you know, the international trade in conventional arms has grown dramatically over the last 5 years. In 1970, the dollar value of the international market was approximately $6 billion. Today it is closer to $12 billion.

In the United States—the world's largest arms supplier—some progress is being made in stemming the tide of grant arms flows. Both the military assistance advisory group program and the military assistance program were scaled down by congressional mandate. Legislation has been introduced to require prior congressional notification and approval for individual credit arms sales over $25 million and aggregate sales over $50 million. I think the measure stands a good chance of passage.

Personally, I would like to see a provision that would cut the level of American assistance to a country—except for emergency humanitarian aid if that nation plows a substantial portion of its money into armaments rather than into farms. Under such a proposal, American foreign aid would be cut off when that nation's military budget exceeded 2 or 3 percent of its GNP.

As the Overseas Development Council stated in its 1975 report: "A modest diversion of the enormous amounts now expended for military purposes to constructive investments of the kind outlined in this report would make significant strides toward solving some of the common problems that threaten the world's people."

With both conventional arms and nuclear weapons technology spreading at the same time as world food and population problems mount, world stability clearly is threatened, and leaders confronted with starving millions at home may well resort to nuclear blackmail to get needed food supplies.

Food is just one element of the resource question—a question which I have examined in depth in my book to be published this fall, "The Changing Dream."

Another resource of vital importance to the health and security of the developed world

is energy. The Arab oil embargo and its accompanying four-fold price rise demonstrates how vulnerable we really are—despite our overwhelming military superiority.

The embargo was limited in its duration and scope. Yet its impact was tremendous.

In the United States a reduction of only 10% of the imported oil, and lasting less than half a year, cost Americans half a million jobs and over 1% of GNP; it added at least 5 percentage points to the price index and set the stage for the most serious inflation and recession since the great depression. Its impact was so adverse that it resulted in severe warnings from the President against a repetition. Implicit in those warnings was the threat of military intervention.

But even if military conflict is unlikely, economic warfare is not, and in a world of cut-throat economic competition everyone suffers. The differences that new resource policies have produced even within the consuming States is reflected in a debate that is now going on in the United States between Secretary of State Kissinger and Secretary of the Treasury Simon. Secretary Kissinger maintains that international agreements on price and availability between OPEC and the importing Nations are imperative to avoid confrontation.

To Secretary Simon, confrontation is an essential ingredient of an approach which will eventually leave the importers dominant. In his view, the United States retains enough economic influence on its own to force the Arabs to back down on future price increases and rollback previous ones. I definitely disagree. As an energy expert expressed it to me: "Right now, the Arabs need American money and markets a lot less than we need their oil."

I think the western Nations, and especially the U.S., are going to have to face the facts. It will be decades before energy self-sufficiency can be achieved through exploitation of high-technology alternatives like nuclear fusion, or solar or geothermal power. Assuming that our energy needs will continue to grow—they are doubling now each decade—and assuming that military actions are not viable, it is clear that some accommodation will have to be reached with OPEC.

The prospects for such an accommodation are better today than at any time since the embargo. Oil importing nations have agreed on the principle of a floor price. An international energy agency has been established. The next step is consensus on a "safety net" to minimize the effect of member-states' balance of payments deficits brought on by the oil price rise.

Later this year, the energy summit will probably take place. Initially discussions will center around guarantees on price and supply. Ultimately, the problems of indexation and ties to development assistance will have to be faced. Therefore, it is vital that these problems be given a higher priority in national planning, and that they be considered as closely related to other international problems.

In conclusion, oil, food, proliferation, population, and resource availability are examples of issues of growing importance to the security of developed nations in an increasingly interdependent world. They serve to underline the need for revisions in the way we look at foreign policy. Questions of broad strategic doctrine may be fascinating and are important, but they carry with them an air of unreality. Population control, food, and the spread of conventional weapons may be less exciting but are more immediate.

A few days ago, I spoke with a former aide to Dr. Kissinger. He impressed me with a parallel he drew between this period and the period following the Congress of Vienna.

He said the last 3 decades of the 19th century in Europe were characterized by relative peace, prosperity and mutual understanding. But beneath the surface of the relative calm were fundamental structural changes which were all but ignored. Monarchies were collapsing, rigid ideologies were emerging, and the old economic order was decaying.

Ultimately, the structural changes converged to produce a cataclysm which according to one of the leaders involved was "unexpected, unwanted and unnecessary." I hope that in our concern over sophisticated questions of national defense and foreign affairs, we don't miss the import of the fundamental structural changes going on around us.

EGYPTIAN REVOLUTION

Mr. HARTKE. Mr. President, the Arab Republic of Egypt, often referred to as Egypt, celebrates the anniversary of the revolution, July 23, which is proclaimed as a national holiday.

In recent months Egypt has moved very swiftly in trying to secure a lasting peace in the Middle East. The actions of President Anwar Ah Sadat in harmony with our own Secretary of State have been milestones on the highway of world peace.

The United States and Egypt formally renewed diplomatic ties in February 1974, and since that time both countries have shown a willingness for mutual understanding.

For many years the mainstay of Egyptian economy has been agriculture and with the advent and opening of the great Aswan Dam on the Nile River in southern Egypt has opened the Nile Valley for more arable land and new industrial complexes.

On September 11, 1971, Egypt's permanent constitution, based on studies by the Arab Socialist Union and the People's Assembly, was passed by general referendum. It embodies the goals and principles of the revolution and serves as the basis for government.

It is hoped that the question of peace keeping, the United Nations forces withdrawals from the Sinai and other areas of contention can be settled soon between all parties concerned.

The recent opening of the Suez Canal is surely an added boost to the economy of the entire world, since it shortens travel time for most of the world's oil supply and adds to the gross national product of Egypt.

Mr. President, I take this opportunity to salute the people, the Government, and the President of the Arab Republic of Egypt on their National Day.

CORRUPTION IN THE GRAIN TRADE X: THE BOX CAR BLACK MARKET

Mr. CLARK. Mr. President, a little-known problem associated with large-scale grain sales, such as those now being made to the Soviet Union, is the industry practice of tying up huge numbers of railroad cars for these shipments, thus freezing out farmers and country elevators from rail transport.

Often this situation leads to a kind of "black market" in freight cars, forcing Midwest producers to sell grain at a discount as the only means of getting it moved.

On Monday documents filed at the Interstate Commerce Commission by its bureau of enforcement revealed just how serious this practice has become. They make clear how important it is that small producers are protected from a recurrence of the freight car shortage which developed after the 1972 Russian wheat sales.

Clark Mollenhoff, writing in yesterday's Des Moines Register, and William H. Jones, writing in yesterday's Washington Post, report that eight grain exporting firms allegedly have exacted discounts from independent operators for the use of railcars they have tied up for their own use.

I ask unanimous consent that these articles be printed in the RECORD.

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

[From the Washington Post, July 22, 1975]

GRAIN EXPORTERS CONTROL BOXCARS

(By William H. Jones)

Small and independent country grain elevator operators throughout the Midwest often must pay a special fee to large grain exporting firms in order to secure rail freight cars for shipping wheat, corn and other farm products, federal investigators have told the Interstate Commerce Commission.

Documents filed at the ICC yesterday by its bureau of enforcement portrays a situation where the major grain export firms have managed to gain control of a significant share of available freight cars.

One result, during periods of heavy harvest, is a freight car shortage that the railroads can't completely solve because much of their equipment already is committed. Unable to get boxcars or hoppers for grain and unwilling to let the crops rot in elevators, Midwest producers have been forced in many instances to sell grain at a discount to big grain firms—just to get it moved.

Generally, this practice has been described as a "black market" in freight cars and some grain elevator operators have called it "extortion."

In ordering an investigation of complaints last year, ICC chairman George M. Stafford said the big grain firms could be reducing their overall transportation costs illegally by the practice and could be violating the Interstate Commerce Act or antitrust laws.

The documents filed yesterday came at a time of new concern about the ability of producers to have equitable access to the nation's transportation network. Sen. Dick Clark (D-Iowa) already has asked the ICC to help avert a repeat of the last grain shipping crisis, which occurred after the 1972 sales of wheat to Russia.

"As yet," he said, "we have no assurances that an inequitable distribution of rail cars favoring the major grain companies will not reoccur, blocking grain movement from the farm, and forcing farmers and country elevators to sell grain to the major companies at below market prices."

That is exactly what has been happening, according to the documents filed at the ICC.

One agency investigator, Haldon G. West of Indianapolis, said eight grain exporting firms had engaged in the practice of providing rail cars designated for their use to independent operators—by exacting a discount.

The firms named were Lincoln Grain, Inc.; Tabor & Co.; Bunge Corp.; Louis Dreyfus Corp.; Continental Grain Co.; Central Soya Co.; Cargill Inc.; and Cook Industries.

Although officials of Continental in Chicago denied to ICC investigators the existence of such discounts in exchange for transportation, other former and current Continental officers supported the allegation.

For example Continental merchandising officer Patrick Gossen in Des Moines told the ICC that if equipment is hard to find the

service is offered with a discount of about 10 cents a bushel. "The amount charged is whatever the market will bear . . . there is a market for equipment," he said.

In some instances the ICC found discounts ranging as high as 15 cents a bushel—meaning that the local producers got that much less for their produce than the going market prices.

One Continental Grain letter dated March 1, 1974, and submitted to the ICC yesterday outlined that firm's objections to plans of the Milwaukee Railroad to alter its rates for "unit" trains—that is trains made up of 25 or 50 cars carrying grain and operated continuously from the farm belt to ports for export.

"A major objective of Continental is quite frankly to gain control of the transportation and logistics of the grain flow from the country to its export elevators" said Continental transport officer R. J. Helms.

The grain exporters strongly denied that they were engaged in any illegal practices, in interviews with ICC investigators.

For Memphis-based Cook Industries, senior officers Christopher R. Parrott and Michael H. Swanson said the "discount" concept is used as a qualitative standard to reflect lower grades of crops, for example. They argued that the grain companies themselves were providing a healthy portion of freight cars by leasing them on their own and not tying up the railroads' fleets.

Evidence submitted by the investigators showed that a number of railroads, however, were committing hundreds of freight cars each month for unit-train operations by the big grain firms. Among the railroads engaged in this practice were the Milwaukee Road, Rock Island, Chicago & North Western, Penn Central, Norfolk & Western and Illinois Central Gulf.

The investigators found different policies on different rail lines—with Union Pacific, Burlington Northern and Missouri Pacific, for example, dividing up available cars on a pro-rata basis among all customers.

[From the Des Moines Register, July 22, 1975]

ICC PROBERS FIND LARGE-SCALE BLACK-MARKETING OF GRAIN CARS

(By Clark Mollenhoff)

WASHINGTON, D.C.—Interstate Commerce Commission (ICC) investigators have uncovered large-scale black-marketing of railroad grain cars in large section of the Midwest.

In a dozen sworn statements filed with the ICC Monday, the investigators said the big grain companies have been taking advantage of discount rates for large quantities of big, covered hopper cars, thus tying up a major portion of grain transportation fleets of Midwest railroads and making it nearly impossible for farmers and grain elevator operators to obtain cars when needed.

LOWER PRICES

When the country elevator operators can't obtain cars on their own, the investigators concluded they are forced to accept lower prices from the big grain companies that have the cars available.

The farmer, in turn, receives lower prices for grain that he might have received if the elevator operator could have bid with knowledge that he could obtain the needed grain cars.

The investigators affidavits said discounting practices have been uncovered in Indiana, Illinois and Iowa, involving at least eight grain companies, including the Bunge Corp., Louis Dreyfus Corp., Continental Grain Co., Central Soya Co., Cargill, Inc., Cook Industries, Inc., Lincoln Grain, Inc., and Tabor and Co.

REPORT TO CONGRESS

Railroads involved in the investigation included the Chicago and North Western; the Chicago, Milwaukee, St. Paul and Pacific, and the Chicago, Rock Island and Pacific.

ICC Chairman George Stafford immediately ordered the investigators' statements sent to both houses of Congress, where members of the Commerce and Agriculture committees have requested the results of the probe.

The black marketing gained public attention about a year ago when some shippers complained at ICC hearings on the restructuring of bankrupt northeastern railroads that the big grain firms were tying up railroad car fleets.

ICC investigator Loyd O. Addy implied that the incidents began about the time of the 1973 Russian grain deal, when Midwestern states felt an unprecedented demand for rail cars and the supply of both covered hopper cars and grain boxcars was insufficient to meet demand from country grain elevators.

RAILROADS "UNAWARE"

According to investigators' reports, the railroad supplying the grain cars were unaware of the inequitable distribution of hopper cars or did not want to become involved in disputes with their biggest customers—the grain merchandising giants.

Addy said a "black marketing" grain merchandiser would exact a discount in purchase price when buying grain from a country elevator in exchange for the merchandiser's agreement to furnish the freight cars to be used in transporting the grain.

"The 'discount' is, in effect, a charge to the country elevator for use of the grain car supplied by the merchandiser," he said. "Generally the discount is reflected in a per-bushel price lower than would have prevailed had the country elevator undertaken to supply the car."

"UNIT TRAINS"

Addy said his investigation covered the multiple car shipment arrangements referred to as "unit trains," which are "dedicated to a grain merchandising firm for a minimum of five consecutive trips and may be continued for an indefinite number of trips."

Addy said that by thus allocating a large portion of their fleet of covered hopper cars, the railroad reduced the number of free-running grain cars, which country elevators depend on when loading grain under single-car rates.

The combination of an insufficient supply of free-running cars and the control by grain merchandisers of a large fleet of railroad-owned cars that "magnified the opportunity for the black marketing in freight cars," Addy said.

CORRUPTION IN THE GRAIN TRADE IX: A BIG BREAKTHROUGH

Mr. CLARK. Mr. President, the grain scandal which has come to light in recent weeks, only to be minimized by the Secretary of Agriculture as being played out of proportion, reached proportions hard to overplay yesterday when a Federal grand jury in New Orleans indicted the Bunge Corp., one of the Nation's largest grain companies, and 13 present and former executives and employees of that company on charges of conspiracy to steal grain by short-weighing shipments.

These charges, if they can be proven, will confirm what we have suspected for some time; namely, that multinational grain companies have been involved in the systematic short-weighing of grain they purchase from the American farmer. The result is excess stocks that the companies sell at 100-percent profit.

The indictments underline the urgent need for a Federal grain inspection system, including tight supervision of weighing as well as grading. U.S. grain exports, which now total over $10 billion annually, are simply too important to be left exclusively in the hands of the international grain traders and private grain inspection agencies.

The indictments further highlight just how little we know about the multinational grain companies. Seven of these firms control 90 percent of America's grain exports, and 80 percent of grain exports worldwide. Yet, as George Anthan pointed out in Sunday's New York Times:

> The simplest query directed to a grain company can produce a response worthy of a request for atomic secrets.

That is why it is so important that the investigations into the grain trade now being conducted by the Subcommittee on Multinational Corporations and the Subcommittee on Foreign Agricultural Policy proceed as rapidly as possible.

Mr. President, I commend the U.S. attorney in New Orleans for the thorough investigation he is conducting and I ask unanimous consent that a number of articles concerning the recent indictments, as well as Mr. Anthan's story, be printed in the RECORD.

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

[From the Des Moines Register, July 22, 1975]

FIRM INDICTED IN GRAIN THEFTS

(By George Anthan and James Risser)

WASHINGTON, D.C.—A federal grand jury in New Orleans, La., Monday indicted Bunge Corp. and 13 present or former corporate executives and employes on charges of conspiring to commit systematic thefts of millions of dollars worth of grain bound for overseas customers of the U.S.

Bunge, one of the half-dozen large international companies that control most U.S. grain exports, and the individuals named also were charged with defrauding the U.S. Department of Agriculture (USDA).

TWELVE YEAR CONSPIRACY

The indictment, returned before U.S. District Judge Frederick J. R. Heebe, charges the defendants conspired to steal export grain over a 12-year period, starting in the summer of 1961.

Among other things, the indictment said, there were 33 fictitious sales between 1965 and 1970 of 857,449 bushels of corn, wheat, soybeans and sorghum valued at more than $1.5 million.

The Des Moines Sunday Register reported July 13 that indictments of some top grain company officials were pending in the federal investigation of the grain export business.

The indictment Monday stemmed from a widespread investigation at New Orleans and other port cities into bribery and other corruption in the inspection, grading and weighing of U.S. export grain. The existence and extent of the investigation first was disclosed by the Des Moines Register May 4.

COMPANY POLICY

In the case of Bunge, the grand jury heard evidence that it was "company policy" to shortweight each outbound ship as it was loaded. The grain saved by underloading each ship could then be used to load on other ships and thus was sold twice.

Bunge Corp. is a division of Bunge and Born, a Buenos Aires, Argentina-based conglomerate that has offices in 80 countries, has more than 20 river and five terminal elevators in the U.S. and operates barges, rail cars fleets and ocean-going ships.

Among the defendants indicted Monday were Bunge executives Walton F. Mulloy of Kansas City, Mo., vice-president and regional manager of the company's office there, and Clayton E. Wilcox of Hindsdale, Ill., assistant vice-president and regional manager at

Bunge's St. Louis, Mo., and Destrehan, La. offices.

The indictment charged that Bunge's shortweighting scheme involved ships loaded at the firm's export elevators at Destrehan and at Galveston, Tex.

ONE OF FOUR FIRMS

Bunge is one of at least four grain companies under investigation by the U.S. attorney's office in New Orleans, FBI and the USDA office of investigation. The probe is being directed by U.S. Atty. Gerald Gallinghouse and by asst. U.S. atty. Cornelius Heusel in New Orleans.

Two of the persons indicted Monday served as top managerial personnel for Bunge at both elevators at different times. Defendant D. A. Negrotto, jr., of New Orleans, was a foreman and superintendent at the Destrehan elevator and assistant superintendent and manager at the Galveston facility.

Daniel G. Delaney of Old Bridge, N.J., was described in the indictment as having been superintendent at Destrehan and manager at Galveston.

Defendant Negrotto was said by one of the federal investigators Monday to have been "a big help" in establishing the case against Bunge and the other defendants.

VENAL MOTIVE SEEN

Negrotto voluntarily went to the federal investigators last fall and gave them extensive information about the Bunge operation. Investigators said Negrotto apparently was motivated in part by a law that may allow him to collect 10 per cent of all money collected by the Internal Revenue Service in the investigation of Bunge and other grain firms.

The participants divided the money obtained and did not pay federal income taxes on it, according to the investigators.

After providing these details to federal officials, Negrotto went into hiding in another state to avoid reprisals.

INDICTED EMPLOYES

Other present or former Bunge officials and employes indicted Monday were:

Harry O. Dolesh, sr., or Metairie, La., Edwin L. Wolfe of Kenner, La., Alvin Joseph Morales, jr., of Destrehan, Andrew J. Voelkel of River Ridge, La., George J. Deharde of Galveston, Harvey R. Hickman of Dickenson, Tex., Willie E. Horn of Galeston, James F. Kesinger of Hitchcock, Tex., and John H. Gonor, sr., of La Place, La.

It is believed the grand jury moved to issue the indictment Monday because of a possibility the federal statute of limitations could have protected some of the defendants if there had been a delay.

The grand jury that issued the indictment Monday has been meeting for about 18 months and its term will expire Aug. 15. A new grand jury will be empaneled and will begin meeting that day.

Federal investigators had indicated previously that higher Bunge officials, including the top management, were under scrutiny.

"We indicted all company officials today whom we felt we could prove a case against at this point," an official source said.

"But the investigation is not over," he said. "We're not closing the books on Bunge simply because of one indictment."

MASSIVE WRONGDOING

Persons in New Orleans familiar with the investigation have told The Register that the grand jury has received evidence of massive wrongdoing at the Bunge elevator there.

Witnesses before the panel reportedly have detailed how grain of an inferior grade to that being sold was secretly loaded onto ships at the elevator. Records were falsified to show the loading of the proper grade of grain, the grand jury was told.

Other shipments from Bunge have on several occasions contained crotalaria seeds, a toxic substance that can be fatal to animals given feed made from the grain, according to grand jury witnesses.

As part of the scheme to shortweight shipments of grain from the Bunge elevator, water was sometimes loaded into ballast tanks of train ships, the grand jury also has been told. This made the ships ride lower in the water, indicating more grain on board than was actually loaded.

The defendants also were accused of conspiring to defraud the USDA by impeding, obstructing and defeating the lawful functions of the USDA in its supervision of federally licensed grain warehouses. The grain-stealing scheme, investigators said, involved issuance of false weight certificates and the conspiracy prevented the USDA from keeping accurate and complete records on grain stored in elevators under the U.S. Warehouse Act.

Maximum penalty for conviction under the federal conspiracy statute is five years in prison and $10,000 fine.

Other companies being probed in addition to Bunge include Cook Industries, Inc. of Memphis, Tenn., the Mississippi River Grain Elevator Co. and the St. Charles Grain Elevator Co.

The private agencies that handle grain inspection at these elevators also are under investigation. The Bunge elevator at Destrehan is inspected by the Destrehan Board of Trade. That agency was set up by a Louisiana state legislator, Bryan J. Lehmann, jr., with a $10,000 loan from Bunge. The same agency also inspects the nearby Cook Industries elevator.

Under the 60-year-old U.S. Grain Standards Act, initial inspection of export grain cannot be performed by federally-employed inspectors. Although inspectors are federally licensed, they work for private boards of trade, chambers of commerce, grain exchanges and similar organizations, many of which are controlled by grain and shipping interests.

[From the New York Times, July 22, 1975]

BIG GRAIN CONCERN INDICTED WITH 13 IN EXPORT THEFTS

(By William Robbins)

NEW ORLEANS, July 21.—A Federal grand jury indicted the Bunge Corporation, one of the world's largest grain companies, and 13 present and former executives and employes today on charges of conspiracy to steal grain by short-weighting shipments and conspiracy to cover up the thefts.

A part of the alleged conspiracy, the grand jury charged, was a system of interoffice accounting entries purporting to show sales by regional offices to the New York headquarters, with credit memorandums then sent to local offices in the Galveston and New Orleans area. There, the indictment said, the transactions would be shown in the company's records as income for grain sold.

INQUIRY AT HIGHEST LEVEL

Today's indictments raised to the highest level thus far the spreading investigation into alleged corruption in the handling, weighing and grading of grain for export.

A total of 20 indictments had been returned previously in the New Orleans and Houston areas, but they largely involved grain inspectors licensed by the Department of Agriculture but employed by private concerns and others allegedly involved with them in bribery schemes. None of those involved officials or employes of large companies.

Those indicted besides the Bunge Corporation itself included Walton F. Mulloy, a vice president for its Kansas City regional headquarters, and Clayton E. Wilcox, a former vice president for its St. Louis regional headquarters. The others included managers, supervisors and other employes at local levels in the New Orleans and Galveston areas.

Those named were alleged in the indictment to have been involved with other "co-conspirators known and unknown to the grand jury." It did not indicate what position those others might hold.

Although the exchange of documents involving fictitious grain shipments was alleged to involve the New York office, no individuals in that area were cited. But the trail of papers is known to have turned the attention of investigators in that direction.

The United States Attorney's office here said the investigation was continuing.

Bunge is one of three large grain corporations that had been reported by sources close to the case to be under investigation. The others are Cook Industries, Inc., and Mississippi River Grain Elevator, Inc.

But the United States Attorney's office here, in a statement accompanying the indictments today, made clear that activities at all elevators in the New Orleans area were under investigation. The number would include the Continental Grain Company's elevator. Other elevators here are operated by a cooperative, the Farmers Export Company, and the Public Elevator Company and the St. Charles Elevator Company.

Continental is one of the world's two largest grain companies along with Cargill Inc. Cook is believed to rank third and Bunge fourth in grain shipments. Mississippi River Grain Elevator is owned by Serafino Ferruzzi of Ravenna, Italy, who is a major factor in soybean processing in Europe. Public and St. Charles Elevators handle grain for a number of other companies.

Cargill reportedly is not under investigation, but Federal agents are said to be looking into activities of some inspectors who grade its grain.

Today's indictment did not go into other areas known to be under investigation here. They include thefts of grain by grain company employes and others for their own benefit and misgrading of grain to enhance its value.

But the United States Attorney's office noted in a statement that the grand jury would continue the inquiry through Aug. 15, when it will expire and be replaced by another grand jury.

The investigation is being coordinated by the United States Attorney here, Gerald J. Gallinghouse, and Cornelius R. Heusel, the assistant attorney, aided by agents of the Federal Bureau of Investigation, the Agriculture Department's Office of Investigation and the Internal Revenue Service.

NEARLY EMPTY COURT

Today's indictments were returned in a nearly empty courtroom. At the call of Mr. Heusel, Alvin Martin, the black foreman of a mostly white grand jury, stood in the jury box and passed indictment papers to United States District Judge Frederick Heebe. At the request of Mr. Heusel, the judge set bail that would leave those indicted free after signing a $10,000 bond.

[From the Washington Post, July 22, 1975]

GRAIN FIRM, 13 INDICTED IN SWINDLE

(By Dan Morgan)

A federal grand jury in New Orleans yesterday indicated one of the world's largest grain companies and 13 of its current or former executives and employees on charges of conspiring for 12 years "systematically" to steal U.S. grain and soybeans on their way to customers abroad.

Named in the indictment was the Bunge Corp. of New York City, a conglomerate said to control about 20 percent of global grain shipments from its home base in Buenos Aires.

The indictment alleged that the defendants had violated the federal conspiracy statute through a scheme to steal grain by short-weighting ships loaded at Bunge elevators in Destrehan, La., and Galveston, Tex., from 1961 to 1973.

According to the indictment, the alleged scheme resulted in excess grain accumulating in Bunge's Gulf Coast grain terminals, and company records were then adjusted or falsified to show fictitious deliveries to account for the excess. The scheme was accomplished with the help of interoffice accounting entries between Bunge offices in New

York City, Kansas City and St. Louis, the grand jury charged.

The value of the stolen grain was fixed at more than $1.5 million for the period between May, 1965, and July, 1970.

The announcement of the charges was the most dramatic result so far in a 16-month investigation of corruption in the handling of grain in the Lower Mississippi River. Earlier indictments named only low-level grain inspectors and employees of local elevators.

U.S. Attorney Gerald J. Gallinghouse and Assistant U.S. Attorney Cornelius Heusel said in a statement that they would make available to authorities in other port areas pertinent information that was developed in their Gulf Coast inquiry.

Sources in New Orleans said the investigation there remained open and more indictments could not be ruled out.

The Bunge Corp., in a statement released from its New York City office, said: "The company's senior management has stated that it has never condoned and will not condone any illegal or improper conduct on the part of any officer or employee."

Two of the defendants, Walton F. Mulloy of Kansas City, Mo., a company vice president, and Clayton E. Wilcox, as assistant vice president, were charged with having planned in January, 1961, a scheme to shortweight vessels loading at the Bunge elevator at Destrehan.

In September, 1964, Bunge began handling grain at a new elevator in Galveston, and the conspiracy to steal grain spread to that port, the grand jury charged.

It said that between May 20, 1965, and July, 1970, Wilcox, Mulloy and some of the firm's low-level managers and clerks organized 33 fictitious sales of a total of 850,449 bushels of corn, wheat, soybeans and sorghum valued at more than $1.5 million. The grain had been acquired by the shortweighting at Destrehan, the grand jury said.

In order to account for excess grain, the company had to show that it had been received. According to the indictment, this was done in one case by recording a "delivery" from a barge that actually was loaded with alumina at Paducah, Ky., when it was supposed to be making the grain delivery.

The shortweighting of outgoing vessels was accomplished by manipulating or bypassing scales, it was charged.

In addition to the theft, the grand jury alleged that the defendants tried to obstruct efforts by the Department of Agriculture to supervise grain handling.

Later, the grand jury asserted, the defendants tried to cover up the facts on how they had cheated the foreign customers.

Wilcox of Hinsdale, Ill., listed as regional manager at Bunge's St. Louis and Destrehan offices, could not be located. Mulloy, who works at Bunge's Kansas City regional office, was not at home or at his office. When asked if Mulloy was still vice president, a Bunge employee in Kansas City said, "He was."

[From the Wall Street Journal, July 22, 1975]

GRAIN THEFT LAID TO BUNGE CORP. BY FEDERAL JURY

WASHINGTON.—Bunge Corp. was accused by a federal grand jury of cheating foreign customers out of about a million bushels of grain and covering it up through an elaborate, fictitious reporting scheme.

Also named in the one-count indictment, issued at federal district court in New Orleans, were 13 current or former employes of Bunge, including what the government describes as the company's regional managers in St. Louis and Kansas City.

The indictment is the biggest development so far in the government's widening investigation into what could be a major grain-export scandal. It's understood, however, that the investigation will be spreading from Gulf port operations into other big grain-shipping ports as the Justice Department accumulates more evidence.

Bunge Corp., based in New York, is the third biggest grain-exporting company in the U.S., trailing only Cargill Inc. and Continental Grain Co. in size. Bunge is privately owned and always has kept its operations a tight secret.

According to the Justice Department, yesterday's indictment says the Bunge defendants frequently would arrange to load aboard vessels less grain than contracted for by a foreign country. This was done primarily through short-weighting, or manipulating the scales to shave the amount of grain officially listed as being aboard the ship. This occurred at Bunge's grain export elevators in Destrehan, La., and Galveston, Texas, the Justice Department said.

Most of this grain was shipped to countries that didn't have their own weighing systems and had to rely on weight certificates from the elevator to know how much grain they were receiving.

In most cases, the Justice Department said, the shortage averaged around 2,000 bushels a ship. This went on from 1961 to 1973, and totaled at least one million bushels of grain, the department said.

This alleged cheating left the two Bunge grain-export elevators with more grain than they should have had, the Justice Department said. To cover up the extra grain, some of the defendants worked up an elaborate reporting scheme involving fictitious shipments to the elevators in what turned out to be empty railroad cars, empty barges and even one barge loaded with aluminum oxide, the department said.

To conceal the scheme from Agriculture Department inspectors, some of the defendants devised a complex record-keeping system involving the company's Kansas City and St. Louis branches and the main office in New York, the Justice Department said.

U.S. Attorney Gerald J. Gallinghouse of New Orleans says the indictment charges that the defendants juggled the books to cover false deliveries to the elevators in several instances. On March 12, 1966, for example, the records showed delivery by barge to the Destrehan elevator of 50,400 bushels of corn when, in fact, that barge was empty at the time and en route to Cairo, Ill., Mr. Gallinghouse said. On Feb. 15, 1968, Bunge records showed delivery of 54,981 bushels of corn in a barge that at the time actually was transporting aluminum oxide near Paducah, Ky., the prosecutor said.

The records also falsely showed "receipt at Bunge's elevator in Galveston of 90,000 bushels of wheat in rail cars that was never delivered," the U.S. attorney said.

Among the 13 individuals indicted were Walton F. Mulloy, described as vice president and regional manager of Bunge's Kansas City office, and Clayton Eugene Wilcox, described as head of the company's St. Louis Destrehan offices. (The St. Louis office said yesterday Mr. Wilcox isn't with the company any longer.) Some of the other persons indicted worked first at the Destrehan elevator and later transferred to Galveston after Bunge began operating an elevator there in 1964.

If convicted, the company faces a maximum fine of $10,000, while the individuals could be sentenced to as much as five years in prison and fined $10,000.

Before the Bunge indictment, the Justice Department's 16-month investigation into grain-handling operations at Gulf ports mostly involved charges against grain inspectors. They were accused of taking bribes to certify dirty transport ships as being clean enough to receive grain.

It's figured the investigation is likely to expand as more persons try to avoid prosecution by informing government investigators of other alleged wrongdoings in the grain trade. Much of that information is being channeled through the Justice Department to U.S. attorneys covering other port cities across the country.

In New York, Bunge declined comment on the specifics of the indictment, other than to say that it had cooperated with federal authorities and will continue to do so.

Bunge insisted, however, in a statement issued through the office of its president, Walter C. Klein, "that the company's senior management has stated that it has never condoned and won't condone any illegal or improper conduct on the part of any officer or employee."

The individuals named couldn't be reached.

[From the New York Times, July 20, 1975]

GRAIN DEALS WITH RUSSIA ARE STILL MARKED BY SECRECY

(By George Anthan)

WASHINGTON.—In wide areas of the Volga region, the southern Urals and northern Kazakhstan, important Soviet grain-growing areas, the corn has been tasseling at waist-level, the leaves are curled and the stalks are orange near the ground. The wheat stands are uneven and drab in color. These and other signs of a poor harvest mean that, unless they decide to tighten their belts, the Soviets will have to turn to the world market for wheat and corn.

Much of it could come from the United States, where farmers and consumers have a vivid memory of the "great grain robbery" of 1972, the sale of 19 million tons, most of the country's reserves, to Russia at bargain prices. The economic shock of that deal caused world grain prices to rise precipitously and fueled the inflation of American supermarket prices.

Thus, when it became known that Russia was again interested in buying American grain, an effort was made by the United States Government and the dealers to make the transaction seem open and aboveboard. Secretary of Agriculture Earl Butz warned members of Congress that United States traders were in Moscow and promised that this time American taxpayers would not be subsidizing the purchase. When their deal was concluded last week, Cook Industries Inc., and Cargill Inc., two of the firms which control most United States grain exports, promptly made the deal public, even though Government regulations permitted them to keep it secret for eight more days.

THE NATIONAL INTEREST

However, despite the surface indications of openness, the current dealings with the Russians point out some serious deficiencies in the way the United States handles overseas sales of grain, one of its most important export commodities, accounting for foreign exchange earnings of $10-billion to $12-billion a year. Mr. Butz was asked by a Senator if anyone representing the Government is in Moscow to protect the national interests of the United States in negotiations for the sale of American grain. "The Government doesn't have a single bushel to sell," replied Mr. Butz. "It's all being handled by the private trade."

The private trade is dominated by a few companies—Cook, Cargill, the Continental Grain Company, the Bunge Corporation and the Louis Dreyfus Corporation. There is little or no oversight of their activities by the United States Department of Agriculture. Except for Cook, they are privately held and are not required to file information on their financial and corporate affairs with any United States Government agency. They are multinational corporations, and some of them have strong foreign ties. "The grain business is one of the most secret kinds of operations there is," said Dr. Ronald Knutson, director of the Farmers Cooperative Service at the Agriculture Department. "We just don't have a good picture of the whole thing."

The simplest query directed to a grain company can produce a response worthy of a request for atomic secrets. Merton Sarnoff, counsel for the Louis Dreyfus Corporation,

was asked during a recent telephone conversation where the company's United States headquarters is located. "I'm speaking from a New York number," he said. "It's not normally our policy to comment to the media about our business." Asked if Gerard L. Dreyfus was president of the firm, Sarnoff said, "I will make an exception" and confirmed that Dreyfus heads the company. Later, however, Sarnoff changed his mind: "That mention of Gerard is off the record. I should not mention that he's president. It might be embarrassing to me here."

Questions are beginning to be raised in Congress, the General Accounting Office and the Federal Trade Commission about reliance of the United States on the international grain traders. Canada, Australia and the European Common Market countries, the other major grain exporting nations, either have state trading agencies or exercise certain controls on the activities of export firms. "All of these countries start out with one basic purpose in their grain business—their national interest," an F.T.C. official observed. And a General Accounting Office investigator argued that the United States "is, in a sense, a no-man's-land for the grain trade: For all practical purposes, there are no regulations." Hyde Murray, the Republican counsel to the House Agriculture Committee, has "always had the feeling that like war, which is too important to be left to the generals, the grain trade is too important to be left to the grain companies."

A Washington representative for the nation's wheat farmers said he suspects that grain companies may have made tentative deals with the Russians weeks ago, then hurried quietly to buy up United States supplies when prices were low. "Obviously," commented Senator Dick Clark, Democrat of Iowa, "the only thing we know about what's going on in any negotiations in Moscow for our grain, is what the grain companies tell us."

The answer, according to a growing number of Congressional critics of the grain industry, is for some sort of official agency to represent the Government, farmers and consumers in negotiating foreign sales of American agricultural commodities. Next fall the House Agriculture Committee will consider a bill that would create a government board to handle all sales abroad; the exporting firms would become agents of the board, receiving a commission for their efforts. The bill is not likely to be passed, but the mere fact that it is being considered is deeply troubling to the entrepreneurs of the international grain trade.

LIVESTOCK GRAZING ON PUBLIC LANDS

Mr. DOMENICI. Mr. President, animal agriculture will play an increasingly important role in the food production of this Nation and in the economy of the West. Most of the western section of the United States is not suitable for intensive crop production, but it does contain vast resources which can be used for livestock production.

The 17 States westward from the Great Plains have almost 750 million acres of range and forest land now being grazed by ruminant livestock. This land, which is either too rough, too dry, or too infertile for crop production, represents one-third of the total land area in the United States. These 750 million acres could not be utilized as a food source, except for the unique ability of cattle and sheep to harvest the energy and other nutrients provided by this renewable resource.

Approximately one-half of the land in the 11 Western States is owned by the Federal Government, and domestic livestock graze on 73 percent of this land area. There is a total of 262 million acres of land allocated for grazing, and this represents more than one-fourth of all grazing land in the United States. Eighteeen percent of our beef breeding herd is located in these western States, and many of these cattle are on public lands at least part of the time. I want to stress the fact that approximately 35,000 families have permits to graze some 5 million head of cattle on public land, and in most cases, without this land, they would not have economically viable ranch units.

The grazing of this public land by cattle and sheep is compatible with other land uses, including recreation and wildlife use. By utilizing existing technology and management techniques, the other uses of this land can be enhanced while the food production capability of these lands can be increased further. In view of the importance of our western livestock industry, we must pursue wise public policies to guarantee its future.

Mr. President, I ask unanimous consent that recent reports dealing with range conditions and the livestock industry be printed in the RECORD.

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

RANGE CONDITION REPORT

(By the U.S. Department of the Interior, Bureau of Land Management, January 1975)

SUMMARY

The Senate Appropriations Committee Report on the FY 75 Appropriations Bill directed the Department of the Interior to review its programs and range conditions and submit a report on its findings together with recommendations for correcting major deficiencies. In response, this report presents the status of the range management program, describes the conditions of the Federal rangelands, identifies potential for improvement, and makes recommendations for correcting deficiencies. To further assist the committee in its deliberations, the report includes the Department's recommendations for accomplishing the identified management objectives.

Background

Domestic livestock grazing has been a significant use of the public lands since the late 1800's. Excessive and mismanaged use by livestock, combined with other uses over a period of time, led to the eventual passage of Federal legislative control via the Taylor Grazing Act of 1934, currently administered by the Bureau of Land Management (BLM).

BLM authorizes the use of nearly 12 million animal units months (AUM's) of forage by 3.5 million cattle and 4.9 million sheep annually on the public lands. Licenses, leases, and permits numbering 20,400 allow grazing use of about 150 million acres in the Western States. In addition, wildlife and wild horses and burros utilize forage, often in competition with domestic livestock.

Present condition

General rangeland condition reached its most critical level at about the time of the passage of the Taylor Grazing Act. Subsequent administration and management of grazing have slowed the rate of decline but have not reversed it except on approximately 25 million acres (16 percent) under intensive management and in some localized areas. As a result, over 50 million acres (33 percent) are in poor or worse condition—an area roughly equal to all the lands in the State of Utah.

Present studies show only 28 million acres (17 percent) of the public grazing land is in satisfactory or better condition and 135 million acres (83 percent) are producing less than their potential. Because of these conditions, the BLM has assigned a high priority to correcting identified deficiencies in problem areas related to grazing use in excess of the recognized grazing capacity and to insure adequate supervision of rangelands within the limits of currently available management resources. Corrective action is being taken Bureauwide on administration deficiencies to insure compliance with the grazing regulations for NRL's.

Present range condition is as follows:

	Condition classes				
	Excellent	Good	Fair	Poor	Bad
Percent	2.0	15.0	50.0	28.0	5.0
Acreage (million)	3.2	24.4	81.5	45.6	8.2

Condition Trends

With present management capability, BLM will be able to reverse the declining trend in rangeland condition generally on only those areas under intensive management.

Present range condition trends are as follows:

	Improving acres	Static acres	Declining acres
Percent	19.0	65.0	16.0
Acreage (million)	31.0	105.9	25.7

Public rangeland will continue to deteriorate; projections indicate that in 25 years productive capability could decrease by as much as 25 percent—a decline that could be reflected in the possible loss of livestock grazing privileges resulting in local economic disruption. Other losses will be suffered in terms of erosion, water quality deterioration, downstream flooding, loss of wildlife and recreation values, and decline in basic productive capability.

Stabilization of the basic soil mantle from which all renewable resources are generated is of primary importance in management of surface use of the public lands. At present, only slightly more than half of the public lands is in satisfactory erosion condition. The remainder, over 62 million acres, is an unacceptable condition because of depleted vegetation and excessive runoff. At present management levels, it is estimated another 11 to 12 million acres will deteriorate to an unacceptable condition in 25 years. As soil is lost, the land's productive capability and capacity to respond to treatment declines.

Management options

In developing and advancing recommendations for correcting deficiencies as requested by the Senate, BLM considered three alternative management options with differing objectives: (1) continuing the current management level, which may neither stop decline on all areas nor result in overall improvement of condition on the public lands; (2) an intermediate level of management directed at stopping decline only, without attempting improvement of condition; and, (3) a high level which would not only stop deterioration, but result in substantial improvement and maintenance of range condition.

Comparative results and investments required are as follows:

Program level and cost over 20 yr [1]	In millions of acres: Good to excellent range condition	Acceptable erosion condition	Wildlife habitat satisfactory condition	Livestock forage produced (million AUM's)
Present management level ($216,000,000):				
Condition now	27.6	75.6	59.0	13.8
Condition by 2000	35.6	70.0	55.0	12.6
Change (plus or minus)	+8.0	−5.6	−4.0	−1.2
Change (percent)	+28.0	−7.0	−7.0	−9.0
Intermediate management level ($443,000,000):				
Condition now	27.6	75.6	59.0	13.8
Condition by 2000	48.6	80.1	57.2	16.0
Change (plus or minus)	+21.0	+4.5	−1.8	+2.2
Change (percent)	+75.0	+6.0	−3.0	+16.0
High management level ($578,300,000):				
Condition now	27.6	75.6	59.0	13.8
Condition by 2000	106.9	100.8	83.7	19.8
Change (plus or minus)	+79.3	+25.2	+24.7	+6.0
Change (percent)	+285.0	+33.0	+42.0	+43.0

[1] Does not include ongoing administrative costs; e.g., licensing billing, contests and appeals, trespass, advisory boards, transfer, custodial supervision, etc.

Continuing at the present level of management may limit condition improvement to only a minor portion of the public lands and possibly limit the rate of deterioration on the majority of the NRL's from becoming any more serious. Investment in this kind of a program effort could show little beneficial impact except perhaps slowing the rate of deterioration.

Attempting an intermediate level of management will require a considerable increase in capability over the current level and analysis indicates the investment necessary is disproportionately high relative to estimated results and benefits. It may be impractical, if not impossible, to achieve only stability of condition without simultaneous improvement owing to the nature of biological response to management and treatment.

The high level of management necessary to improve range condition to good or better, reduce erosion to an acceptable level, and maintain wildlife habitat and wild horse and burro numbers within a thriving ecological balance, is only slightly more costly than the intermediate level of management. Total one-time investment required at this level is about $330 million; annual operating and maintenance costs after full development is about $33 million. Preliminary estimates indicate that annual benefits in watershed stability, additional livestock forage production, and improved range condition can be valued at nearly $125 million. Additional intangible results such as enhancement of wildlife habitat, reduced flood danger, savings on fossil fuels, and economic stabilization of communities dependent upon the NRL's can be identified but are not readily susceptible to quantification in dollar terms.

If either the intermediate or the high level of range management is adopted as a program goal, the Bureau's present planning capability would have to be expanded for the preparation of additional management framework plans and allotment management plans required to develop the detailed investment plans for implementation.

In summary, analysis of data shows that range conditions are deteriorating except under intensive rangeland management. Significant decline may continue under current management. The only viable solution for significantly correcting these deficiencies is acceleration of the intensive management and development program to arrest deterioration and increase the productivity of the public lands for a multitude of uses.

INTERIOR SETS A 13-YEAR SCHEDULE FOR PREPARING ENVIRONMENTAL IMPACT STATEMENTS ON GRAZING LANDS

The Department of the Interior will prepare 212 detailed environmental impact statements on 150 million acres of public land in the West which are available to ranchers for grazing domestic livestock.

All of the environmental statements are scheduled to be completed by July 1988 under terms of a court-approved agreement between the Federal Government and a group of organizations which had challenged the manner in which the requirements of the National Environmental Policy Act (NEPA) are being followed on National Resource Lands used for grazing and administered by Interior's Bureau of Land Management (BLM). At issue in a 1973 suit filed in Federal District Court for the District of Columbia was the continued issuance of grazing authorizations without the preparation of environmental impact statements.

The plaintiffs, the National Resources Defense Council, Inc., and five others contended that a general programmatic impact statement for the overall grazing program did not satisfy NEPA requirements because it failed to consider individualized "on the ground" effects on local environments.

On December 30, 1974, Federal Judge Thomas A. Flannery granted the plaintiffs' motion for summary judgment, and directed the Government and plaintiffs to work together in seeking a mutually satisfactory schedule for the preparation of environmental statements covering lands affected by the livestock grazing program.

The agreement, which included the condition that Federal defendants dismiss their appeal of the December 30, 1974, decision, was presented to Judge Flannery on April 24, 1975. It was approved by the Court on June 18 and is now binding on all parties to the suit.

According to the schedule, only one localized environment impact statement will be completed by July 1976. This statement, to be prepared on the Challis Planning Unit in BLM's Salmon, Idaho, District, will serve as a model for future statements.

During the second through sixth years—Fiscal Years 1977 through 1981—the Bureau of Land Management will complete 70 statements covering a total of 104 million acres. The schedule for this period is attached.

From Fiscal Years 1982 through 1988, according to the schedule, the remaining 141 environmental impact statements are to be completed at a cumulative minimum rate of at least 14 percent of that number a year.

During discussions regarding terms of the schedule, BLM pointed out that one of its main concerns was how best to coordinate the new impact statement schedule with its ongoing administration of National Resource Lands.

By July 1975, about 70 percent of all BLM-administered land, excluding Alaska, will be covered by Management Framework Plans which identify and describe general management guidelines for decisions that will affect certain land areas.

The Bureau noted that it has spent some $40 million of public funds over 10 years to develop and implement intensive range planning and management covering 25 million acres.

Within each Management Framework Plan are many smaller areas for which Allotment Management Plans (AMPs) have been or will be developed to guide grazing use of such lands. The AMP is not oriented only to livestock grazing, but to the total management program as well, including wildlife, water, aesthetic and other resource management objectives that can be achieved by manipulation of livestock.

The Bureau plans to prepare 212 environmental impact statements to cover logical groupings of AMPs. The Bureau anticipates that a total of about 7,000 AMPs will be developed for public grazing lands.

Under the agreement, BLM will not implement any Allotment Management Plan after June 30, 1975, before completing an impact statement covering such an AMP.

The environmental statements will discuss in detail livestock grazing activities and "all reasonable alternatives" to such present or proposed grazing activities.

Federal officials estimate that preparation of the environmental statements would cost the Government more than $55 million over the 13-year period. At present, no funds have been appropriated or manpower allocated for the large-scale project.

Referring to the schedule, BLM Director Curt Berklund said, "The Bureau has entered into this agreement in good faith and we are determined to make every effort to comply.

"We are fully aware that preparation of environmental impact statements solves no problems unless they are instrumental in furthering programs that bring about changes on the ground. It is our intention that each statement will become a part of such a program.

"Much of the evidence cited as affecting the Court's decision came from our own Bureau reports that were critical of efforts to improve the public range over the years.

"The Secretary of the Interior cannot legally obligate the Department to do things requiring future expenditures since appropriations are made on a yearly basis and the agreement contemplated the possibility of court-approved schedule deviation if circumstances warrant. However, consistent with the schedule, I am advised that the Department will request sufficient funds each year to meet requirements to prepare statements."

Preparation of an environmental statement is a time-consuming process, requiring the skills of experts in a variety of social, scientific, and technical disciplines.

Livestock operators now hold about 24,000 BLM licenses, permits and leases to graze stock on public lands. An estimated 14 percent of the Nation's livestock graze on National Resource Lands at some time in their lives.

Besides the Natural Resources Defense Council, plaintiffs included: the Ada County Fish and Game League, Boise, Idaho; National Council of Public Land Users, Grand Junction, Colorado; Nevada Outdoor Recreation Association, Carson City, Nevada; Oregon Environmental Council, Portland, Oregon; and James Morgan, Stevensville, Montana.

The Pacific Legal Foundation, Sacramento, California, and Public Lands Council, Inc.

were parties to the suit as Defendants-Intervenors.

* * * * *

EIS AREAS

FISCAL YEAR 1977

State, name, and approximate acres in thousands:

Arizona: San Simon, 1,312.
California: Sheldon Game Range, 547.
Colorado: Royal Gorge, 550.
Idaho: Bennett Hills, 594.
Montana: C. M. Russell Game Range, 2,998.
Nevada: Tonopah, 3,775.
New Mexico: Rio Puerco, 510.
Orgeon: Drewsey, 449.
Utah: Hot Desert, 541.
Wyoming: Sandy, 2,534.

FISCAL YEAR 1978

Arizona: Kofa, 660; Gerbats, Mid Gila, 1,060.
California: Tuledad, Home Camp, 662.
Colorado: Grand Junction, 1,471.
Idaho: Juniper Mountain, 397; Owyhee, 943.
Montana:
Nevada: Caliente, 3,180; Denio, 2,300.
New Mexico: East Side, Socorro, 860.
Oregon: Ironside, 914.
Utah: Canyonlands, 1,129.
Wyoming: Seven Lakes, Ferris, 650.

FISCAL YEAR 1979

Arizona: Vermillion, 1,327.
California: Red Mountain, 568; Kingston, 1,313.
Colorado: Montrose, 392.
Idaho: Malad Hills, Arbon, 350; Jarbridge, Saylor Creek, 3,185; Little Lost Birch Creek, 381.
Montana: Mountain Foothills, 1,075.
Nevada: Shoshone, Eureka, 4,086; Elko District, 3,031.
New Mexico: East Side Rosewell, 1,543.
Oregon: High Desert, 4,510; K–L, 615.
Utah: Great Basin, 4,866; Mountain Valley, 413.
Wyoming: Greeen Mountain, 1,243.

FISCAL YEAR 1980

Arizona: Rainbow, Hualapai, 1,221.
California: Mountain Dome, 34; Turtle Mountain, 7,128.
Colorado: Little Snake, 2,561.
Idaho: Jerusalem, 11; Sun Valley, 243; Ellis, 146.
Nevada: Reno Area, 681; Buffalo Hills, 1,298; Paradise, 2,091.
New Mexico: San Juan, Chaco, 1,080.
Oregon: John Day, 424; Los Desert, 283.
Utah: Uintah Basin, 483; Vermillion, Escalante, 3,315.
Wyoming: Broken Back, 1,461; West Slope, 602.

FISCAL YEAR 1981

Arizona: Shivwits, 1,384.
California, Owens Valley, 414; Massacre Cowhead, 1,010.
Colorado: Glenwood Springs, 166.
Idaho: Salmon-Snake, 123; Salmon, 101; Boise Front, 10.
Montana: Prairie Pothole, 1,709.
Nevada: Fallon Area, 2,455; Ely District, 4,078.
New Mexico: Las Cruces, 2,179.
Oregon: Owyhee, 4,792.
Utah: Colorado Desert Plateau, 4,548.
Wyoming: South Big Horn, 264; Dull Knife, 88.

OPPORTUNITIES TO INCREASE RED MEAT PRODUCTION FROM RANGES OF THE U.S.A. (NON-RESEARCH) U.S. DEPARTMENT OF AGRICULTURE

THE ASSIGNMENT

The report upon which this Executive Summary is based was commissioned in December 1973 by Robert W. Long, Assistant Secretary of Agriculture for Conservation, Research and Education.

A Work Group representing the five USDA Agencies in Conservation, Research and Education was assigned to "prepare a USDA viewpoint on accelerated meat production from rangelands." The Group was expanded to include Economic Research Service.

Objectives of the study as defined by the Work Group was:

"To present for consideration of the Secretary a report on cost-effective opportunities to increase red meat production from America's ranges by a program of research, education, extension cooperation and action, giving consideration for environmental values and contributing to rural development."

Scope of the assignment was modified by the Assistant Secretary and his Agency Heads to a two-phase effort.

Phase I—Opportunities excluding research.

Preparation of recommended programs and necessary financial plans for achieving the opportunities was not to be part of the Phase I effort.

Phase II—Research Opportunities.

Phase II is to be developed over the next six months.

RANGE AND DEMAND FOR ITS USE

Range is all land producing native forage for animal consumption and land that is revegetated naturally or artificially that is managed like native vegetation. Range embraces forest lands that support an understory or periodic cover of herbaceous or shrubby vegetation available for large herbivores.

Rangeland has been defined as "land on which the native vegetation (climax or natural potential) is predominantly grasses, grass-like plants, forbs or shrubs suitable for grazing or browsing use. Rangelands include natural grasslands, savannas, shrublands, most deserts, tundra, alpine communities, coastal marshes and wet meadows."

Range, consisting of grasslands, shrublands and open forests, covers more than one billion acres—54 percent of the land area of the 48 States. Included in these definitions are sizeable areas in the humid portions of the nation that many would term pastures and forage-producing lands. Because of climate and soil, rangelands (grasslands and shrublands) cannot grow cultivated crops consistently year after year. For the most part, these lands have no alternative for contributing to food production for man other than by way of the grazing animal. Yet they have many other values and uses including watershed, wildlife habitat, and recreation.

DEMAND

Increased long-range demands are expected for range forage as a direct response to need for a sustained increased supply of red meat at acceptable prices to consumers and reasonable profits to producers. Supporting this conclusion are recent complex interactions of economic, political, and social factors including: world markets for grain, vegetable protein and meat; balance of payments deficit; changing price relationships; energy problems and fossil fuel shortages; use of agricultural lands for other purposes; and associated factors.

Given the changing nature of the many interrelated factors and resultant expected increases in demand for range, two, demand estimates for range have been developed.

The demand estimates for range are aimed at year 1985 primarily but are extended to year 2000 because of long-range planning needs and the often lengthy response time of range improvements and management systems. Projections of population, gross national product (GNP), disposable income, etc., are the same in both demand levels. Also common to both demand levels are such range-related factors as amount of land available for range and/or other uses.

The low demand estimate results in an anticipated increase in range grazing requirements of 18 percent by 1980 and of 24 percent by year 1985. For this estimate to be valid, many of the economic, technological and attitudinal events of the last three years must be considered as temporary.

The high demand estimate assumes a continuing and increasing preference for beef. Thus, the per capita consumption of beef continues to increase in spite of increases in beef price levels relative to other foods, and increases in general food price levels relative to the 1950–1970 period. However, large available supplies of plant protein could replace part of the demand. The increased consumption of beef in a higher price situation is possible since the projection of increased personal income permits a higher absolute quantity of dollars flowing to food items.

The accumulative effect of assumed higher relative prices of livestock feeds, increased exports of agricultural products (grains and soybeans) and increased production costs for grains resulting from higher prices for energy reduces the quantity of non-grazed feeds available for livestock and increases their price. (An effect of high grain prices on beef feeding is indicated by a 40 percent drop in number of cattle entering feedlots in May 1974 compared to May 1973, in spite of increased cow numbers in 1973.) The relative value of grazing increases in response to the overall demand for livestock products and the proportion of beef produced in feedlots remains at 1960–70 levels. Range demand increases 40 percent by 1980 and by 55 percent by 1985 at the high level.

RELATED ISSUES

The economy has been expanding faster than its natural resources would permit. This has shown up in either sharply rising prices or absolute shortages of products derived directly from forestry, agriculture, minerals and metals, and especially from energy. Such scarcities, particularly in fossil fuel, come at a time when agriculture and other raw material segments of the economy are being used in world trade to ease the balance of payments deficit.

Prospects are that increased U.S. exports of grain and vegetable proteins will continue. These higher export levels, while helping overcome the dollar deficit, will result in lower domestic supply, increased domestic prices for these products, and create a need to alter existing systems of meat production, including range use.

Several adjustments may occur as a result of the expected continuance of higher feed grain prices. First, cattle feeders may include more forage in their rations, particularly if cattle continue coming into the feedlot at lighter weights. This would place a higher demand on forages. Second, cattle could be placed on feed at heavier weights, with the result that increased forage demands would be placed on both range and cropland forages. Thirdly, a movement toward grass-fat cattle as a system may become a reality if the prices of feed grains remain exceptionally high and if consumer acceptance of grass-fat beef can be achieved and if changes of meat grades could be made.

Feed grains now constitute the highest proportion of total livestock feed requirements in history and more cattle than ever are being fed. This increased feeding of grain has resulted in the highest inputs ever in fossil fuel energy applied to cattle through feed grains. Increased development and utilization of range for livestock production can reduce the drain on future national energy requirements for meat animal production. Production of livestock on a range basis requires lower energy input from fossil fuel sources than do production systems heavily dependent upon feed grains.

POTENTIAL OF RANGE TO MEET PROJECTED DEMAND

Given a normal climate, capital to invest in available improved range technology, recognition that grazing is compatible with other range uses, and means for overcoming inertia, ranges of the U.S. can produce more forage. These lands, including eastern range areas, have potential that is not being used at today's demand. They have potential that

can help meet tomorrow's expected higher demands.

THE RANGE BASE

Of the 1.2 billion acres of forest and rangeland, 69 percent is non-Federally owned and 835 million acres were grazed in 1970. Thirty percent of this grazed area was forest.

Production of grazing from ranges approximated 213 million animal unit months in 1970. This is the equivalent of supplying the year-long forage requirements for about 17 million cows, which is about 40 percent of the beef cow population for that year. Of the 213 million AUM's, only 14 percent came from the Federal lands, with 86 percent from the non-Federal sector.

Many ranges are used as integral parts of a forage-feed system that includes cropland forages, improved pastures, hay, silage, or other sources of livestock feed energy. Most Federal grazing lands compose part or all of a seasonal supply of forage for stabilizing ranching operations and rural agricultural communities.

RANGE POTENTIAL

The range has a potential that can be developed to meet the highest predicted demand for grazing (426 million AUM's per year). This means investments in improvements and management. Range, as a source of livestock feeds, remains competitive at the high demand levels in the face of increasing cost for range facilities because the implications of recent events cause marked increases in costs of alternative feed sources. If the per capita consumption of beef, the export of feed grains, and the increased price and shortage of fuels continue on the trends of the last 3 years, the competitive cost position of range may even improve at the higher demand levels.

Intensive management of all of the available range area would result in production of 566 million AUM's and this production could be achieved within the multiple use context. However, this supply level exceeds estimated demands. In addition, application of intensive management to all lands denies the existence of differences in the relative capability of the many range ecosystems, as well as the differences in productivity from site to site within an ecosystem.

The ultimate production capacity of the range of 1,700 million AUM's is over 8 times current production (an estimated 213 million AUM's) and 4 to 5 times the probable quantity demanded. The extreme high represented by this estimate is not an acceptable measure of real capacity. Achievement of that ultimate level of output would be very expensive in terms of environmental impact and in the reduction of other outputs now produced by the same land. It would result only from maximizing livestock output upon a large portion of forest areas as well as rangelands, and this is unacceptable.

Properly managed, most range ecosystems can be grazed without undue stress on alternative uses such as watershed protection, wildlife habitat, timber production and recreation. In the range of competitive relationships between or among these uses, product prices and rates of substitution would allocate the uses of ranges to the most profitable arrangement. To a large degree these uses may be complementary or supplementary, resulting in situations where multiple uses have a place, with no one specific use detracting economically from returns from the other use or uses. However, some ranges have been allocated to non-range uses, thus placing more pressure upon a smaller production base.

BENEFITS AND COSTS

A detailed and quantitative evaluation of a USDA range program needed to achieve an efficient increase in red meat production through the proper utilization of range requires assessment of all beneficial effects (benefits) and all adverse effects (costs). Many data elements of such information are not now available. Listed herewith are "benefits" and "costs" that should be considered:

Selected range benefits and costs

Benefits

Commodity and world trade: More beef and lamb, More wool and mohair, Increased agricultural exports, Improved balance of trade, Lower relative use of fossil fuels and fertilizer, Wood growth and water yield maintained, Lower total cost for a given level of agricultural production, Lower relative food costs.

Rural development: Increased rural income, Increased rural economic activity and development.

Environmental: Quality of water maintained, Stream sediment loads not increased, Wildlife and natural beauty not impaired, Improved condition of NFS ranges.

Costs

USDA

Investments: NFS range (direct land improvements), education, demonstration.

Expenditures: technical assistance, incentive payments, cost sharing.

State Agencies

Expenditures: technical assistance.

Private

Investments: Land (land improvements), livestock, other livestock operation facilities.

Expenditures: operating costs, interest, risk.

RECOMMENDATIONS

With its broad agricultural responsibilities, encompassing both direct relationships with the agricultural production community, as well as its public land administration responsibilities, the United States Department of Agriculture has a key role in the degree to which range can contribute to the economic, environmental and social well-being of the Nation.

Current world events, including higher long-term demand for red meat and the high input of fossil fuel for cereal crops, strongly suggest this is a time of great opportunity for USDA to plan effectively for exerting its responsibilities in range. Long-term economic, social and environmental benefits will result.

The USDA Work Group on Range Production recommends that full (USDA) interagency staff consideration be given to the following in developing long-range programs that involve range as herein defined. We further recommend that USDA agencies outside the area of authority of the Assistant Secretary for Conservation, Research and Education be consulted as their interests are involved and that the effort be expanded to other departments of Federal and State government as opportunities are recognized. The Work Group urges that full consideration be given to the need for sustained long-term commitments of personnel, facilities and financing because of the lengthy response time of range development and management systems.

PRIORITY FOR RANGE

Eliminate the disparity in USDA policy emphasis between range production and crop production and give range a higher level of priority and emphasis.

Although range has contributed greatly in meeting this Nation's needs for food and fiber, emphasis over the past 40 years has been on crop production, confinement feeding of livestock, and intensive high yield per acre. This report indicates the real opportunity values of range to livestock production. However, there needs to be a shift of emphasis, of priorities, if the productive opportunity of range is to be realized. This review suggests strongly the need to exercise a higher degree of concern for Range. The complementarity of range with other sources of livestock feed energy, not range as a supplement to them, needs stressing.

EDUCATION

More fully utilize the Department's educational resources in communicating the opportunities, technologies and values of range to producers.

Know range technology is not being applied to the extent possible. Agencies of the USDA should pool their resources and join with appropriate State and other agencies, universities and professional groups, such as the Society for Range Management, in surfacing, sampling, selecting, and selling existing range technology. The objective should be to get range technology fully and expeditiously into use.

TECHNICAL ASSISTANCE

Accelerate technical assistance to all U.S. range operators.

Effective use of existing range technology needs to be extended both through education and direct assistance. Significant progress toward better use of ranges has resulted from assistance to private landowners. Special emphasis on assistance is needed in the South and Southeast where range production potentials are high. Little assistance has been provided small forest landowners in proper grazing of livestock on their forest areas toward the goal of higher annual cash incomes and higher timber growth.

DEMONSTRATIONS

Establish a demonstration program on public lands administered by the Department and on associated non-Federal lands which incorporates the total knowledge base of USDA agencies and land grant universities into an optimum range management program.

In the National Forest System, the United States Department of Agriculture has a land base upon which it can demonstrate the best there is in range management. These lands extend through 44 States, include most of the many different range ecosystems and contain grazed area in 36 States. USDA agencies together with State representation and private cooperators should pool their knowledge and their resources and apply them effectively on these lands.

Conceivably, such demonstrations could serve as testing grounds for new research that has reached pilot-scale testing level. They could also provide feedback to test the validity of generally accepted practices. They should be tied to strong education and technical assistance programs. Successful demonstrations of sound range management systems on non-Federal lands should be fully utilized toward accelerating acceptance and installation of proven range management systems.

PUBLIC LAND MANAGEMENT

Establish range programs that will enable the National Forests and National Grasslands to fulfill their role in meeting National needs.

The National Forests and National Grasslands, about ⅛ of the range land area base, are a fundamental USDA tool for development of low-cost range forages. National Forest System ranges are the most direct tool for investment in range available to the USDA.

The range resources of the National Forests and National Grasslands should be developed and managed at levels at which they are economically and environmentally competitive with other Federal and non-Federal ranges.

RURAL COMMUNITY DEVELOPMENT

Foster rural community development through improving range management.

Hundreds of Western and Southern rural communities depend heavily upon cash flows generated from livestock raising on a range basis. An accelerated USDA range effort resulting in better range management, effectively applied, would mean more income and more stability to these communities. In addition, increased range production could have the desirable effect of slowing migra-

tion of younger people from these range-oriented areas. A set of management systems based on business management specifically developed for these purposes and tied to strong educational, technical assistance, demonstration, and incentives, would be very effective.

USDA MEAT QUALITY GRADING

Change the USDA meat quality grades so that they are not discriminatory and better reflect consumer preference.

Current quality grades favor grain-fed beef animals and make it uneconomical to market grass-fed beef.

If the fossil-fuel energy efficiencies of range beef production are to be fully realized, the meat grading system needs to be adjusted. The nutritional equality and health-advantages of forage-produced beef with grain-fed beef need to be revealed.

FINANCING AND INCENTIVES

Develop improved financing and incentive programs for range operators.

In the main, investment capital for range improvement is quite scarce and is limited to the larger operators with considerable equity. Application of range improvements on the scale necessary for meeting increasing demands for ranges to produce meat will require government participation through offering guarantees and appropriate interest rates on loans of a longer-term nature with built-in flexible repayment schedules.

Improved incentives or cost-share programs will be an important aid in assuring installation of range management systems planned by the land user with technical assistance from USDA agencies. Long-term agreements should be favored over short-term agreements. In addition, there is a need to establish the cost-sharing or incentive aspects of improved grazing programs on forest lands.

RANGE INFORMATION SYSTEM

Develop and maintain a dynamic resources and economic information base and monitoring system.

Better information is needed about the Nation's range resources, their use, and contributions to the total economy. The current related resource base and other statistical and economic intelligence is not aggregated into an efficient system reliable for, and usable for long range planning. For example, there is no national recurring inventory or survey of range resources such as is available for forest resources. Nor is there a planning system that associates range with other livestock production opportunities from which alternatives could be derived for setting national policy.

1975 WESTERN GOVERNOR'S CONFERENCE ON AGRICULTURE

REGIONAL RANGELAND AND PASTURE IMPROVEMENT PROGRAM—RANGELAND DEVELOPMENT

Co-Chairmen: Mr. Joseph H. Francis, Commissioner, Department of Agriculture, State of Utah; Mr. Dave Smith, Executive Secretary, Society for Range Management, Denver, Colorado.

The following report contains a brief summary of the discussions and actions taken during the "Rangeland Development Workshop Session" of this Western Governors' Conference on Energy and Agriculture.

PREFACE

As we relate energy to agriculture, we are prone to think in terms of our underground resources and minimize the fact that our surface land is agriculture's most valuable and important energy resource.

This surface land energy resource is a renewable resource dependent on man's ingenuity and resourcefulness to develop its potential productive capacity, to provide for the multiple needs of our citizenry including those essential products such as food and fiber, and other intrinsic values of life such as recreational and environmental concerns.

Of particular interest and concern to the Western States is the fact that 83% of the total land resource is classified as rangeland which defined "includes those lands producing native forage for animal consumption."

To get a proper prospective of the vastness and importance of rangelands in the Western States, reliable sources provide the following information:

There are approximately 975 million acres of land included in the boundaries of the Western States. Of this vast land resource 77%, 754 million acres, are classified as rangelands.

Surveys show that about 50 percent (377 million acres), are suitable for development, wherein the production capacity could be increased varying from 10 to 500 percent by applying known and proven practices, providing a reasonable amount of financing is made available.

Unfortunately, the task to improve this vast undeveloped resource is complicated by the fact that Federal, State and private lands are substantially intermingled in a checkerboard fashion dependent on each other for maximum use potential. Any realistic and feasible development program must result from a cooperative effort and input from each of the respective landlords.

Such an undertaking to carry out a program for development of this vast resource can only be accomplished if sponsored by an organizational entity such as the Western Governors' Conference, where each of the Western States has a mutual interest and involvement.

The ground work for placing into effect a realistic and workable program was instigated during the Western Governors' Conference on Agriculture held a year ago in Salt Lake City. Substantial progress has been made during the past year towards formalizing the program.

The purposes and objectives of this workshop session was directed towards further emphasizing the importance and need of development of western rangeland resources. Second—To approve a continued permanent program. Third—To draft a report and resolution to be presented to the Western Governors' Conference requesting their approval and support.

The following resolutions as approved are submitted as part of this report.

RANGELAND DEVELOPMENT RESOLUTION

RANGELAND DEVELOPMENT WORKSHOP SESSION: 1975 WESTERN GOVERNORS' CONFERENCE ON AGRICULTURE

Whereas, the proper development and management of western rangelands is vitally important to all segments of our population, including the rural family and community which depends on livestock grazing for their livelihood and economic stability; the consumer who desires a reasonably priced diet that includes red meat products; the tourist and recreationist seeking scenery and enjoyable outdoor experiences; the people interested in a healthy, viable wildlife population; and the urban resident demanding a dependable, high quality water supply; and

Whereas, western rangelands are one of our most important, yet neglected and underdeveloped resources; this undesirable situation has resulted in accelerated soil erosion, sedimentation, and unproductive plant communities; and these depleted rangelands would have more value for all uses of man and grazing animals if developed to their potential; and

Whereas, ranchers, range and other management specialists have proven that proper range development and management practices can correct these deteriorated range conditions; plants desirable for livestock forage, wildlife habitat, and watershed protection can be economically doubled on many western ranges; and this increased production and improved range condition can be maintained over time without large and frequent inputs of energy and materials;

Therefore let it be resolved, that the delegates attending the Rangeland Development Workshop Session of the 1975 Western Governors' Conference on Agriculture petition the Governors to recognize western rangelands as a renewable resource that can contribute to solving current food and energy crises. The delegates also request that the Governors assign a high priority to the proper development and management of these lands; and

Let it be further resolved that the Governors provide leadership in initiating a program to develop western rangelands to their potential by increasing permament cover of desirable vegetation for reduced soil erosion and sedimentation, a reliable yield of water, enhancement of a quality environment, and increasing the productive capacity for all rangeland uses and values; and

Let it be further resolved that to accomplish these objectives the Workshop delegates strongly recommend that:

A. Rangeland development committees be established in each state to implement, coordinate, and provide leadership to state rangeland development programs and in developing a coordinated and accelerated range improvement program that encompasses all rangelands in their states regardless of ownership.

B. A Western States Rangeland Development Committee composed of representatives of each western state should be established, and staffed, to provide leadership in initiating coordinated and accelerated range educational, research, development, and management programs that encompass all western rangelands.

C. Funds should be solicited from all available sources to accelerate development and management of all western rangelands, including:

1. Development of Private Rangelands—increased funding for the Soil Conservation Service and Agricultural Stabilization and Conservation Service for technical and financial assistance to private land owners for development of long-term development and management plans.

2. Development of Federally Controlled Rangelands—increased funding for the Bureau of Land Management and the Forest Service (currently estimated annual needs are 15 million dollars and 11 million dollars, respectively) to plan, conduct environmental assessments, and implement range development and management programs on federal rangelands, and encourage and recognize private funding on these lands.

3. Development of State Owned Rangelands—Encourage State Land Agencies to invest a larger percentage of earnings received from state leased ranges in development of these lands.

4. Funding for rangeland development programs should be developed in such a manner that desired objectives can be accomplished by the year 1985.

Whereas, many of the critical national energy supply problems are a matter of incomplete planning and distribution; and

Whereas, the food and fiber crisis will possibly become a greater problem than the energy crisis unless proper planning is instituted.

Therefore be it resolved, that the 1975 Western Governors' Conference on Agriculture place equal priority on the development of range and other food producing resources as they do on the development of energy resources.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

RECESS UNTIL 8 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 recess until the hour of 8 a.m. tomorrow.

The motion was agreed to; and at 8:07 p.m., the Senate recessed until Thursday, July 24, 1975, at 8 a.m.

NOMINATIONS

Executive nominations received by the Senate July 23, 1975:

THE JUDICIARY

Clarence A. Brimmer, Jr., of Wyoming, to be U.S. district judge for the district of Wyoming, vice Ewing T. Kerr, retired.

WITHDRAWAL

Executive nomination withdrawn from the Senate July 23, 1975:

Clarence A. Brimmer, Jr., of Wyoming, to be U.S. attorney for the district of Wyoming for the term of 4 years, vice Richard V. Thomas, resigned, which was sent to the Senate on April 7, 1975.

CONFIRMATIONS

Nominations confirmed by the Senate on July 23, 1975:

DEPARTMENT OF STATE

Walter J. P. Curley, Jr., of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

Herbert J. Spiro, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Cameroon, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Denis M. Neill, of Maryland, to be an Assistant Administrator of the Agency for International Development.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE OF REPRESENTATIVES—*Wednesday, July 23, 1975*

The House met at 10 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

If My people who are called by My name humble themselves and pray and seek My face, and turn from their wicked ways, then will I hear from heaven, and will forgive their sin and heal their land.—II Chronicles 7: 14.

O God, in whom we live and move and have our being, make Thy presence real to us as we live through the hours of these days. Fill our minds with wisdom, our hearts with love, and our spirits with the intent to walk humbly with Thee.

We are glad that we are citizens of this glorious land of liberty. Let no prejudice, no violence, no ill will mar our relationship as Americans, nor dim our vision of a free people living together harmoniously, working for peace in our world.

As we respond to our President's call for a National Day of Prayer tomorrow we pray for a better existence for all, for strength to meet the challenges of these days, for wisdom to make sound choices, and for gratitude to Thee for Thy goodness and Thy guidance through this 200th year of our existence as a free nation.

In the spirit of Him who is the way, the truth, and the life, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 560. Joint resolution to amend the Defense Production Act of 1950, as amended, to extend the National Commission on Supplies and Shortages.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6950) entitled "An act making appropriations for the legislative branch for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes."

The message also announced that the Senate had passed concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. Con. Res. 54. Concurrent resolution providing for a conditional adjournment of the Congress from August 1, 1975, until September 3, 1975; and

S. Con. Res. 55. Concurrent resolution to correct an error in the enrollment of S. 555.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

The official picture of the House will be taken immediately following the first quorum call.

CALL OF THE HOUSE

Mr. NATCHER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 419]

Abdnor	Fulton	Matsunaga
Andrews, N.C.	Gaydos	Murphy, N.Y.
Ashley	Gude	Nolan
Barrett	Harsha	Obey
Blouin	Hinshaw	Reuss
Brown, Calif.	Jarman	Teague
Burton, John	Jones, Ala.	Udall
Conlan	Kemp	Ullman
Dellums	Leggett	White
Diggs	McKinney	Wiggins
Dingell	Macdonald	
Fraser	Madigan	

The SPEAKER. On this rollcall 400 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of House Resolution 597 the Chair announced that he has designated this time for the taking of official pictures of the House in session. The Chair has been advised that the entire process will take about 7 minutes and the Chair would request that Members remain in the Chamber and remain in their positions during this period.

PERSONAL EXPLANATION

Mr. FOUNTAIN. Mr. Speaker, on rollcall No. 412, the Veterans' Administration physician's comparability pay bill, I inserted my card in the slot. I understand my vote was not recorded.

Mr. Speaker, I would like the permanent RECORD to show that I would have voted for the bill had my vote been recorded.

PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS TO SIT DURING HOUSE SESSION TODAY

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be permitted to sit today while the House is in session.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was so objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. MURPHY of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.