gets" and insert in lieu thereof "The targets for such types (other than the targets for furnaces and central air conditioners)".

Page 315, line 24, and on line 1 of page 316, insert "(other than furnaces and central air conditioners)" after "types".

Page 316, line 1, strike out "1974" and insert in lieu thereof "1972".

Page 316, line 1, insert after the period the following: The targets for furnaces and central air conditioners shall be designed to achieve the maximum energy efficiency which it is economically and technologically feasible to attain for furnaces and for central air conditioners sold in 1980.

# SENATE—*Wednesday, September 17, 1975*

*(Legislative day of Thursday, September 11, 1975)*

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. NORRIS COTTON, a Senator from the State of New Hampshire.

PRAYER

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

O God of the reverent moment of prayer and God of the working day, invest us with a sense of Thy pervading presence that we may be instruments of Thy purpose for mankind. With clean hands, pure hearts, and undiminished devotion to Thee may we set forward Thy kingdom on Earth. May we know no glory but the supreme satisfaction of rendering our utmost service untarnished by lesser motives. Hold us fast to Thy command to love the Lord with our whole heart and soul and mind and our neighbor as ourselves.

We pray in the Redeemer's name. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., September 17, 1975.*

*To the Senate:*

Being temporarily absent from the Senate on official duties, I appoint Hon. NORRIS COTTON, a Senator from the State of New Hampshire, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
*President pro tempore.*

Mr. COTTON 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, September 16, 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.

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 placed on the Secretary's desk.

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

The ACTING PRESIDENT pro tempore. The nominations placed on the Secretary's desk will be stated.

## NOMINATIONS PLACED ON THE SECRETARY'S DESK—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The second assistant legislative clerk proceeded to read sundry nominations in the National Oceanic and Atmospheric Administration which had been placed on the Secretary's desk.

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

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

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

## LEGISLATIVE SESSION

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

There being no objection, the Senate resumed the consideration of legislative business.

## A NATIONAL ENERGY POLICY

Mr. MANSFIELD. Mr. President, it is too often ignored that there are alternatives to high-priced energy. It is too often ignored that the Senate has made significant progress in passing an energy program—a program designed to reduce sharply this Nation's dependence upon foreign sources of supply, a program designed as well to stimulate domestic production and to shift to other sources as alternatives to petroleum—and to do so without increasing prices substantially. In fact, a key component of this program is to maintain energy price stability through the extension of the Emergency Energy Allocation Act. It is rationing by price that is unwise. That is the judgment of the Senate. What we have sought, instead, through a series of specific conservation and production proposals is to change the pattern of energy use in this Nation on the basis of equity and fairness—without damaging efforts to restore the economy—a prospect that would become a certainty with price decontrol.

On April 18, I wrote the President, calling his attention to these Senate efforts and to the fact that substantial progress was being made with respect to formulating a national energy policy. To that end, every available resource of the Senate has been devoted in an effort to shape and pass those programs deemed essential to reduce our dependence on foreign sources of petroleum, while at the same time increasing domestic supplies and shifting to alternative sources. With regard to these efforts, moreover, the Senate has worked in cooperation with the administration. It did so last April; it has continued to do so ever since.

The fruits of these efforts are now being borne. The bills have been passed. The comprehensive program is taking shape. There is indeed an effective alternative to high-priced energy. That alternative, together with a status report on the major energy bills considered to date by the Senate, was the subject of an article in this week's edition of "The Majority Report," written in response to the Presidential veto of the Emergency Allocation Act extension.

I ask unanimous consent that excerpts from that report together with the Status Report on Energy Legislation be printed in the RECORD along with my letter of April 18 to the President.

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

[From the Congressional Democrats, The Majority Report, Sept. 15, 1975]

MORE VETO HARDBALL—BUT WHO'S WINNING?

Events last week in Congress dramatize a fact that often gets lost in daily press reports: Congressional Democrats are building a record of effective opposition to key elements of President Ford's domestic policies. The November '74 mandate is not being squandered.

Two out of the last three Ford vetoes (health and education) have been overridden by large margins. And 89% of the Senate Democrats voted to override Ford's veto of the extension of price controls on "old" oil, compared to 18% of the Republicans.

After only 13 months in office, President Ford already has had more vetoes overridden than any other Republican President in the 20th century. (See box below.)

The popular notion that Ford has the Democratic majority in Congress on the run simply does not square with the facts.

*Energy showdown*

President Ford's victory on the issue of extending oil price controls for six months must be evaluated with these factors in mind:

Minority rule through Presidential vetoes,

not affirmative legislation, has produced basic elements of the energy policy—import tariffs and decontrol—that most observers judged to be disastrous to economic recovery when President Ford initially proposed them in his State of the Union message last January.

The OPEC nations meet in two weeks to decide the size of oil price increases. When coupled with decontrol of U.S. oil, OPEC's decision (predicted to be in the range of $1.50 per barrel) will open the door to increasing the price of $5.25 per barrel for previously controlled domestic oil to about $15 per barrel. The costs of gasoline, heating oil, jet fuel, and all energy-related products must necessarily rise sharply.

Moreover, total decontrol means that the U.S. relinquishes to OPEC the power to set oil prices in the American market.

Congress has returned from its summer recess firmly convinced that people are unwilling to tolerate any substantial increase in energy prices. The public outcry that will accompany higher energy prices will far exceed anything that has occurred to date. New public opinion data from several private sources solidly supports this conclusion.

There is growing sentiment in Congress *not* to write the details of President Ford's energy program, unless the President is willing to come forward with a sensible compromise that does not destroy the economic recovery now barely underway. This simply means giving Ford authority to set whatever price levels *he* believes are proper, along with the clear responsibility for the economic impact of those price levels.

(Despite much talk of Presidential compromises, the White House offered *nothing* in the past six weeks that Congress had not already rejected prior to the August recess.)

*In light of these factors, there is every reason to question the quality and duration of Ford's "victory" on the veto override.* The present situation contains grave political and economic dangers for the Ford Administration in both the short and long term.

The roots of this situation can be traced directly to the ideological palace guard that now insulates Ford and that has effectively scuttled any meaningful process of dialogue and accommodation with Congressional Democrats.

NEW PALACE GUARD CONTROLS FORD ADMINISTRATION POLICIES

Despite a public relations blitz about Ford's desire to compromise, the White House has *never* moderated its insistence on using higher prices as the principal weapon in achieving energy independence. This basic difference between Ford and Congress is as unresolved today as it was six months ago.

What, then, is going on?

H. R. Haldeman may have sought refuge in Newport Beach, Calif., but his spirit survives in the persons of Simon, Greenspan, Zarb, Seidman, and Rumsfeld—all economic conservatives and all dedicated to the proposition that the President shall hear only one side of the argument.

Alternatives to the strategy of high energy prices are never presented as serious Presidential options, nor is Ford apprised of the potential damage to economic recovery that his program involves.

Given his own lack of economic sophistication, Ford has no basis for a serious dialogue with Congress in the search for real compromise.

*Mansfield letter*

For example, in May [April] Senate Majority Leader Mike Mansfield (Mont.) wrote Ford a highly conciliatory proposal for compromise, urging that the White House and Congress join together in passing longer-run measures (such as auto fuel economy, industrial conversion to coal, strategic petroleum reserves) that are essential in changing patterns of energy use in the United States.

Mansfield's letter received routine acknowledgment by a White House aide, nothing more. Democratic staff efforts to explore such a joint effort were simply ignored by the White House.

*Ways and Means sabotage*

Ford's ignorance of Congressional alternatives is compounded by deliberate White House sabotage of major Democratic energy alternatives.

When the Ways and Means Committee began to write its major energy package. Ford personally pledged his cooperation to Chairman Al Ullman (Ore.) in working for a compromise bill that both Congress and President could support. The plan called for legislation that contained authority for higher gasoline taxes through a highly flexible tax, as well as a number of longer-term measures supported by most Democrats (auto efficiency tax, coal conversion, insulation credit, and import quotas.)

What happened? After the initial handshake, GOP members of Ways and Means began opposing all Democratic proposals, regardless of their substance. And when the legislation came to the floor, 96% of the Republicans opposed the gas tax and 89% of the Republicans voted against import quotas.

While House Republicans were destroying all possibility of the legislation passing as reported, the White House press spokesman was bitterly attacking the legislation as too weak, a "marshmallow." Ford never lifted a finger, not to mention a telephone, to support the beleaguered legislation.

The incident can only raise the gravest questions about President Ford's ability, or interest, in delivering on his promises.

SHAKY ECONOMIC PROSPECTS ENDANGERED BY DECONTROL

The ideological palace guard further insulates Ford from danger signals that raise real questions about the depth and duration of the economic recovery.

The divergence between the economic pronouncements flowing from the White House "good news machine" and those of nonadministration economists is mind-boggling.

Example: White House economist Greenspan looks for only "minimal impact" on the economy from oil decontrol, either abrupt or long-term. The Library of Congress estimates that decontrol will cost American consumers $72 billion over the next five years by raising the prices of all petroleum products.

Example: Greenspan and Treasury Secretary Simon talk optimistically about an economic recovery that is either right on schedule or one that is recovering more strongly than expected. Pollster Albert Sindlinger detects sharp drops in consumer confidence and growing popular pessimism about local business conditions, personal income, inflation, and unemployment, hardly the response of a nation in the midst of the economic rebound described by Simon and Greenspan.

Example: In his message accompanying the veto of oil price controls, Ford argued that he was protecting American jobs and the nation's future economic stability. In a statement issued after the veto was upheld, Ford proclaimed that the Senate's action was a ". . . victory for homeowners who use heating oil, for drivers who buy gasoline, for factories and utilities . . . for all Americans who depend on energy for their jobs and comfort and prosperity."

Rep. Brock Adams (Wash.), House Budget Committee chairman, testified before the Energy and Power Subcommittee that failure to override the veto would cause in 1977: 600,000 more unemployed, 1.4% higher consumer prices, a drop in the Gross National Product of 2.1%, 6.8% lower car sales, 5.6% lower housing starts, and a possible increase of $11 billion in the federal budget deficit. (Estimates from Data Resources, Inc.)

One senses the Ford White House is talking about the economy of another country, or perhaps another planet. Or maybe it's just a version of George Orwell's "newspeak" described in his classic, 1984.

*Mid-year review*

The Joint Economic Committee, in its annual midyear review, reports a number of disturbing signs that emphasize the tentative and fragile nature of the economic recovery:

Housing starts, an essential component of sustained recovery, are up only slightly from the rock bottom levels of the past year.

Recent interest rate increases may further impede housing recovery.

Business spending on capital equipment may drop 10% in 1975.

Personal savings remain high as consumers apparently save their tax rebates or use them to pay off old bills.

Increases in food and fuel prices can only further erode consumer purchasing power.

Downward revisions in projected growth for other major countries may mean weaker than expected demand for U.S. exports.

WHAT NEXT ON ENERGY AND ECONOMIC POLICY?

What happens next in the struggle over energy policy and the economy cannot be considered apart from a recognition of what has already happened in Congress (see box on p. 2). Nor can Congress ignore the record of sabotage and disinterest that has attended earlier attempts to reach a compromise with President Ford.

The key issue remains: *How much is Ford willing to back away from near total reliance on higher prices and the marketplace as the basis for his energy program?*

If Ford is unwilling to compromise on the issue of high energy prices, at least to a degree that economic recovery is not seriously damaged, some Democrats believe it may be wiser to give him standby price control authority and get on with passing the Democratic energy program that makes significant long-term change in energy consumption and production patterns.

On the other hand, if Ford makes a serious effort toward compromise, Congress could produce something like the following:

A temporary extension of price controls for 60 to 90 days.

A period for phased decontrol of oil longer than the 39 months proposed by Ford and not beginning until later in 1976 (to further protect the shaky economic recovery). Alternatively, decontrol could be tied to the rate of unemployment and inflation.

Windfall profits tax to recapture additional oil company earnings, along with consumer rebates to compensate for higher energy prices.

A ceiling price for decontrolled oil in the range of $8 to $10/barrel, with provision for inflationary adjustments, and revocation of the $2/barrel import tariff.

Presidential support of the longer-range energy conservation and supply measures that have been moving through the Senate and House (even while the President attacks the Congress for doing nothing about the energy crisis).

*Economic stimulus*

Even with a compromise on energy along these lines, Congress will remain deeply concerned over the depth and duration of economic recovery. This concern suggests the following:

Democrats will push quickly for an extension, and perhaps expansion, of the temporary tax cuts for 1975 into 1976. This tax cut would be in addition to the rebates made necessary by phased decontrol of oil.

Democrats will seriously consider a more expansionary federal budget when the second concurrent budget resolution is debated in November.

The new budget process produced initial

targets for federal outlays, revenues, the deficit, and public debt when the first concurrent budget resolution passed in the spring. The second concurrent budget resolution, now scheduled for passage in November, will establish ceilings for each of these categories.

In other words, if the economic outlook—particularly the outlook for mid-1976 and 1977—remains clouded, Democrats will adjust their initial targets to take account of these economic uncertainties. But this is certain to bring renewed confrontation with Ford and the palace guard over the size of the federal deficit.

Note on the budget process: It is agreed by most observers that the new budget process, even though 1975 is a voluntary "trial run" of the new procedures, is having a striking impact on Congressional spending and revenue decisions.

For the first time, members of Congress have been able to relate specific votes that involve federal outlays to the total package adopted in the first concurrent resolution. So far, these totals have been respected.

Example: Extra money for school lunches was turned down in the Senate because it would have exceeded the target figure. But so were funds for military weapons procurement.

STATUS REPORT: MAJOR DEMOCRATIC ENERGY LEGISLATION

| Bill | Status |
|---|---|
| Repeal of oil and gas depletion allowance. | Public Law 94–12. |
| Strip mining control and reclamation. | Vetoed. |
| Suspension of oil import tariffs. | Do. |
| Energy Conservation and Conversion Act. | Passed House. |
| National petroleum reserves. | Passed House and Senate. |
| Energy Conservation and Oil Policy Act. | Pending in House. |
| Standby energy authority. | Passed Senate. |
| "Truth in Energy" Act. | Do. |
| Auto Fuel Economy Act. | Do. |
| Extension of Emergency Energy Allocation Act. | Vetoed. |
| Strategic petroleum reserves. | Passed Senate. |
| Outer Continental Shelf development. | Do. |
| National Energy Production Board. | Pending in Senate. |
| Natural gas production and conservation. | Do. |
| Oil conservation and conversion to coal. | Do. |

VETO OVERRIDE RECORD

[Can it be true? Well, take a look at the table. Gerry Ford, in barely more than one year's time, has had more vetoes overridden than any other Republican President in this century.]

| President | Years | Vetoes | Override votes | Overrides |
|---|---|---|---|---|
| Ford | 1 | 36 | 14 | 6 |
| Nixon | 5½ | 43 | 13 | 5 |
| Eisenhower | 8 | 181 | 11 | 2 |
| Hoover | 4 | 37 | 9 | 3 |
| Coolidge | 5½ | 50 | 7 | 4 |
| Harding | 2½ | 6 | 1 | 0 |
| Taft | 4 | 39 | 10 | 1 |
| Roosevelt | 7½ | 53 | 0 | 0 |
| McKinley | 4½ | 42 | 0 | 0 |

UNDER THE DOME

Time has a way of getting things in perspective. At this writing several important points emerge in the continuing struggle between President Ford and Congress over the intertwined issue of energy and the economy.

Despite narrow defeats on several key veto overrides, Democrats are pushing to completion major portions of the energy/economic package announced at the opening of the 94th Congress. The conventional view of executive-legislative stalemate is not accurate.

The meaningful, long-term Democratic energy measures continue to move through the legislative process while headlines report only the struggle between Ford and Congress over the short-term issue of higher energy prices.

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OFFICE OF THE MAJORITY LEADER,
*Washington, D.C., April 18, 1975.*

The PRESIDENT,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: It would seem appropriate at this time to bring you up to date regarding energy policy negotiations with the Federal Energy Administration insofar as the Senate Leadership can determine.

These negotiations have been proceeding since March 4 when, in order to arrive at an accommodation with the Congress regarding energy policy, you announced your postponement until May 1st of the second and third stages of the oil import fee increase and the decontrol of "old" oil prices. The negotiations have progressed to a stage where, by and large, agreement as to a cooperative approach to energy matters appears to be evolving rapidly. Indeed, major accord concerning fundamental program actions is most apparent although disagreement still exists as to how these programs might best be implemented. It would appear to be in the national interest to provide a public expression at this time as to the unity of purpose and the broad accord achieved to date regarding energy.

The progress made so far seems to indicate that there is a basis for avoidance of confrontation between the branches on the energy issue in early May by continuing the negotiations in anticipation of achieving even further cooperation and unity.

Any remaining differences, it would seem, could be worked out within the framework of the legislative process. This would apply to implementing strategies or to any short-term actions, be they based on price, tax, quota or whatever.

As to the immediate accord, the attitudes of the two branches seem most accommodating with regard to far ranging programs dealing with energy conservation and augmented domestic supplies. That differences may at this time appear as to specific methods by which these programs might best be implemented to achieve desired objectives does not diminish the overriding significance of the fact that on fundamentals such broad accord and agreement do exist.

To accommodate a public expression of unity on this issue, the Leadership and its representatives together with officials of FEA have identified the broad areas of fundamental agreement as follows:

AUGMENTED DOMESTIC SUPPLY

(1) Immediate Naval Petroleum Reserves Development

(2) Accelerated Development of areas of the Outer Continental Shelf with appropriate safeguards

(3) Protections against foreign predatory practices aimed at disrupting development of domestic energy supplies

(4) Appropriate incentives for secondary and tertiary recovery

(5) Price increases and incentives to stimulate natural gas development

(6) Investment incentives for electric utilities and utility rate restructuring

(7) Appropriate incentives to stimulate increased coal production and usage

ENERGY CONSERVATION

(1) Dedication to a substantially improved efficiency in the automobile

(2) Major incentives for insulation

(3) Major grant program for low-income housing insulation

(4) Dedication to substantially improved energy efficiency in appliances

(5) Incentives for energy efficiency in industry.

(6) Energy labeling requirements for appliances

(7) Thermal efficiency standards for new construction

EMERGENCY MEASURES

(1) Standby energy rationing authority

(2) Standby energy allocation authority

(3) Establishment of strategic reserves

These represent the major areas of accord based on the negotiations to date.

Again it should be noted that differences may exist with regard to the implementation of some of these programs; but that fact should not diminish the agreement as to the essential components of a national energy program.

The Leadership would hope you might agree, therefore, that the national interest could well be served at this particular time by publicly disclosing these broad areas of agreement in our efforts to achieve a common approach to energy problems and by permitting these negotiations and the legislative process to continue beyond May 1 without invoking unilaterally any precipitate actions disruptive to these orderly procedures.

Sincerely,

MIKE MANSFIELD.

P.S.—Recent press reports mentioned Mr. Zarb's difficulty in obtaining harmony among the various House committees. If these difficulties exist they should not be allowed to undermine the progress your representatives have had with Senator Pastore and the staff of the Democratic Policy Committee.

Respectfully,

M. M.

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## THE ENERGY SITUATION

Mr. HUGH SCOTT. Mr. President, the other body has passed a 60-day extension of oil controls, and the matter is now before the Senate. I read in this morning's paper that the majority is not prepared to take up that matter. That is unfortunate. I believe we should extend the controls. I do not believe we should allow them to remain off, as they are now. The oil companies should restrain themselves, as they apparently are doing up to now. How long this will last, I do not know.

It seems to me, however, that the first order of business should be an extension of the controls while we again address ourselves to the various bills—to S. 2310, which will be laid before the Senate on Thursday; to S. 692, which is to be the order of business thereafter—and that we should find some common ground with the Executive in the public interest.

At this point, I am not going to advocate a specific program or policy. The main thing is that it is not going to help the energy crisis to refuse to extend the controls when we know that the President will sign such an extension. It is not going to help the energy crisis, in my judgment, to roll back the prices of fuel oils to a point where there will be no production.

Ideally, I would like to pay 25 cents a dozen for eggs. But if the price of eggs were to be rolled back to 25 cents per dozen, the poultry growers of this country would be justified in putting their hens on strike.

If you roll back the price of a man's suit to $50, you could tell the whole country that this is a great thing, that hereafter one need not pay more than $50 for a man's suit. But try to buy one. Immediately, no suits would be manufactured, and the Garment Workers' Union, for example, would find that people could not make a living. The same is going to be true of any product.

The risk here is in allowing the free flow of the market to operate too suddenly and too drastically in the absence of any controls whatsoever; because here we go from a condition of control to decontrol, and that is quite the opposite of my illustration of eggs or suits. Since we go from control to decontrol, we should take it slowly, and we should do it on a pricing system which is realistic in the world market as well as the domestic market. But, above everything else, I believe we should have an extension.

## ORDER OF BUSINESS

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

## NOTICE OF HEARINGS TO EXAMINE FOOD STAMP PROGRAM

Mr. ALLEN. Mr. President, the food stamp program needs a thorough review.

It is a program which has provided food assistance for as many as 19.6 million Americans at one time.

It is a program that is estimated to cost about $5.8 billion for the current fiscal year.

It is a program with many critics—many who believe that it is wasteful and far too expensive, and many who believe that it has not done enough.

I wish to announce that the Subcommittee on Agricultural Research and General Legislation, of which I am chairman, on behalf of the Senate Committee on Agriculture and Forestry, will begin the complete review of the food stamp program which we believe is necessary.

The first stage of this review will involve 4 days of public hearings next month. Invited witnesses will appear at this first stage series of hearings.

At 9 a.m. on Tuesday, October 7, in room 1202 of the Dirksen Building, the subcommittee will explore the development and operations of the program and hear testimony which will develop the major issues which must be addressed.

At 9:30 a.m. on Wednesday, October 8, in room 324 of the Russell Building, we will continue to examine these issues.

At 9 a.m. on Thursday, October 9 and Friday, October 10, the subcommittee will hear testimony from the sponsors of major legislation which would amend the Food Stamp Act.

Mr. President, I might state parenthetically that I note an item in the U.S. News-Letter under date of September 12, 1975, having to do with some proposed legislation with respect to the food stamp program.

Reading from this item, it states:

Ford and Congress will do battle over food stamps before the year is out.

At issue: a plan to certify unemployed workers for the stamps on the day they apply, rather than have them wait weeks or even months. The trouble is, in the minds of critics of the idea, it will let union members who go on strike cash in on benefits the very day they walk off the job. This objection too—costly errors could result from the hurry-up approach. And even if they do not, the number of eligible food stamp recipients might double, possibly even triple, driving the program's annual cost from $6.8 billion which is a billion dollars higher than it actually is, according to figures I checked just yesterday "to as much as $20 billion."

Certainly, this is something that the committee will want to give serious consideration to. The comment by the writer of this newsletter states:

Congress will pass the bill but won't be able to override Ford's veto.

During these last 2 days of hearings, the subcommittee hopes to hear from Members of Congress who have, or will have, introduced substantive legislation, and to hear the proposals of the administration for major changes. The subcommittee understands that the administration is developing a food stamp reform bill. We believe that it is incumbent upon the administration to have a bill before the Congress by September 30, so that it can receive a thorough analysis and hearing at the subcommittee hearings next month.

Mr. President, I ask unanimous consent that this letter to the President be printed in the RECORD at this point in my remarks.

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

COMMITTEE ON
GOVERNMENT OPERATIONS,
*September 16, 1975.*

The PRESIDENT,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: On July 28, 1975, you sent a message to the Congress calling for the enactment of legislation to control the cost of the Food Stamp Program. The Secretary of Agriculture, the Secretary of the Treasury, and the former Secretary of the Department of Health, Education, and Welfare have submitted strong statements about the need for reform of the Food Stamp Program.

I am confident that there is strong support for such an effort in the Congress and among the American people.

In your message of July 28, you stated: "I urge in the strongest terms possible that the Congress begin hearings on these proposals at the earliest possible date. If this program is to be contained, even within its current bounds, action must be taken immediately."

The Subcommittee on Agricultural Research and General Legislation is to conduct thorough hearings on the Food Stamp Program on behalf of the Senate Committee on Agriculture and Forestry. These hearings have been scheduled for October 7, 8, 9, and 10. This will be but the first round of hearings on the Food Stamp Program. During these hearings, it will be our objective to develop the main issues involved in the Food Stamp Program and to examine legislative proposals for changes in the program.

Although the Congress yet has not received reform legislation from the Administration, it is our understanding that such legislation is being developed at the highest levels, both in the Department of Agriculture and in the White House.

It is highly desirable that this legislation be submitted to the Congress for consideration in our October hearings. It is respectfully requested that you submit the Administration's legislative proposals to the Congress by September 30 so that they may be analyzed and subjected to comment in the October hearings.

All of us look forward to working with you on legislation which will improve the Food Stamp Program.

With every good wish, I am

Respectfully,

JAMES B. ALLEN,
*Chairman, Subcommittee on Agricultural Research and General Legislation.*

Mr. ALLEN. Inasmuch as it refers to recommendations heretofore made by the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Health, Education, and Welfare, copies of the letter have gone to them.

The second phase of the subcommittee's review will follow from these 4 days of hearings.

We will analyze and digest the testimony, covering the operation of the program, the major issues involved, and the major proposals for change.

Copies of such analyses will then be circulated to interested members of the public, Members of the Congress, Governors of the 50 States, professional observers of food policy and assistance efforts, those sectors of industry who are affected by this program—including agricultural production, organized labor, food processing, and food retailing—and others who have expressed concern.

Their comments and suggestions will be welcomed by the subcommittee.

The third phase will involve another round of hearings, in November, at which time public comment will be received on the major policy issues which have been raised and the proposals for amendment which have been laid before the subcommittee.

Mr. President, the timetable hereinabove outlined should permit consideration of a major food stamp reform bill on the Senate floor before the end of this calendar year.

It is a timetable which will permit us to give this complex and controversial program a thorough, objective, and complete review.

It will permit us to explore issues including, but not limited to, the following:

Evolution of the program, and its relationship to other food assistance programs;

Appropriateness of assets limitations and present deductions from gross income for determining eligibility for nonpublic assistance households;

Advisability of a fixed limitation on gross income, with a standard deduction, for eligibility purposes;

Accountability of State agencies for administration of the program at local levels and complexities in administration;

Alleged abuses of the program;

Too liberal eligibility rules; and failure to enforce even such rules;

Implications of the program on other sectors of the economy, including farm production, food processing, and food retailing;

Revision of, or elimination of, purchase price requirements of food stamps;

Establishment of an identification system designed to insure that only eligible recipients could use food stamps;

Adequacy of penalties in present law to deter fraud, abuse, or misrepresentation; and

The effectiveness of the Department of Agriculture in preventing fraud and program error.

As chairman of this subcommittee, I am committed to reforms which will permit fulfillment of the objectives of the program—a decent diet for those in real need, at the least possible cost to the taxpayer—and to identify the extent of fraud and cheating and to take the necessary steps to prevent it.

The subcommittee's efforts should not be construed as an effort to dismantle the food stamp program or to deny its benefits to those it was intended to help.

Our efforts should be viewed as what they are—the exercising of legislative and oversight responsibilities of the Congress to make absolutely certain that the authorizing legislation meets the objectives of the Congress, that the program is administered fairly, and that standards for eligibility are clear, equitable, and rigidly adhered to.

This will not be a vendetta, and it will not be a whitewash. It is the subcommittee's intention to pursue our responsibilities thoroughly and objectively, and to recommend the kind of solutions which will follow only from such a course.

## EARLY CONSIDERATION OF H.R. 9524

Mr. ALLEN. Mr. President, I am hopeful that the leadership will schedule early consideration of the House bill, H.R. 9542, which has passed the House, which was considered last week by the Senate. It was the pending business at one time, but because agreement could not be reached on the amendment to the bill offered by the majority leader, which I supported, the bill was placed on the calendar and we proceeded to other matters.

The point in contention is that, whereas the House bill extended controls for a period of 60 days from their expiration—in other words, through October—the Senate bill extended the controls for 60 days from the date of enactment, but it carried a proviso that during the first 45 days of that 60-day period, the President would not be able to submit to Congress a decontrol plan which required action within 5 legislative days.

It occurred to the Senator from Alabama that this proviso, providing that Congress should have exclusive control of the consideration of legislation during this 45-day period, was a sound provision. I hope that within the next day or so this matter will be brought up for consideration by the Senate. I think it is too important to remain on the calendar.

I feel the restraint of the oil companies is commendable, that prices have not been greatly raised during this period that controls have been off.

I feel it is important for the consumer that the controls be extended and that Congress be given this 45-day period during which it may be able to work out some plan for an energy policy. I think this is far too important to treat as a political strategy. I feel that in the interests of the public this bill needs to be brought up and let the Senate work its will with respect to this legislation.

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

Mr. ALLEN. Yes, I am delighted to yield.

Mr. MANSFIELD. Mr. President, the Democratic conference did agree by a strong majority vote to a 60-day extension of petroleum allocation authority beginning with the date of its enactment. The appropriate implementing legislation was offered last Thursday, but the Senate was not permitted a vote thereon. The proposal was offered as an amendment to a House-passed measure extending the Emergency Allocation Act for 60 days. That legislation with the proposed Senate amendment is presently on the Senate calendar and would provide, if enacted, for full authority for the President to allocate petroleum products and prevent their higher prices. The Senate proposal does not provide for 4(g)(2) authority that was contained in the original Emergency Allocation Act now expired for the first 45 days of the extension period. The practical effect of this omission would be to permit the Congress to work its will on an energy pricing policy for the first 45 days of this extension without the interference by the administration on a take-it-or-leave-it basis of any administration proposal within a 5-day period and without the possibility of amendment by the Congress.

If my recollection is correct, it was indicated last Thursday that the President would agree to such a proposition—that is no use of the take-it-or-leave-it authority—but only wanted an extension for 45 days from date of enactment until October 30, 1975, and insisted upon the 5-day take-it-or-leave-it authority after October 20, in other words, the last 10 days of the extension period.

In the meantime, Senator MUSKIE, who managed this proposal on the Senate floor indicated, if I recollect correctly, that very likely it would be possible to reach an agreement on the 60-day basis as passed by the House which would begin on September 1 if the President would forego the application of 4(g)(2)—the 5-day take-it-or-leave-it authority—during the entire 60-day period.

As the Senator will recall, we reached an impasse that night and had to adjourn because it was impossible to reconcile the proposal made by the President, which would forego 4(g)(2) authority up to October 20, and the conference proposal for no 4(g)(2) at least until October 30, 1975.

I would point out to my distinguished friend that as of now there is no extension of the allocation authority; any extensions passed today or later this week would be less than for 45 days if the October 30 date is insisted upon.

It appears to me that the President should be willing to seriously consider a reappraisal of his insistence upon 4(g)(2) authority for the last 10 days, and, if that is done, it would be my intention to call the Policy Committee into session right away, ask them for their judgment, and act accordingly.

I commend the Senator for bringing that up at this time.

Mr. ALLEN. I thank the distinguished majority leader.

I would hope there would be a short time available to the President at the end of whatever time is allotted to Congress during which he could submit a decontrol plan. Otherwise if Congress uses up the entire period then, for the President to have the power to submit a decontrol plan, we would have to extend controls still again, and I hope that one time would be sufficient.

Mr. MANSFIELD. Mr. President, if the Senator will yield further?

Mr. ALLEN. Yes.

Mr. MANSFIELD. I would not question the good intent of the Senate in this instance nor the intent of the President of the United States. I think that as reasonable men we ought to be able to get together because if we do not then controls are off entirely, as they are now—I do not know how long the restraint being exercised by the big oil companies will last—and it should be possible on that basis to work out something in the way of a reasonable agreement.

Mr. ALLEN. I thank the distinguished majority leader. I hope such compromise will be reached.

I yield back the remainder of my time.

## ORDER OF BUSINESS

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

## S. 2350—TO AMEND THE NATIONAL SECURITY ACT OF 1947, AS AMENDED

Mr. SYMINGTON. Mr. President, I have sent a bill to the desk, and I ask that it be read.

The PRESIDING OFFICER. The bill will be stated.

The legislative clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) The fourth paragraph of section 101(a) of such Act is amended by redesignating clauses (5), (6), and (7) as clauses (6), (7), and (8), respectively, and by adding after clause (4) a new clause (5) as follows:

"(5) The Secretary of the Treasury;".

Mr. MANSFIELD. Mr. President, before the Senator engages in his remarks, would he allow me to become a cosponsor of the proposal?

Mr. SYMINGTON. Mr. President, I am

honored that the distinguished majority leader would become a cosponsor of this bill.

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

Mr. SYMINGTON. Mr. President, I introduce herewith a bill to include the Secretary of the Treasury as a statutory member of the National Security Council.

The inclusion of the Secretary of the Treasury as a statutory member would strengthen this Council which, under the National Security Act of 1947, as amended, has the function "to advise the President with respect to the integration of domestic, foreign and military policies relating to the national security, so as to enable the military services and the other departments of the Government to cooperate more effectively in matters involving national security."

Membership on the National Security Council is presently limited to the President, Vice President, the Secretary of State, and the Secretary of Defense.

It is becoming increasingly apparent, however, for reasons which I shall now cite, that the absence of the Nation's chief economic official from the National Security Council can no longer be justified.

The original National Security Act provided for seven statutory members: the President, the Secretaries of State, Defense, the Army, the Navy, and the Air Force, as well as the Chairman of the National Security Resources Board.

During the administrations of President Truman, I served on this Council, first as Secretary of the Air Force, then later as Chairman of the National Security Resources Board.

When in 1949 the services ceased to be executive departments, becoming instead military departments within the Department of Defense, the service Secretaries were properly dropped from Council membership; and at that time the Vice President was added.

Since then, membership on this National Security Council has included at various times such departmental heads as the Directors of the Mutual Security Agency, Foreign Operations Administration, Office of Defense Mobilization, Office of Emergency Planning, and Office of Emergency Preparedness.

These offices no longer exist; and therefore, as mentioned, the Council comprises but four statutory members: the President, the Vice President, the Secretary of State, and the Secretary of Defense.

Today, however, the Secretary of State also serves as Special Assistant to the President for National Security Affairs and Executive Director of the Council staff. In this latter position, the Secretary can, of course, determine what issues should come before the Council and what should not. Moreover, he can attend Council meetings as Special Assistant to the President, yielding his seat as Secretary of State to the Deputy Secretary.

At the same time, the Secretary of Defense is generally accompanied at Council meetings by the Chairman of the Joint Chiefs of Staff.

The Secretary of the Treasury, however, is not a statutory member of the Council, and therefore, has no voice unless his presence is requested.

Inasmuch as a sound economy, with a sound dollar, is vital to national security, should there not be concern that our Nation's chief fiscal and monetary officer—the Secretary of the Trseaury—has no statutory right to participate in these high level discussions of national security issues; issues which today obviously relate to his area of special knowledge and responsibility; and issues about which all responsible citizens, regardless of party or position, are becoming increasingly concerned.

For we all know that true national security is not limited to diplomatic activities or possible military threats; that such security also includes domestic well-being.

The Federal deficit this year is already estimated to reach an unprecedented $70 billion; and budget authorities believe that over the next 2 years there will be an even greater deficit.

Many American cities are on the brink of bankruptcy; and inflation and unemployment continue unabated. This puts the squeeze not only on the unemployed, but also on the working poor, the middle class, and banking and business.

Surely the problems incident to this aspect of national security deserve the attention of members of the National Security Council. In fact the 1947 statute itself calls for consideration of domestic problems along with those having to do with diplomacy and the military.

We all know how intimately our domestic economy is related to foreign developments—the Mideast oil boycott and the sales of agricultural products to foreign countries are but two examples.

Indeed it would appear that economic issues will loom ever larger as a factor which affects our security. These issues will increasingly determine not only our domestic policy, but also our relationships to the rest of the world.

The Murphy Commission on the Organization of Government for the Conduct of Foreign Policy, in its June 1975 report, recognized that economic policy has become so central to both foreign and domestic policy it should no longer be considered separately. Accordingly, the Commission recommended that—

The memberhip of the National Security Council be expanded to include the Secretary of the Treasury, and its jurisdiction be enlarged to include major issues of international economic policymaking.

It is interesting to note also that as early as 1949, former President Hoover, then Chairman of the Commission on the Organization of the Executive Branch of Government, declared in testimony before the Senate Armed Services Committee:

It would seem to me that certain fundamentals of economics ought to be represented on that Commission [the National Security Council], because the Nation is in as much jeopardy from economic overstrain as it is from military destruction. I was in hopes that the composition of the Council would be widened out, with more representation from the economics side.

Mr. Hoover added:

I have the feeling we are discussing problems that are constantly intermixed ones—one is economic capacity and others are preparedness and action in war.

This suggestion came from the man who was President during the Great Depression. He knew from hard experience just what a serious economic threat could mean to this country.

After over 30 years in the Federal Government, 7 of which were in the executive branch, 23 in the Senate, I have come to believe that true national security embraces three basic components: First, the ability to destroy any possible enemy, and the certainty on his part that we have that ability; second, a sound economy, with a sound dollar; and third, the belief of the people in the system—in their form of government; in other words, credibility.

Those of us who have studied the military problem over a period of years believe we are in excellent shape with respect to our current defense posture; and one might hope that in recent months the faith of the people in our Government is being restored. With respect to the economy, however, we all know that the situation has been deteriorating dramatically, domestically as well as internationally.

These are the major reasons I am introducing this bill today. It is short and simple, merely providing for the Secretary of the Treasury to also become a statutory member of the National Security Council.

It is a bill which is predicated upon the need for our vital economic interests also to be represented in the formulation of national policy. I respectfully urge its adoption.

## ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 10 minutes.

Mr. MANSFIELD. Mr. President, I yield back the time with the approval of the distinguished Senator from West Virginia.

## ROUTINE MORNING BUSINESS

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

## GOOD NEIGHBOR DAY

Mr. MANSFIELD. Mr. President, I send to the desk a joint resolution and ask for its immediate consideration.

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

The legislative clerk read as follows:

A joint resolution (S.J. Res. 128) to authorize and request the President to issue a proclamation designating the fourth Sunday in September of each year as "Good Neighbor Day."

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read the second time at length, and the Senate will proceed to its consideration.

The joint resolution (S.J. Res. 128) was considered, ordered to a third reading, read the third time, and passed, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is authorized and requested to issue a proclamation designating the fourth Sunday of September of each year as "Good Neighbor Day", and calling upon the people of the United States and interested groups and organizations to observe such day with appropriate ceremonies and activities.

## RESOLUTION ON U.S. AGREEMENTS, UNDERSTANDINGS, AND COMMITMENTS WITH RESPECT TO ISRAEL AND EGYPT

Mr. HASKELL. Mr. President, I send to the desk, on behalf of myself and the distinguished Senator from Oregon (Mr. HATFIELD), a resolution and I ask that it be stated.

The PRESIDING OFFICER. The resolution will be stated.

The second assistant legislative clerk read as follows:

S. RES. 245

*Resolved,* That it is the sense of the Senate that the President should make public immediately all agreements and understandings entered into and all commitments made by the United States with respect to Israel and Egypt.

Mr. HASKELL. Mr. President, I would ask for the immediate consideration of the resolution, but I have discussed this matter with the distinguished minority whip and I understand he would object. For that reason, I ask that it be referred to the appropriate committee.

Mr. President, in our Nation, all authority is derived from the people. Over the past decade we have seen our Nation committed to various foreign adventures and we have seen various commitments made, both by a Democratic President and by a Republican President. We have also seen that the people of the United States realized that the power of our Government is derived from them and we have seen that they will not honor such commitments. Mr. President, I do not think they should honor such commitments.

For that reason, I am asking that all the documents, whether they be understandings, whether they be commitments, whether they be agreements, be made public.

Mr. President, there is a distinct possibility that as a matter of law these documents should be made public. I am not sufficiently expert to know whether that is the case or not, but I do know that suspicion should be allayed.

I have seen in the press, as have my colleagues, various references to secret documents which have been leaked or which have come into the possession of the press. This is a very unhealthy state.

I also point out that I do not believe that the United States of America should make any commitment to any country that will not bear the light of day.

For that reason, Mr. President, I hope this resolution will be favorably considered.

Mr. GRIFFIN. Will the Senator yield to me?

Mr. HASKELL. I am very pleased to yield to the Senator.

Mr. GRIFFIN. Mr. President, I commend the Senator for submitting the resolution. I can agree with much that he has said about the purpose of it.

Nevertheless, it is my view that such a resolution should be referred to, and considered by, the Committee on Foreign Relations.

It would be my hope that, after the committee studies the resolution and its implications, the Senate may be able to adopt the resolution, or some version thereof.

I want to indicate that although I believe deliberations concerning such a matter should take the normal course, I do not necessarily oppose the resolution on its merits.

Mr. HASKELL. I appreciate the remarks of the distinguished Senator from Michigan.

I yield back the remainder of my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

## NEW HAMPSHIRE ELECTION

Mr. GRIFFIN. Mr. President, I rise to congratulate JOHN DURKIN on his impressive victory in New Hampshire yesterday, and to welcome him to the Senate. I also congratulate the Senate again for its wisdom in finally referring that contest back to the people of New Hampshire.

Needless to say, those of us who served on the Rules Committee struggled for a long time with the difficult and close questions raised by election last November. Unfortunately, partisanship and even bitterness crept into the deliberations on those questions.

Now the people of New Hampshire have spoken and as a member of the Rules Committee I am grateful that they have spoken decisively this time. The margin is not close; there is no question about who won.

Naturally, I am disappointed that the candidate of my party did not prevail. But the important thing is that the people of New Hampshire had their say; it can truly be said that Senator DURKIN will serve New Hampshire as the choice of the people of his State—rather than as the choice of other Senators.

The people of New Hampshire are to be commended also on the way they turned out at the polls on yesterday. Newspaper publishers who predicted a light turnout proved wrong. There was a big vote in this special election in New Hampshire as compared with the turnout in the general election last November. Each of the three candidates in this election: including Mr. Wyman, received substantially more votes than he received 10 months ago. The people of New Hampshire were not apathetic. They were interested and they got out to vote.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

## 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. COTTON) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Joint Committee on Atomic Energy.

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

## MESSAGES FROM THE HOUSE

At 1:50 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 49) to authorize the Secretary of the Interior to establish on certain public lands of the United States national petroleum reserves the development of which needs to be regulated in a manner consistent with the total energy needs of the Nation, and for other purposes; requests a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. MELCHER, Mr. JOHNSON of California, Mr. PHILLIP BURTON, Mr. RUNNELS, Mr. MILLER of California, Mr. PRICE, Mr. BENNETT, Mr. SKUBITZ, Mr. STEIGER of Arizona, and Mr. DICKINSON were appointed managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 8121) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. SLACK, Mr. SMITH of Iowa, Mr. FLYNT, Mr. ALEXANDER, Mrs. BURKE of California, Mr. EARLY, Mr. MAHON, Mr. CEDERBERG, Mr. ANDREWS of

North Dakota, and Mr. MILLER of Ohio to be managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 8365) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. MCFALL, Mr. YATES, Mr. STEED, Mr. KOCH, Mr. ALEXANDER, Mr. DUNCAN of Oregon, Mr. MAHON, Mr. CONTE, Mr. EDWARDS of Alabama, and Mr. CEDERBERG were appointed managers of the conference on the part of the House.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

SALE OF CERTAIN WEAPONS TO JORDAN

A communication from the President of the United States containing information regarding the sale of HAWK antiaircraft missiles to Jordan; to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Res. 184. A resolution authorizing the printing of the annual report of the National Forest Reservation Commission (Rept. No. 94-373).

S. Res. 246. An original resolution authorizing additional expenditures by the Committee on Rules and Administration for routine purposes (Rept. No. 94-374).

S. 2264. A bill to authorize the Public Printer to designate employees to administer oaths (Rept. No. 94-372).

By Mr. BUCKLEY, from the Committee on Public Works, with amendments:

H.R. 12. An act to amend title 3, United States Code, to provide for the protection of foreign diplomatic missions, to increase the size of the Executive Protection Service, and for other purposes (together with minority views) (Rept. No. 94-375).

By Mr. ABOUREZK, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1327. A bill to declare that certain submarginal land of the United States shall be held in trust for certain Indian tribes and be made a part of the reservations of said Indians, and for other purposes (Rept. No. 94-377).

By Mr. CHILES, from the Committee on Government Operations, without amendment:

H.R. 5541. A bill to provide for emergency relief for small business concerns in connection with fixed-price Government contracts.

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

S. 1259. A bill to provide for emergency relief for small business concerns in connection with fixed-price Government contracts (Rept. No. 94-378).

## NATIONAL SCHOOL LUNCH ACT AND CHILD NUTRITION ACT AMENDMENTS OF 1975—SUBMISSION OF CONFERENCE REPORT (REPT. NO. 94-379)

Mr. TALMADGE submitted a report from the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4222) to amend the National School Lunch Act and the Child Nutrition Act of 1966 in order to extend and revise the special food service program for children and the school breakfast program, and for other purposes related to strengthening the school lunch and child nutrition programs, which was ordered to be printed.

## MILITARY CONSTRUCTION AUTHORIZATIONS, 1976—SUBMISSION OF A CONFERENCE REPORT (REPT. NO. 94-376)

Mr. SYMINGTON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two houses on the bill (S. 1247) authorizing certain construction at military installations, and for other purposes. I ask unanimous consent that the report be printed as a Senate report.

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

## EXECUTIVE REPORTS OF COMMITTEES

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

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

Julio Morales-Sanchez, of Puerto Rico, to be U.S. attorney for the district of Puerto Rico.

James B. Young, of Indiana, to be U.S. attorney for the southern district of Indiana.

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

Mr. STENNIS. Mr. President, from the Committee on Armed Services, I report favorably the nomination of Cols. Russell Berry and Demetri Spiro, USAR, to the grade of brigadier general in the Reserve and eight in the Army National Guard and Reserve to the grade of major general and brigadier general—list begins with Col. Thomas Williams, Jr.; in the Navy, Adm. Means Johnston, Jr., for appointment on the retired list in that grade and Vice Adm. Robert S. Salzer for appointment to the grade of vice admiral on the retired list and 11 permanent promotions to the grade of rear admiral in the Reserve of the Navy—list begins with Grealish and ends with Howell, Jr.; in the Air Force, Maj. Gen. Thomas P. Stafford, USAF for appointment to major general—recess appointment; and, in the Marine Corps and Marine Corps Reserves, there are 22 to the grade of major general and brigadier general—list begins with Andrew W. O'Donnell. It is requested that these names be placed on the Executive Calendar.

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

Mr. STENNIS. In addition, Mr. President, in the Army and Reserve of the Army and National Guard there are 4,071 for promotion/appointment to the grade of colonel and below; in the Air Force and Reserve of the Air Force, there are 7,142 for promotion/appointment to the grade of colonel and below. Since these names have already appeared in the CONGRESSIONAL RECORD of September 3d, I ask unanimous consent that they be ordered to lie on the Secretary's Desk for the information of any Senator.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of September 3, 1975, at the end of the Senate proceedings.)

## 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. SYMINGTON (for himself and Mr. MANSFIELD):

S. 2350. A bill to amend the National Security Act of 1947, as amended, to include the Secretary of the Treasury as a member of the National Security Council. Referred to the Committee on Armed Services.

By Mr. HUGH SCOTT:

S. 2351. A bill for the relief of Joseph G. Lowther. Referred to the Committee on the Judiciary.

By Mr. METCALF:

S. 2352. A bill to amend the Accounting and Auditing Act of 1950 to provide for the audit, by the Comptroller General, of the Internal Revenue Service and of the Bureau of Alcohol, Tobacco and Firearms. Referred to the Committee on Government Operations.

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

S. 2353. A bill to provide for the establishment of model programs for displaced homemakers and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. CANNON:

S. 2354. A bill directing the Secretary of Agriculture to convey the property comprising the Lee Canyon Youth Camp, Toiyabe National Forest, Nev., to Clark County, Nev. Referred to the Committee on Agriculture and Forestry.

By Mr. CANNON (for himself and Mr. LAXALT):

S. 2355. A bill to provide that four publications detailing the history of the Indian tribes of Nevada shall be subject to copyright by the Inter-Tribal Council of Nevada. Referred to the Committee on the Judiciary.

By Mr. BUCKLEY (for himself, Mr. MCCLELLAN, Mr. HELMS, and Mr. TOWER):

S. 2356. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for amounts paid by a taxpayer for tuition to provide an education for himself or for another individual. Referred to the Committee on Finance.

By Mr. SPARKMAN (for himself and Mr. ALLEN):

S. 2357. A bill to amend the Wild and Scenic Rivers Act. Referred to the Committee on Interior and Insular Affairs.

By Mr. STONE (for himself and Mr. CHILES):

S. 2358. A bill to amend title 23 of the United States Code with respect to cost estimates applicable to certain routes transferred within the Interstate Highway System. Referred to the Committee on Public Works.

By Mr. BAYH:

S. 2359. A bill to provide for equal treatment for all persons entering into health insurance agreements. Referred to the Committee on the Judiciary.

By Mr. BAYH:

S. 2360. A bill to amend the Public Health Service Act to provide health care services for pregnant adolescents before and after childbirth. Referred to the Committee on Labor and Public Welfare.

By Mr. HATFIELD:

S. 2361. A bill to reauthorize and modify McKay Dam, Umatilla Project, Oreg., for multiple functions and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. ABOUREZK:

S. 2362. A bill relating to certain business transactions carried out within the exterior boundaries of Indian reservations, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 2363. A bill to amend the Immigration and Nationality Act. Referred to the Committee on the Judiciary.

By Mr. MONDALE (for himself and Mr. HUMPHREY):

S. 2364. A bill to authorize the President to implement a system of priority allocation of Canadian crude oil to American refiners. Referred to the Committee on Interior and Insular Affairs.

By Mr. BARTLETT:

S. 2365. A bill to amend title 38, United States Code, to provide measurement criteria for courses offered by independent study. Referred to the Committee on Veterans' Affairs.

By Mr. WILLIAMS (for himself and Mr. CASE):

S. 2366. A bill to authorize the Secretary of the Navy to convey certain lands at the Naval Air Station, Lakehurst, N.J., to the Airship Association as a site for an airship museum. Referred to the Committee on Armed Services.

By Mr. HANSEN (for himself and Mr. MCGEE):

S. 2367. A bill for the relief of William Allen, and Marie Allen, his wife, Rock Springs, Wyo. Referred to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. HARTKE, Mr. PELL, and Mr. PASTORE):

S. 2368. A bill to amend the Regional Rail Reorganization Act of 1973 to protect branch line rail service. Referred to the Committee on Commerce.

By Mr. CHILES (for himself, Mr. NUNN, Mr. GLENN, Mr. JOHNSTON, and Mr. STONE):

S. 2369. A bill to amend the Food Stamp Act of 1964 by revising the eligibility requirements for participation in the program and increasing the overall efficiency of the program administration through the imposition of a national income formula, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. MANSFIELD:

S.J. Res. 128. A joint resolution to authorize and request the President to issue a proclamation designating the fourth Sunday in September of each year as "Good Neighbor Day." Considered and passed.

By Mr. INOUYE:

S.J. Res. 129. A joint resolution to authorize the construction of a memorial to the 100th Infantry Battalion and 442d Regimental Combat Team. Referred to the Committee on Veterans' Affairs.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 2353. A bill to provide for the establishment of model programs for displaced homemakers and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. TUNNEY. Mr. President, today I am introducing legislation to provide reentry services and skills to persons who have been homemakers but who, as the result of death or divorce or loss of income, are forced back to the labor market. I am delighted that the distinguished Senator from West Virginia (Mr. RANDOLPH) has joined me in this effort.

These persons, mostly women, usually fall between the cracks of our current social programs. They are too young to collect social security, and too old and undertrained to get jobs in our tightening job market. Federal jobs and training programs are not aimed at this group. They qualify for no Federal assistance programs, nor unemployment benefits, because they have been at home rather than in the job market.

A recent article in a California newspaper describes the typical person for whom this legislation is intended:

> A middle class woman who has spent her married life being a homemaker: not working outside the home; with no "professional skills" suddenly widowed or divorced. She has lived a comfortable life that she wants to maintain, and now, because of a change in the courts' attitude, she finds that her spousal and child support is not enough to live on. Her life's work has no value. Her volunteer work is not counted as work experience. How is she going to support herself and her children? Thus, the displaced homemaker.

The legislation which I am introducing today will provide these persons the opportunity to prove that the skills of homemakers can be recycled to fill desperately needed social services, and that these persons can help each other in the difficult period of transition from dependence to self-reliance. The bill, I am confident, will help, through counseling, outreach, information, and referral services, provide the displaced homemaker with renewed confidence and capability to take a place in the working world.

Estimates of those impacted run to approximately 3 million persons nationwide, and are based on the available statistics on divorce, working wives, woman-headed households, and other indicators. Even this figure does not take into account the myriad of other factors which might designate a man or woman a "displaced homemaker."

In my home State of California, both houses of the State legislature approved a displaced homemakers bill during the past session. The State senated voted 29 to 1 in support; the assembly, 45 to 5. That bill has the support of many statewide organizations, ranging from the California Commission on Aging to the California Bar Association's Committee on Equal Rights. Numerous city councils, commissions on the status of women, YWCA chapters, and women's organizations have also voiced their backing of this legislation.

At the national level, support comes from similar groups. Spearheading the effort is the National Organization for Women's Task Force on Older Women which has, along with the Alliance for Displaced Homemakers, launched the campaign for this national legislation. Other organizations which endorse the measure include the National YWCA and the National Women's Political Caucus.

In brief the legislation will:

Establish up to 30 two year model programs to provide outreach, counseling and information and referral services to protect and insure the health, welfare, income capabilities, and employment of displaced homemakers. The services can include, but are not limited to counseling and information and referral in job counseling training and placement, financial management, legal counsel and assistance, educational counseling, and health education and counseling.

Mandate coordination among the Department of Health, Education, and Welfare, the Administration on Aging, the Social Security Administration, and the Department of Labor to coordinate this program with already existing Federal programs of a similar nature which act in behalf of other groups.

Mandate a report to Congress to evaluate the model program as the basis of a national program; evaluate the feasibility of bringing displaced homemakers under CETA, work incentive programs and other Federal employment, education and health assistance programs; and evaluate the feasibility of allowing displaced homemakers to participate in Federal and State unemployment compensation programs, and the feasibility of including housework as labor eligible for such benefits and programs.

Promote the employment of peer-group displaced homemakers in all phases of the model programs during their 2-year duration.

The cost of the program will not exceed $2 million for each of the 2 years of its life, a small cost compared to the benefits it can bring those individuals in the grip of despair as the result of the death or divorce of the breadwinner.

I am confident that this legislation, when passed, will begin to benefit what hitherto had been an unrecognized group in our society, a group which, if given the confidence, skills and opportunity, could fill sorely vacant social program positions and bring to them unbounded compassion and understanding. I look forward to holding hearings and passing this necessary program to benefit an underserved and underutilized group in our Nation.

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By Mr. CANNON:

S. 2354. A bill directing the Secretary of Agriculture to convey the property comprising the Lee Canyon Youth Camp, Toiyabe National Forest, Nev., to Clark County, Nev. Referred to the Committee on Agriculture and Forestry.

Mr. CANNON. Mr. President, I introduce, for appropriate reference, a bill to

convey to Clark County title to a property known as Lee Canyon Youth Camp.

Clark County presently operates the 4-acre site through a special use permit granted the county by the U.S. Forest Service. The camp provides recreation opportunities for an estimated 10,000 persons each year representing the YMCA, church groups, 4–H groups, and others.

Clark County has built numerous structures at the camp including a dining hall, dormitories, a recreation hall, a shop, and a water system. The present 20-year lease on this property will expire in 6 years and the loss of these facilities at that time will be a severe loss to the people of the county. This bill will provide a transfer of the property in order to preclude this loss to the people in Clark County.

The Nevada Legislature has memorialized the Congress to approve this transfer.

Mr. President, I am hopeful this legislation will receive early and favorable consideration.

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By Mr. CANNON (for himself and Mr. LAXALT):

S. 2355. A bill to provide that four publications detailing the history of the Indian tribes of Nevada shall be subject to copyright by the Inter-Tribal Council of Nevada. Referred to the Committee on the Judiciary.

Mr. CANNON. Mr. President, my Nevada colleague, Senator LAXALT, and I have introduced an unusual and historically significant bill today, designed to authorize the Inter-Tribal Council of Nevada to copyright four publications covering the history of the Indian tribes of Nevada which will be published via the use of Federal funds and printed by the U.S. Government Printing Office.

Normally, such publications would be in the public domain and, normally speaking, I subscribe to that concept. In this instance, however, the situation is not normal. For example, this bill will not benefit any one individual, but rather it will safeguard the rights of generations yet unborn to be able to read and understand the history of their ancestors.

The compilation of that history truly was a communal undertaking. More than 4 years ago, recognizing the need for a written history, over 150 members of the four separate Indian tribes now existent in Nevada, collaborated in the creation of these four tribal histories.

These tribes are all that currently remain of four great Indian nations: the Northern Paiutes, the Southern Paiutes, the Washoe, and the Western Shoshone. Collectively, they form the Inter-Tribal Council of Nevada.

Their efforts to create these histories was a major project which, since it included the customs and mores of the four tribes, involved research, copying ancient records, personal interviews, the recording of old songs and legends, as well as the patient, painstaking development of ancient lore from all available sources.

Our interest here is, of course, only to have the published histories copyrighted for the benefit of all those people who have worked so hard to make their creation possible. It is worth noting, however, that they are going further by working to create curricular school material, maps, old photographs, pictures, artifacts, and other things of value in preserving the history of a people before it is lost forever.

Under those circumstances, copyrighting is the fair and equitable thing to do and may well encourage other tribes in other States to undertake similar valuable historical efforts before it is too late.

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By Mr. BUCKLEY (for himself, Mr. MCCLELLAN, Mr. HELMS, and Mr. TOWER):

S. 2356. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for amounts paid by a taxpayer for tuition to provide an education for himself or for another individual. Referred to the Committee on Finance.

Mr. BUCKLEY. Mr. President, the financial problems of private education have become like the weather: They generate constant talk and no action. Every year brings the closing of more private colleges, elementary and secondary schools. Public officials lament their demise, but are reluctant to take even the smallest steps to keep those schools alive.

We all know the difficulties facing private education, and I need not reiterate them here. Although the rising costs of a malfunctioning economy have put all educational institutions on tight budgets, private schools have been especially hard hit; for, unlike their public counterparts, they do not have available to them either a local tax base or numerous programs of State and Federal assistance.

Matters have been made worse by a Supreme Court that, in the area of private education, is perversely unconcerned about the rights of parents, the preservation of individual liberty, the protection of personal conscience, and the continuance of pluralism in American society. A series of the most shortsighted decisions, each one more contorted than its predecessors, has denied to American parents any hope of securing for their children in private schools their fair share of the tax revenues spent on education.

Religious repression has come full circle. There once was a time, two centuries ago, when dissenters from the established churches of New England were permitted to support their own ministers, but only after they had paid taxes to support the official creed. So too, Americans of today are permitted—through the narrow tolerance of the Court—to preserve their own minority culture and religion through private schools, but only after they have been onerously taxed to support State institutions, which all too often indoctrinate students in the dogmas of a new State creed: secular humanism.

The same situation holds true in higher education. State university systems have grown fantastically during the last decade, while there has been a parallel diminution of private colleges, both those with and those without a religious affiliation.

Indeed, we face in higher education the rapid development of conditions which most fair-minded people would consider intolerable in any other segment of American life: monopoly. The effects of an educational monopoly consisting of State institutions are sure to be the same as the effects of an oil monopoly, a transport monopoly, or a sugar monopoly. By its very nature, monopoly tends to arrogance and abuse. It discourages innovative criticism and becomes complacently contented with itself. It tolerates no diversity.

Mr. President, I believe that American public education needs the stimulus of competition from private schools. I believe all students are benefited by an open market in education. And I believe we have only one effective means appropriate to the Federal Government to preserve parental choice and student rights for pupils whose parents are not rich enough to pay the extra cost of private education or poor enough to qualify for full public assistance.

That is to institute tax deductions for tuition payments to private schools. This uncomplicated and obviously constitutional measure would offset in part the dollars parents spend for private education by allowing them some savings in what they are required to pay to the Public Treasury. More fundamentally, it would reaffirm the Congress' commitment to the most basic liberties Americans have always enjoyed. It is tragic but true that there are those in our country who would deny those liberties, who would strip parents of all control over schooling, and who would use the educational system as an instrument to impose their own values and to substitute a State enforced conformity for the diversity assured through private choice.

We hear much talk in the Congress about the need to protect consumers. And yet, there are no more dissatisfied and frustrated consumers than those who must pay for public education and who find it is often faulty and occasionally shoddy. One thinks of the many parents who unavailingly object to the subject matter, textbooks, and teacher attitudes to which their youngsters are exposed; the inner-city parents whose children daily face crime in the schoolyard and chaos in the classroom; the low-income parents across the country who cannot afford the private tutoring that would allow their gifted children to develop their talents and their handicapped children to make the most of their abilities.

As the cost of public education has soared, its performance has plummeted. The quality of its product seems to be in inverse proportion to its expense. Across the Nation, test scores are falling. If such conditions prevailed in the business community, then the Congress, the press, and the people would together rise in wrath against them. And rightly so.

For wrath, let us substitute remedial action. The bill I today submit for the consideration of the Senate reaffirms the

primacy of the parental role in education. It would grant to a taxpayer tax deductions, each of them up to a maximum of $1,000, for each person whose tuition he or she pays at a private school, whether it be an elementary, secondary, or postsecondary institution. It assures students in this country the right to think freely and to learn in liberty, the right to be different: As Thoreau would have put it, the right to march to a different drummer.

To deny those rights is to blunt the best aspirations of youth and to transgress our own noblest ideals. That is why, Mr. President, it is my hope that the Congress will consider this bill, not only with an eye to its financial urgency, but with an appreciation of our responsibility to transmit unimpaired to a future generation the heritage of liberty we ourselves have received.

I send the bill to the desk and ask that it be appropriately referred. I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2356

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 220 as section 221 and by inserting after section 219 the following new section:

"SEC. 220. TUITION.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction the sum of the amounts paid by the taxpayer during the taxable year to an eligible educational institution for tuition for the attendance of the taxpayer or of another individual or individuals at such institution.

"(b) LIMITATION.—No deduction shall be allowed under subsection (a) for amounts paid during the taxable year for tuition with respect to any individual to the extent that the sum of such amounts exceeds $1,000.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE EDUCATIONAL INSTITUTION.—The term.

"(A) an institution of higher education;

"(B) a vocational school;

"(C) a secondary school; or

"(D) an elementary school.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means the institutions described in sections 1201(a) and 491(b) of the Higher Education Act of 1965 and includes such similar institutions for graduate study as are certified by the Commissioner of Education for purposes of this section to the Secretary or his delegate.

"(3) VOCATIONAL SCHOOL.—The term 'vocational school' means an area vocational education school as defined in section 108(2) of the Vocational Education Act of 1963.

"(d) EXCLUSION.—Subsection (a) shall not apply to any amount paid by the taxpayer during the taxable year which is allowable as a deduction under section 162 (relating to trade or business expenses)."

(b) The table of sections for such part VII is amended by striking out the item relating to section 220 and inserting in lieu thereof the following new items:

"SEC. 220. TUITION.

"SEC. 221. CROSS REFERENCES."

(c) The amendments made by this Act apply to taxable years beginning after December 31, 1975.

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By Mr. STONE (for himself and Mr. CHILES):

S. 2358. A bill to amend title 23 of the United States Code with respect to cost estimates applicable to certain routes transferred within the Interstate Highway System. Referred to the Committee on Public Works.

AMENDMENT TO 103(E)(2) TITLE 23, UNITED STATES CODE

Mr. STONE. Mr. President, today I am introducing legislation, with the cosponsorship of my senior colleague, Senator CHILES, which would give the Secretary of Transportation authority to revise the cost estimates of interstate highway projects transferred under the Howard-Cramer Act of 1968.

The Howard-Cramer Act was enacted to add 200 miles to the Interstate Highway System and to give the Secretary of Transportation the power to make limited modifications and revisions to the Interstate Highway System. Under this act the Secretary, upon the request of a State highway department, could withdraw his approval of any route or any portion of a route that was not essential to the completion of a unified and connected interstate system and reallocate or transfer the mileage and Federal appropriations for these routes to areas which were not previously included in the Interstate Highway System. Unfortunately, this act expressly states that any transfer of interstate mileage could not increase the total cost of the Interstate System.

Therefore, the maximum amount of money allowed to be spent on projects transferred under this act may not reflect increases in current construction costs. For example, in 1969 the State of California transferred 44.9 miles with a construction cost estimate of $50 million to Florida for the construction of the I–75 Tampa Bypass. The current cost for completing this project has risen to approximately $193 million.

Because of the cost passthrough provisions of the Howard-Cramer Act, the State of Florida's eligibility for 90/10 interstate highway funds is based upon the $50 million estimate rather than the current cost of construction. The bill I am introducing today will merely permit the States to revise their cost estimates of projects previously transferred to its interstate system so as to reflect the present costs of construction.

Mr. President, there are presently only three interstate highway projects which are subject to the cost restriction by the Howard-Cramer Act—a section of I–195 in New Jersey, segments of the Century Freeway in Los Angeles and the I–75 Tampa Bypass. The resultant effect of the cost limitations contained in the Howard-Cramer Act has been to functionally postpone the completion of three vital interstate highway projects. The enactment of this very limited amendment will insure that these three projects will be eligible for necessary interstate highway construction funds.

By Mr. BAYH:

S. 2359. A bill to provide for equal treatment for all persons entering into health insurance agreements. Referred to the Committee on the Judiciary.

S. 2360. A bill to amend the Public Health Service Act to provide health care services for pregnant adolescents before and after childbirth. Referred to the Committee on Labor and Public Welfare.

LIFE SUPPORT CENTERS ACT OF 1975

Mr. BAYH. Mr. President, in the 2 years I have spent struggling with the issue of abortion, as chairman of the Constitutional Amendments Subcommittee, I have grappled with a trangle of extraordinarily complex moral, legal, medical, and social questions. I have tried my best to be open, fair and impartial in the hearings process. I have thoroughly explored the implications of all proposed constitutional amendments and carefully scrutinized the notion that such an amendment is the appropriate vehicle for resolving the abortion dilemma. I have spent countless hours probing for a just solution, often in the midst of growing bitterness and polarization on both sides.

Rarely in my 20 years of public life have I encountered an issue with such emotional force or one which raises more difficult questions. In the end, despite my own personal feelings on this subject, I determined—for reasons explained in detail in a separate statement—to oppose amending the Constitution on abortion.

With this painful decision behind me, I rise this afternoon to address a different, though intimately related and equally important, concern which has been largely ignored in the heated controversy over abortion. That concern is over the regrettable failure to address ourselves to the unmet needs of the hundreds of thousands of women who must deal with an unintended pregnancy, often in the least promising of circumstances. These needs exist, and will continue to exist, regardless of how the legal status of abortion is resolved. Meeting those needs is perhaps the most important and positive step we can take to bind up our wounds and make free choice a reality for all pregnant women who might contemplate an abortion.

The fact is, Mr. President, despite the current availability of legal and relatively inexpensive and safe abortions, there are still countless pregnant women who reject abortion as an answer to their problems and choose to bring their pregnancies to a natural termination.

Survey evidence suggests that the young, in particular, are disturbed about turning to abortion as a solution to a problem pregnancy. A recent national survey reveals that while a majority of the Nation's teenagers support a woman's right to an abortion in cases of danger to the woman's health, rape, or possible deformity, a majority do not believe that being young and unmarried is sufficient reason for having an abortion.

These findings, Mr. President, are striking testimony to the strong reservations thousands of our young people feel about abortion. Their import is height-

ened and made yet more poignant by the experiences of volunteers and health professionals working with teenage problem pregnancies. Conversations with those who work directly with young prospective mothers make clear the severe conflicts and problems faced by pregnant teenagers and yet the clear desire of most to bear and to raise their children.

As a society dedicated to freedom of conscience and individual choice for all of our citizens, regardless of their class, race, age, marital status, or place of residence, we owe these young people a real alternative to abortion—one which will allow every prospective mother to follow freely the dictates of her own conscience.

Thus far we have failed our young people miserably. Continued neglect will make our failures even more apparent and costly. Consider these statistics:

This year 1 out of 10 girls 17 or under, or 220,000 adolescents, will give birth.

It is expected that 1 out of every 7 girls between the ages of 12 and 17 will give birth to a child next year. In some States, the proportion will be closer to 1 out of every 5 girls.

Approximately 40 percent of these girls will give birth out-of-wedlock, and this percentage, which has increased dramatically over the last decade, is expected to rise still further in the next decade.

Of the 60 percent of teenage mothers who currently marry by the time they give birth, two out of three will be divorced within 5 years.

Of the approximately 85 percent of teenage mothers who currently choose to keep their child at birth, large numbers will relinquish their children for foster or institutional care during the preschool years, often after the children have suffered irreversible emotional, and sometimes physical, harm.

Because the number of teenagers is increasing both numerically and in proportion to the total population, and because changing social mores are resulting in growing numbers of sexually active adolescents and out of wedlock births, specialists are predicting an epidemic of teenage pregnancies and single parent households in the near future. Most alarming of all is the increase in pregnancies in the under 15 age group. This group is the only one in the childbearing years which is actually showing an increase in its rate of pregnancy as well as in absolute number of pregnancies.

These teenage mothers, still children themselves, are more and more likely to be the mothers of our future citizens. They, their offspring, and our entire society will suffer if we continue to ignore their needs. Despite the best efforts of committed volunteers, private foundations, and health professionals, the costs associated with teenage childbearing are as unacceptable as they are unnecessary.

HEALTH RISKS

Complications associated with teenage pregnancy are far more frequent than those associated with pregnancy of mothers over 20. Medical evidence indicates that the younger the adolescent mother, the greater the danger. The teenage mother has a higher probability of health problems during pregnancy and delivery than any other age group except for women 40 and over.

The primary source of difficulty for the teenage mother is poor nutrition, something that is actually a widespread problem among all teenagers. This results not only from the tendency of teenagers to overindulge in "junk foods," but also stems from increased nutritional needs associated with normal teenage growth patterns. When the extra demands of a fetus are added to the already increased demands of a rapidly growing teenage mother's body, the problems of poor nutrition are compounded. As a result, one finds an increased incidence of toxemia, prolonged labor, and iron deficiency anemia—all related to poor nutritional status—among teenage mothers.

Along with the difficulties of the teenage mother, early childbearing threatens the life and well-being of the child. A child born to a teenage mother is much more likely to die in the first year of its life than a child born to an older woman. Children born to mothers under 15 have mortality rates twice that of children born to mothers in their early 20's. Infants born to women aged 15 to 19 have mortality rates 52 percent higher than those of children born to mothers in the 20 to 24 age group. Similar relationships obtain between the age of the mother and the infant's birth weight. Babies of low birth weight have poorer life chances due to stunted physical, emotional, and intellectual development.

In addition to facing higher health risks during pregnancy, due to nutritional factors, teenagers often exacerbate their medical problems by keeping their pregnancy a secret several months, thus delaying early medical treatment. This delay in medical attention, as well as a tendency to avoid or to limit needed medical services and treatment because of expense, frequently leads to serious medical problems for our teenage mothers and their children.

EDUCATIONAL RISKS

Expulsion due to pregnancy is the most important known cause of teenage girls leaving school. Because incomplete education is associated with unemployment and increased welfare dependency, the failure of school systems to come to terms with the educational needs of teenage mothers is a serious problem not only for the individuals involved, but for the whole society.

Most pregnant girls are physically able to remain in their regular classes during their pregnancy. Despite this, less than one-third of the 17,000 school districts in the United States make any provision for the education of pregnant girls. In the others, teenage parents are often prohibited from continuing their education or are removed from regular student rolls and placed on rolls of "special students." This reclassification limits the range of educational courses and services available to them.

Demonstration programs have shown that when opportunities to continue education are available on a classroom basis, prospective parents study harder, improve their grades and return to school after giving birth in surprisingly high numbers—85 to 95 percent. The punitive response of all too many of our schools has not been successful in preventing teenage pregnancies, if that is the goal. Rather, refusal to educate teenage mothers has only succeeded in compounding problems these youngsters are already experiencing.

EMPLOYMENT RISK AND WELFARE DEPENDENCY

With an incomplete education and lack of skills or experience, the teenage mother is a high-risk candidate for unemployment. Almost 40 percent of mothers on welfare in New York City were pregnant with their first child at age 17 or under. In New Haven, Conn., 6 of every 10 pregnant women aged 17 or below are expected to join the welfare rolls within 5 years. With an incomplete education and no job skills or training, the teenage mother is not equipped to support herself or her child. Thus it is not surprising that she typically ends up relying on public support.

We already know that the young are more severely handicapped by economic recession than are other age groups. They frequently are the last hired, first fired and last rehired. The employment handicap for a pregnant teenager, who has not completed her education and who has the extra responsibility for caring for a child, is even more pronounced.

SOCIAL RISKS

Although the social stigma of unwed motherhood has somewhat diminished, it remains a very real factor in the life of the pregnant teenager. Frequently the unwed teenage mother is forced out of her normal school environment. Her social life is restricted, not only by removal from school, but also by the new responsibilities in her life. Often there is peer rejection at a time in life when the need for support from one's peers is at its most critical stage.

If a pregnant teenager marries the father of her child the marriage is likely to end in divorce. Nearly half of all teenage marriages break up within 5 years, and the rates are even higher for young people who marry primarily in response to a pregnancy. So even though there may be pressure for marriage, such marriages have a poor track record for providing a stable family structure for a child.

Although 85 percent of teenage mothers choose to keep their baby and undertake child rearing, a high proportion of these infants eventually end up in foster care, often as abused or neglected children. Delayed relinquishment of these children, or their abuse, are signs of the enormous strains faced by teenage mothers. The high rates of attempted suicide among young mothers are an even more chilling reminder of the gravity of their situation.

Mr. President, it is imperative that we respond to these realities in an effective and timely manner. The growing phenomenon of out-of-wedlock, teenage pregnancy is a disturbing one. The costs are great for mother and child and, ultimately, for all of us. The underlying causes of recent, dramatic increases in such pregnancies are not yet fully understood. It is clear that as a society we must come to grips with this situation. Yet, at the same time we cannot

sidestep our responsibility to deal fairly with those faced by this dilemma. Without support, the burdens carried by these young mothers are unbearable.

To date this society, the richest and most medically advanced in the world, has committed only an infiritesimal fraction of its resources to providing satisfactory alternatives to abortion for our young people. We must make it a matter of national policy that every prospective mother, no matter what her life situation, has a truly free choice about her future. We must spare her and her child from the misfortunes now likely to plague them.

It is fashionable in some circles today to argue that we must cut back on past commitments the Federal Government has made to improve the health and well-being of our citizens. This is a short-sighted and narrow approach. I not only take issue with the notion of cutting back; I say we must do better.

Despite the chilling futures awaiting our young mothers and their children, a survey of Federal policies bearing on the problem of teenage mothers shows them to be unfocused and ill-suited to meet the problems we face.

Our major Federal medical assistance program has eligibility requirements that force many to abandon attempts at self-sufficiency and assume welfare status to obtain medical benefits;

Private health insurers routinely refuse to adequately reimburse policyholders for maternity related expenses and almost never offer maternity coverage to single women or dependent children. Decades ago, the Congress delegated its authority to regulate the insurance industry to the States. Today, the industry has grown into a $91 billion a year business, vital to the health and welfare of our citizens but responsible to no one. We must reassert our responsibility in this area and assure that private health insurance practices do not build in economic incentives for termination to a pregnancy.

Until recently we have had no national policy addressing the educational needs of pregnant teenagers. Title IX of the Educational Amendments of 1972, which I authored, now prohibits school ssytems from receiving Federal assistance if they force pregnant students to leave school. The legislation has yet had no impact because HEW waited 3 long years to issue regulations to implement the legislation;

The Federal Government has not assumed any responsibility for helping to find homes for the thousands of American children in need of them. In the last few years many States have established programs to facilitate the adoption process. The demonstrated savings in both human suffering and dollars have been enormous. A Federal commitment in this area could help tremendously;

Despite congressional approval of comprehensive legislation for quality day care services, we still have no meaningful Federal assistance for child care in this country. Refusing this responsibility due to fiscal consideration will only result in spending far greater amounts feeding the results of our neglect—crime and welfare—after the possibility for constructive action has passed;

Existing Federal programs which have the potential for serving pregnant teenagers, or teenagers at risk of pregnancy, such as title IVB, child welfare services; title V, maternal and child health services; and title XX, social services of the Social Security Act, the WIC supplemental feeding program, and title X, family planning, of the Public Health Service Act have been funded at ridiculously low levels. Fiscal 1976 administration budget requests have brought many programs to a virtual standstill and prevented anticipated startups of new projects all across the Nation;

Rarely do programs offering assistance to troubled teenagers coordinate available services or provide the opportunity for young people to work continuously with one counselor who can build trust and understanding over time. Confused and often distraught teenagers cannot be expected to benefit as much as they might from such fragmented programs.

Mr. President, the time for a focused program of action is now. The necessary components of such a program are clear. By acting now we cannot only provide true freedom of choice to those faced with unintended pregnancies and give a new lease on life to them and their children. But, by helping them, we may also be able to bring under control a disturbing but growing phenomenon in our society—the phenomenon of continuous generations of single parent families, dependent on the state for their livelihood.

ALTERNATIVES TO ABORTION

Mr. President, the "Alternatives to Abortion" package I am proposing today consists of new legislative initiatives, the setting of funding priorities, and legislation which I support that has already passed the Senate but is not yet public law. It consists of:

First. A national network of life support centers for young parents, providing a coordinated array of medical, social, and counseling services, including nutrition and adoption counseling, designed to meet the needs of school age parents;

Second. Legislation prohibiting sex or marital status discrimination by health insurers, thus mandating access to maternity coverage for single women and establishing more equitable reimbursement policies for maternity expenses, and requiring that insurers offer options providing health insurance to part-time workers and maternity coverage for dependent children;

Third. Support for an expended Federal role in child care;

Fourth. Support for flexible working hours; and

Fifth. Support and adequate funding for existing Federal programs that impact on the needs of teenage mothers such as titles IV, V, and XX of the Social Security Act, title X of the Public Health Service Act, and the WIC food program.

I urge my colleagues, both in this Chamber and the other body, to join with me in this attempt to fashion a meaningful and effective program for our Nation's young mothers and their infants.

As all of us with children know, bearing and raising a child is a challenge even for mature adults with considerable resources. It can turn into a nightmare for teenagers. By extending our support to the Nation's young mothers and their offspring, we can truly provide them with a real alternative to abortion and give them the opportunity most of us have been fortunate enough to experience—the chance to bear and raise our children as strong, healthy, and independent individuals.

I. MULTISERVICE PROJECTS FOR PREGNANT WOMEN

Mr. President, the most vital needs of a woman facing an unintended pregnancy are adequate medical care and social services geared toward helping her and her family establish a self-sufficient and harmonious household.

Thus far we have established only one federally assisted program which provides the coordinated array of services needed to get a young family off to a good start. I am referring here to the maternal and child health service program which administers maternal and infant care projects funded by title V of the Social Security Act. I am intimately familiar with this program because of my service on the HEW Appropriations Subcommittee which oversees the program and sets its funding levels.

As the top priority item in my alternatives to abortion package, I recommend a new federally assisted grant program for life support centers for pregnant adolescents, and increased funding and administrative improvements in the current maternal and child health service program.

LIFE SUPPORT CENTERS FOR TEENAGERS

Mr. President, projects supported under the maternal and child health service program have provided us with a model of what well-conceived, adequately funded and properly administered programs can do for teenagers in trouble. Of particular interest to me have been the maternal and infant care projects administered by MCH and partially assisted by Federal matching funds.

I would like to take this opportunity to describe these projects and their impact, Mr. President, because the life support centers I am proposing here have, to some extent, been modeled after them.

The maternity and infant care program began in 1964 and now helps to support 56 projects. For the most part, projects have been set up in areas with inadequate health services to provide medical care to low income mothers and their children. They have created new resources and changed existing methods of delivering health services in response to the needs of their clients. In addition to medical services, projects provide social services appropriate to the local population.

Many projects have included services for schoolgirls, and some emphasize them. In fiscal year 1973, the projects absorbed 133,200 new maternity admissions. Of these, 47.8 percent were single pregnant women, mostly teenagers. In the Indianapolis project in my own home State, 151 of the 173 new maternity admissions in 1973 were unwed mothers.

Maternity and infant care projects

have been gratifyingly successful. Around the country projects have contributed to reductions in maternal and infant mortality rates, prematurity, and complications leading to mental retardation or other handicapping conditions by providing quality care to disadvantaged groups.

These projects provide us with a model of what a good program can do. Therefore, I am introducing new legislation today, The Life Support Centers Act of 1975, to fund similar programs specifically for teenage mothers. These prospective mothers experience the greatest conflicts, face the highest risks and have the fewest resources. Their numbers are growing. They deserve our attention.

The Life Support Centers Act is meant to provide a viable alternative to abortion for pregnant adolescents. It will establish a grant program providing matching funds for both pre- and postnatal health care and social services for pregnant teenagers.

The legislation authorizes $30 million a year for 3 years for the purpose of establishing or extending and improving medical and social services for adolescents who prefer not to undergo an abortion. The funds appropriated under the bill will be available for grants to State or local health agencies or other appropriate nonprofit organizations. The authorization should be sufficient to support about 60 to 65 centers. Federal funding can support up to 75 percent of the cost of any life support center.

In order to qualify for Federal funds, centers will have to provide a variety of services designed for pregnant adolescents. Among these services are health care for mothers and children, family planning services, and a coordinated program of social services, such as educational, vocational, legal, counseling and referral services, including nutrition and adoption counseling. Finally, moneys made available through this program can be used to help finance adoption services in cases where a mother is considering or has decided to relinquish her child for adoption.

In addition to these traditional kinds of services, grantees will be encouraged to develop innovative programs and outreach methods specifically designed for pregnant teenagers. For example, project money could be used for:

Day care services such as centers for children of adolescent mothers, health services for day care centers, day care programs for children with special problems, and training of day care center personnel;

Outreach programs such as seminars for teenagers on sex education and family planning, anonymous hotline services for teenagers, and work with schools and other community groups in touch with teenagers;

Educational programs such as work with boards of education to provide alternative education for pregnant girls, including schools for pregnant girls, and instructional programs on parenting.

An important emphasis in the legislation is the need to better coordinate services under one roof and provide clients with a continuous counselor who can work with them for the duration of their pregnancy and for as long after childbirth as the counselor deems necessary. The legislation provides for cooperation between project grantees and the State agency administering the State medicaid program as well as coordination and utilization, to the extent feasible, of other Federal, State, or local health, welfare, or education program. These provisions are means to establish centers that will function as umbrella organizations, to coordinate already existing services with those unique to the center and to centralize them in one physical location easily accessible and familiar to the adolescent participant.

Mr. President, this legislation, in my opinion, incorporates the most promising approaches yet developed to deal with the dilemmas faced by an increasing number of our adolescents. It is an approach that has worked, when properly funded and administered, and merits expansion to reach out to the thousands of teenagers struggling with pregnancies each year in this country.

I am hopeful that we can move ahead on this legislation without delay. I understand that the bill will be referred to Senator KENNEDY's Subcommittee on Health.

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

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

S. 2360

*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 "Life Support Centers Act of 1975".

SEC. 2. Title III of the Public Health Service Act (42 U.S.C. 201) is amended by adding after section 319 the following new section:

"SPECIAL SERVICES FOR ADOLESCENTS

"SEC. 320. (a) The Secretary is authorized and directed to make grants to health agencies of any State (or political subdivision thereof) or any other qualified non-profit agency, institution, or organization (with the approval of the State agency) for originating, continuing, extending or improving programs involved in the provision of—

"(1) necessary health care to prospective adolescent mothers, including but not limited to—

"(A) tests for pregnancy,

"(B) screening, diagnosis, and treatment of all prenatal and postnatal conditions, including nutritional deficiencies for a period of one year after birth; and

"(C) referrals when appropriate to other agencies for treatments not covered under this section;

"(2) necessary health care to infants of adolescent mothers during their pre-school years, including but not limited to—

"(A) medical examinations,

"(B) diagnosis and screening of—

"(i) nutritional deficiencies,

"(ii) visual and hearing defects,

"(iii) genetic birth disorders,

"(iv) mental retardation and learning disorders,

"(v) crippling and handicapping conditions, and

"(vi) catastrophic illness,

"(C) referrals when appropriate to other agencies for services not covered under this section;

"(3) family planning services;

"(4) a coordinated program of social services including educational, vocational, legal, social, counseling, and referral services (including adoption counseling) designed for adolescent mothers for the period extending to the point in time that the agency finds that parent and child are capable of caring for themselves; and

"(5) funds to purchase adoption services (approved by the Secretary) for adolescent mothers participating in a program established under this section who are considering the placement of their children in adoptive homes.

"(b) The Federal share of assistance to programs under this section shall not exceed 75 percent of the cost of such program.

"(c) (1) Applications for grants under this section shall be made in such form and contain such information as may be required by the Secretary.

"(2) The Secretary shall approve only those applications which—

"(A) provide that the project for which assistance is sought will be administered by or under the supervision of the applicant,

"(B) set forth such fiscal controls and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of Federal funds,

"(C) provide assurances that it will employ professionals skilled in maternal and child health, public health services, nutrition and social services,

"(D) provide for cooperation with the State plan approved under title XIX of the Social Security Act in the provision of care and services, available under a project, for recipients eligible for such a plan approved under such title XIX and

"(E) provide for the coordination of health and social services provided by the project with, and utilization (to the extent feasible) of, Federal, State, or local health, welfare and education programs.

"(d) Payments under this section may be made in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

"(e) Nothing in this section shall be construed to require any project receiving financial support to compel any person to undergo any medical screening, examination, diagnosis, or treatment or to accept any other health care or services provided under this section for any purpose, if such person or his guardian objects.

"(f) No individual shall be required as a condition precedent for the receipt of assistance under this Act or any other law to participate in programs established or assisted by Federal funds unless such individual has given their informed consent to such participation.

"(g) There are authorized to be appropriated to carry out the purposes of this section $30,000,000 for the fiscal year ending June 30, 1976, and for each of the next two succeeding fiscal years."

MATERNAL AND CHILD HEALTH SERVICES

Mr. BAYH. Mr. President, as I have indicated above, the maternal and child health services program has been highly successful in the areas in which it has operated. However, it has weathered a number of difficulties in recent years.

Funding. Maternal and child health is a low priority for the present administration, as it was for the one that preceded it.

The authorized appropriations ceiling for the program is $350 million. For fiscal year 1975 the administration requested only $266 million for MCH, one of the most efficient of Federal health programs. The Senate Appropriations Committee, as a result of an amendment I sponsored last year, rec-

ommended $310 million. The amount finally appropriated was $294 million. However, as a result of a bungled administration attempt to impound these increased funds, the money became fully available to the projects only very late in fiscal 1975.

For fiscal year 1976 the administration recommended an appropriation of $210 million, a cut of almost 30 percent.

These recommended budget cuts are as heartless as they are ill-advised. Despite advances made as a result of MCH work, infant mortality rates in the United States are still among the highest of the industrialized nations. In addition, gross inequities in access to medical care continue to exist between different classes, races, and States.

Funding problems are beginning to reduce project effectiveness. Uncertainties about future resources have seriously hampered States' attempts to start new projects and to provide the comprehensive services envisaged by the legislatiton. In the face of these findings, it is appalling that the administration would recommend reducing funds for the program by nearly 30 percent. I must agree with my colleague from Maryland, Senator MATHIAS, who feels that "this drastic reduction would have a devastating effect" on the project grant programs.

I am pleased that the House has voted to appropriate nearly $320 for MCH in fiscal 1976. I, along with my colleagues on the subcommittee and our distinguished chairman, Mr. MAGNUSON, have supported adequate funding for the program in the Senate HEW Appropriations Subcommittee and predict we will prevail on the Senate floor, regardless of Presidential veto threats.

Administrative problems. An additional difficulty besetting the MCH program involves the recent reorganization of HEW along functional lines.

Through 1974 MCH health staff were a "professional cadre" composed of highly skilled health specialists. When the department recently reorganized along functional lines, categorical program personnel were assigned new functional responsibilities across program areas.

The impact on MCH core personnel has been devastating. Health personnel have been diverted to other programs and required to work outside of their specialties. Many have left their jobs in disgust. On its own initiative, HEW cut back on MCH physicians.

The 1975 Senate Appropriations Committee report addressed itself to these problems. The committee put the Congress on record with the department that there should be no position reduction in the MCH program. In addition, the committee directed that all formal personnel slots for the MCH program be used exclusively for MCH activities, earmarked money for the physicians that had been fired and insisted that the department maintain a "cadre" MCH staff.

There are still serious questions in my own mind whether the department is following these directives. Those of us who are convinced of the importance of the MCH program are maintaining a close watch on the department. At my suggestion, strong language has been included in the fiscal 1976 committee report putting the Congress on record against the continued and willful refusal of HEW to heed our recommendations. The MCH program is too successful and the need for it too great to let it be sabotaged by budgetary reductions and poor administration.

II. THE EQUITY IN HEALTH INSURANCE ACT

Mr. President, inadequate reimbursement by private health insurers for maternity-related expenses and limited access to coverage for many females of childbearing age constitute important pressures in favor of abortion for those faced by unplanned pregnancies. Despite the past reluctance of Congress to involve itself in the affairs of the insurance industry, I think an examination of prevailing practices among health insurers suggests that we must address ourselves to this problem. The pervasiveness of these discriminatory practices has been highlighted by thorough studies recently undertaken in New York and Pennsylvania. The studies establish the following:

First. Maternity coverage is generally unavailable to single women;

Second. Reimbursements for maternity-related expenses are hopelessly inadequate, while abortion-related expenses are often covered completely;

Third. Insurance companies routinely omit maternity coverage for dependent children in family plans;

Fourth. Female employees are often discriminated against in the health benefits offered by their employers despite Federal statutes prohibiting this; and

Fifth. Insurance companies rarely offer group health plans for part-time workers.

Currently, Mr. President, the only protection afforded women against discriminatory practices in the health insurance industry stem from protections included in nondiscriminatory employment legislation. Even here, extensive litigation, conflicting decisions by Federal agencies, and inadequate enforcement powers have yet to provide full equality of fringe benefits to the Nation's working women.

Even if these statutes were enforced, they do not go far enough. First, they are aimed at employers, not insurers. Thus, unemployed women are not protected by them. Further, employed women have been told by their employers, in response to complaints, that they can only provide benefits offered by insurance companies. This loophole provides employers with an easy way out of complying with the intent of Federal legislation.

Second, existing legislation ignores discrimination based on marital status.

Third, existing legislation often precludes coverage for part-time workers and completely ignores dependent children.

In light of these deficiencies, and their intimate relationship to the question of decisions about abortion, I am today introducing legislation to address these concerns. The legislation contains the following provisions:

First. A flat prohibition on sex and marital status discrimination by private health insurers.

This provision should have two immediate results. First, it will extend access to maternity coverage to single women, now frequently unable to purchase this protection. Second, given the current state of litigation, it will assure more reasonable reimbursement of maternity-related expenses than has been true in the past, because it will make these expenses equivalent to expenses incurred by other medical conditions.

Maternity coverage has been typically unavailable to single women because insurers offer maternity options as part of family policies. Thus, even in the rare cases when such plans are made available to single women, they must pay family plan rates to avail themselves of maternity coverage. This legislation would prohibit such practices.

Maternity expenses have not been adequately reimbursed in the past because insurers have treated them apart from other, and even related, expenses—such as abortion and sterilization. When coverage is avaliable, the insured receives only an arbitrarily fixed lump payment totally unrelated to the expenses of childbirth. Often those insured under direct pay policies cannot even buy this minimal protection. This reimbursement policy represents an economic sanction against the woman who chooses not to abort her pregnancy, but instead to give birth to her child.

A prohibition on sex discrimination by insurers will make impossible the continuation of this practice. Insurers have traditionally argued that pregnancy is not a sickness, but is a voluntary act. This line of argument was recently rejected by the U.S. Court of Appeals for the Fourth Circuit in June 1975, when it held that the refusal to treat pregnancy as an ordinary illness for insurance purposes constituted sex discrimination under title VII of the Civil Rights Act of 1964—Gilbert against General Electric. A 1975 third circuit case, Wetzel against Liberty Mutual Insurance Co., likewise held that pregnancy must be equated with other ordinary disabilities for insurance purposes.

Thus, Mr. President, so far as the courts have held that a flat legislative flat against sex discrimination requires that pregnancy must be considered an ordinary illness for insurance purposes. As a result of these decisions, this legislation, if passed, will mean that maternity-related expenses must be reimbursed in the same way as any ordinary illness. This change in reimbursement policy is perhaps the most important and radical legislative proposal yet developed to protect women, both married and single, against discriminatory practices in health insurance that bear on decisions about whether or not to go ahead with a pregnancy.

Second. A requirement that insurance companies offer optional coverage for maternity expenses incurred by dependent children.

Parents now confronted with a pregnant teenager often have tremendous difficulty accepting and coping with the situation. The additional discovery that their insurance policies do not cover related expenses is often enough to push

them in the direction of discouraging the birth of a child and pressuring their daughter to get an abortion. Access to coverage for dependent children should take away one incentive families now have to rush their child to the abortionist. Reduction of such pressures is especially important for teenagers who tend to hide their pregnancies well past the first trimester of pregnancy. In these cases, abortions are especially dangerous.

Third. A requirement that health insurers offer group coverage for part-time workers.

Health insurance for part-time workers is rarely offered by private insurers. Part-time employment may represent the only means by which an adolescent mother can finish her schooling or contribute to the support of her family. Even a minor medical expense could easily deplete the resources of such a family and plunge it into debt. Part-time workers should be able to purchase health insurance through group plans offered by employers in a manner similar to full-time workers.

Fourth. A requirement that dependents must be notified if they are being dropped from health insurance coverage provided through their spouse.

As we all know, the divorce rate in this country is spiraling. Teenage marriages are the most likely to end in divorce. Young mothers and their children caught in the midst of such a situation should at least have ample warning that their health benefits are being terminated, an action often taken by spouses soon after separation.

Mr. President, the problems stemming from the discriminatory practices of private insurers with respect to maternity coverage in health policies can no longer be ignored. The ideal solution to the deficiencies highlighted here would be passage of a comprehensive national health insurance bill. In the absence of such a program, it is clear that we must provide protection for single women, divorced women, separated women, and the pregnant adolescent. All women must have access to fair and adequate medical insurance. Policies must provide realistic benefits for all of women's health expenses, including hospital and medical expenses related to pregnancy and childbirth. Serious inequities have arisen from the insurance industry's practice of treating maternity-related coverage separately for the purposes of underwriting. Legislation such as I have proposed here is needed to abolish this distinction.

Mr. President, in order that the provisions of my bill will be fully understood, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2359

*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 "Equity in Health Insurance Act."

SEC. 2. (a) Notwithstanding any other provision of law, no person who directly or indirectly makes use of any means or instruments of transportation or communication in interstate commerce or of the mails for the purpose of contracting to insure another against any loss shall deny to the insured, or otherwise limit, the insurance normally written with respect to the risk of loss due to ill health solely because of the insured's sex or marital status, nor shall any person who directly or indirectly makes use of any means or instruments of transportation or communication in interstate commerce or of the mails for the purpose of holding himself out to the public as offering to contract to insure others refuse to contract to insure any person with respect to the loss due to ill health solely on the grounds of that person's sex or marital status. Nothing in this section shall prevent any person who contracts to insure another from setting rates for such insurance in accordance with relevant actuarial data, even if such rates differ with respect to the sex or marital status of the insured. The courts of the United States shall have jurisdiction to give appropriate civil relief, including damages (including reasonable attorney's fees, if considered appropriate by the court) and declaratory and equitable relief, to any person aggrieved by a violation of this section.

(b) Notwithstanding any provision of law, no person who directly or indirectly makes use of any means or instruments of transportation or communication in interstate commerce or of the mails for the purpose of contracting to insure another against any loss due to ill health shall offer such insurance unless—

(1) such insurance provides as an optional benefit, maternity benefits for dependents of the insured,

(2) such insurance policy provides for notice to dependents when they are no longer covered by such policy, such notice to be given not less than 120 days prior to such cessation of coverage, and

(3) such insurance when made available on a group basis through employers is made available to part-time employees.

FAMILY PLANNING SERVICES, RESEARCH AND EVALUATION

Mr. BAYH. Mr. President, among those alternatives to abortion whose importance is too often neglected or discounted are family planning services and birth control research. Experts working in the field of family planning have endeavored to develop an array of contraceptive methods which are effective, safe, inexpensive, and acceptable to various population groups. In addition, they have stressed the need to evaluate the medical effects of contraceptive methods in use to assure safety and efficiency over short as well as long periods of time.

The importance of assisting these efforts has been emphasized time and again during the many days of hearings I have chaired on the pending constitutional amendments on abortion. Witnesses on both sides of the abortion issue have testified that one of the most effective ways to prevention abortion is through safe and dependable contraceptive methods.

Testimony before the subcommittee has made me aware that we are lagging far behind in both developing new forms of contraception, and in evaluating the safety of methods currently in use. As a result of these hearings I have, as a member of the HEW Appropriations Subcommittee, urged increased appropriations for the National Institute of Child Health and Development, whose Center for Population Research bears the main responsibility for research and evaluation efforts in the field of family planning.

Federal moneys spent for contraceptive development and evaluation can in no way be classified as inflationary or fiscally irresponsible. To the contrary, increased access to safer, more reliable methods of family planning reduces the number of unwanted or ill-timed pregnancies, limits the demand for abortion, and frees many women to participate more fully in the work force.

Despite recent efforts to expand Federal assistance to family planning programs, estimates of unserved populations are still large, especially among lower income and teenage population groups. The most recent major congressional initiative in the field of family planning services and population research was launched in 1970 when Congress amended the Public Health Service Act by adding to it a new title, title X.

Title X provides authority to the Secretary of HEW to award project grants and contracts for the establishment and operation of voluntary planning projects. Further, funds are provided for training of personnel, research in family planning and the development and distribution of informational and educational materials pertaining to family planning and population growth. Specific provisions are also included to insure that participation in family planning activities is completely voluntary and that none of the funds appropriated under this title support programs using abortion as a method of family planning.

By the end of fiscal year 1975, 300 project grants supporting over 3,600 clinics were providing services to more than 2 million women. Programs offer both social and medical services. In addition to being of specific utility in dealing with the medical aspects of family planning, the medical services provided are of major value as a source of preventive health care for women of childbearing age.

Despite very real and substantial progress to expand family planning services throughout the Nation, additional support is required if those who need family planning services and are currently denied them are to be assured access. A recent survey by Planned Parenthood of lower and marginal income women indicates that many of these women have not yet been reached. Of special interest here is a recent study by Zero Population Growth on the contraceptive habits of the Nation's teenagers.

In a recent publication, ZPG indicates that, while nearly 3 in 10 teenage women are sexually experienced, only 1 in 5 of experienced adolescents consistently uses contraception. Moreover, only one-fifth to one-third of the teenagers in need of family planning are being served in organized programs. These studies also show that most teenagers seek contraceptive services after they have become sexually active. Many of them come to family planning clinics for the first time for pregnancy tests. Clearly we are reaching these teenagers too late.

Mr. President, if a child is not wanted, effective family planning procedures are the most logical alternative to abortion.

Development of safe and effective contraceptives, which are widely distributed to those desiring them, is central to the dilemma we are addressing here. I hope my colleagues will join me in seeking increased appropriations for family planning services, research, and evaluation so that we can make available, to those desiring them, the safest and most effective birth control methods our scientists can develop.

CHILD CARE

Mr. President, the need for a federally assisted, family-oriented, comprehensive, quality child care program in this country has been apparent to this Chamber for some time now. In 1971 and 1972 the Senate faced up to its responsibilities to the working women of this country by passing precedent setting Federal legislation to provide quality child care. That commitment was negated first by a Presidential veto in 1971 and failure of the House to act in 1972. The President's veto was justified on the grounds that Federal support for child care represented an assault on the family and put the authority of the Government behind "communal" approaches to childbearing.

As the author of the Universal Child Care and Child Development Act of 1971, the main provisions of which were incorporated into the vetoed legislation, I was most disappointed by the President's veto. In one stroke, it put an end to months of work and dashed the hopes of millions that at least this problem would be dealt with positively.

But more upsetting to me than this temporary setback, Mr. President, was the rationale the President used to justify his actions. By dragging in the red herring of "communal childrearing," President Nixon struck a desperate blow at legislation designed to achieve the exact opposite; legislation designed to keep the family intact.

Over the years many distinguished witnesses have testified the need for Federal assistance for quality child care. Clergymen of all faiths, as well as educators, parents, child care specialists and health professionals have agreed that probably the most important step the Government could take to support the American family would be to make sure that the Nation's young are properly cared for while their parents or parent works.

Mr. President, it is sheer folly to suggest that support for child care and development programs will break up the family. In 1971 when I introduced my initial legislation for federally assisted child care, more than half the mothers of children aged 6 to 17 were in the labor force and almost 30 percent of women with children under 6 worked. Thirteen percent of America's children were being raised in one-parent families, predominantly headed by women. At the same time, there were only 25,000 licensed or approved day care centers and family day care homes with space for about 675,000 children.

The scarcity of quality day care and high costs associated with purchasing satisfactory services today results in far too many children being cared for in makeshift or unsatisfactory settings, or in being left entirely on their own. This is especially true for single parent families, where one parent must assume all household responsibilities and expenses as well as meeting the demands of a full-time job. The strains generated by such situations can easily lead to frustrations, anger, and despair. If severe, they can result in child neglect and even abuse.

When faced with these realities, Mr. President, it is foolhardy to characterize quality day care services as destructive of the family. In fact, there is no one other service the Government could assist which would do more to support and cement family relationships than reliable, comprehensive, and reasonably priced child care arrangements for those in need of them.

The absence of such services must be a significant factor in the final decisions made by pregnant women as to whether or not they should seek an abortion. Quality day care is hard to locate even for a family with considerable resources. It is virtually impossible to find for a family with a moderate or meager income. Faced with the burden of having to make arrangements for the care of a child while in school or at work when so few options are available, many women may go against their deepest instincts and abort their pregnancies rather than cope with the uncertainties and anxieties engendered by unreliable or unsatisfactory child care. The provision of quality child care services must be an integral part of any legislative program seriously aimed at providing alternatives to abortion.

Mr. President, the Children and Youth Subcommittee, chaired by my distinguished colleague from Minnesota (Mr. MONDALE), has been looking into this matter for 5 years. The Senate has approved legislation growing out of these and other investigations several times. This year, another set of hearings has been held on comprehensive child care legislation. I am hopeful a bill will be reported to the floor for debate and refinement without extensive delay. I can think of no more constructive step we can take in behalf of the working women of this country and their families than to once more register our support for such a program.

FLEXIBLE WORKING HOURS

Mr. President, one of the most pressing problems facing a young, single pregnant woman who chooses to have her baby rather than an abortion, is that of providing for herself and her child. It is extremely difficult for a young person in this situation to find employment and adequate child care. One way to assist these single parents is to encourage more part time and flexible work opportunities.

Unfortunately, old traditions die hard. Our 40-hour workweek is tailored to the lifestyle of a nuclear family, in which the father is the worker-breadwinner, and the mother stays at home, caring for house and children. There is little room in the 40-hour, 5-day work schedule for the adjustments necessary for parents with dual roles of work and home. And yet, as we know, more and more Americans—usually women—play both roles, because they are single heads of families.

According to the March 1972, statistics published by the Women's Bureau of the U.S. Department of Labor, 12 percent of American families were headed by women. Women were heads of 6,191,000 families—an increase of 33 percent in a decade, compared with an increase during the same period of 13 percent in the number of families headed by men. In 1972, more than 9 million children under age 18 were members of families headed by women. Mr. President, the burdens of a family provider are great in this time of national economic uncertainty: the problems of single parents are even more dramatic, the burdens increased.

There is legislation pending in committee in the House of Representatives which would do much to encourage some rethinking about work schedules in the Government, and, hopefully, in the private sector as well. This kind of rethinking is necessary in order to deal with a modern-day situation in which not all workers are male heads of families, supported at home by housewives. I am a cosponsor of S. 792, to encourage part-time career opportunities in the Federal Government. The Senate, of course, passed this bill on June 23, 1975. I hope that our colleagues on the other side will do the same.

At hearings before the Senate Post Office and Civil Service Committee, held last fall on a similar bill, we learned that part-time programs which have been tried out in the Government have been successful—both for employees and for the Government. By providing part-time employment opportunities, the Government can attract a wider pool of talent—including, no doubt, some of the people I have mentioned here today—for whom a full-time job would be impossible in the face of a commitment at home.

Mr. President, earlier in this session, and during the past Congress, I have repeatedly supported the concept of part-time work opportunities and flexible scheduling. I think American employers should be encouraged to be open to change, and to the problems and preferences of their employees, whenever possible.

I reiterate my support of S. 792 today. Government employment practices often set an example for employment practices in the private sector. Passage of S. 792, if it had this effect, could open up new work possibilities for single parents and might remove another obstacle faced by the single parent attempting to support a family alone.

NUTRITION

Mr. President, H.R. 4222, the National School Lunch Act and Child Nutrition Act Amendments of 1975, will soon be reported out of conference for a second time for a final vote. Included in the Senate's version of the bill, and included in the first conference recommendations, is an amendment offered by my distinguished colleague from Minnesota, Senator HUMPHREY. The amendment will modify the current eligibility requirements of the WIC supplemental food program by expanding the benefits presently

available to low-income pregnant and nursing women, their infants and young children so as to take account of the findings of a recent pilot project sponsored by WIC.

Currently the WIC program provides nutritional supplements to mothers up to 6 weeks after birth and to children up to 4 years of age. The WIC study found that these cutoff dates rob the program of its maximum potential by stopping food supplements a little too soon in each case. State WIC directors and health professionals have unanimously recommended increasing the eligibility period for mothers up to 6 months postpartum, to allow for necessary postnatal metabolic adjustments, and expanding the eligibility period for children up to age 5. The latter provision would assure adequate nutrition for young children in the program through their first growth spurt and continue supplements until they enter school and can participate in school food programs.

Mr. President, of all known factors contributing to health risks associated with pregnancy and childbirth, poor nutrition is the most important. Deficiencies lead to increased complications, lower birth weights, handicapping conditions, and higher rates of maternal and infant morbidity and mortality. This is especially the case for the pregnant teenager, notoriously guilty of poor dietary habits and herself undergoing a growth spurt. The WIC program, as amended by Senator HUMPHREY, offers help to the most nutritionally vulnerable group in our society. I urge continued support for this program.

ADOPTION SERVICES

Mr. President, traditionally adoption has been a State, local and private responsibility. Up until about 1970, only 10 States had some kind of program to facilitate the adoption process. In the last 5 years there has been increasing interest in this type of State program and the total number of States with some legislation has now reached 36.

These State programs have helped facilitate the location of permanent homes for many children previously classified as "unadoptable" and have saved the States thousands of dollars through reduced outlays for foster and intitutional care. A Federal contribution in this area would be welcomed by the States.

In the Life Support Centers Act I am introducing today, funds made available to the Centers can be used to arrange adoption services for pregnant teenagers participating in the Centers' programs who wish to relinquish their children for adoption. While healthy, white infants are in great demand all across the country, minority or handicapped newborns are still difficult to place. The active efforts of adoption agency personnel are often required to help place these children. This need should be met by the adoption services provided for in this legislation. These services should help give pregnant teenagers a fair choice with all options; then they can make the wisest decision about their pregnancy and the future of their children.

While some pregnant teenagers do relinquish their children for adoption, it is still true, Mr. President, that the trend is in the opposite direction. Nationally, about 85 percent of all such mothers decide to keep their children. Regrettably, a frequent outcome of this decision is the delayed relinquishment of such a child sometime during its preschool years, and occasionally after a period of neglect or abuse. Such children often end up being moved from foster home to foster home and eventually become a "hard to place" child. Federal assistance is necessary to help these casualties of teenage pregnancies.

One potential development in this direction is increased use of matching funds under title IV–B of the Social Security Act for adoption services. This title makes matching funds available to the States for a range of child welfare services, including adoption services. At hearings I presided over this spring of the HEW Appropriations Subcommittee, I explored the potential of using this money to help facilitate the adoption process with James Dwight, Administrator of the Social and Rehabilitation Service. As a result of these hearings, I have supported increased appropriations for title IV–B for fiscal year 1976 and the earmarking of these extra moneys for State action in the area of adoption. I am hopeful that this action by the Congress can contribute to the successes already demonstrated at the State level in the problem area of hard-to-place children.

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By Mr. MONDALE (for himself and Mr. HUMPHREY):

S. 2364. A bill to authorize the President to implement a system of priority allocation of Canadian crude oil to American refiners. Referred to the Committee on Interior and Insular Affairs.

Mr. MONDALE. Mr. President, I am today introducing legislation to give the President authority to implement a system of priority allocation of Canadian crude oil to American refiners. I am pleased to be joined by the distinguished Senator from Minnesota (Mr. HUMPHREY).

For a number of Northern Tier States, the continued flow of Canadian crude to our States' refineries is of crucial importance. For no State is it more important than for Minnesota. We are dependent on Canadian crude for about half of all the petroleum products used in our State, and the three refineries in Minnesota rely on Canadian crude for over 75 percent of their crude feedstock.

The Canadian Government has indicated clearly that it intends to continue phasing down the volume of crude oil exported to the United States, and to eliminate all crude oil exports to the United States by 1983. While a system of priority allocation of Canadian crude is not a long-term solution to the problem of decreasing Canadian exports, it would give those refiners who are now most dependent on Canadian crude oil, and for whom transportation alternatives are the most difficult to obtain, the opportunity to arrange exchange arrangements with Canadian companies currently supplying crude oil. This allocation system, therefore, would give Canadian-dependent refiners the time they need before a longer-term solution to the problem of declining Canadian crude oil exports can be arranged.

In recent months, the Federal Energy Administration has been in the process of setting up such a system for priority allocation of Canadian crude oil to American refiners. I am hopeful that they are moving toward such a system, and that it will be designed to meet the needs of the most Canadian-dependent refiners to the maximum extent possible.

However, the recent failure of the Senate to override the President's veto of S. 1849, extending the Emergency Petroleum Allocation Act for 6 months, has created a potentially severe problem for the implementation of priority allocation system for Canadian crude oil. With the longer-range future of the EPAA in doubt, it is questionable whether the President possesses any secure legislative authority under which such a priority allocation plan for Canadian crude might be implemented.

I am therefore introducing legislation that would give the President the authority to allocate Canadian crude oil exports to the United States on a priority basis. Among the factors that would be included in such an allocation plan, to the maximum extent possible, would be whether U.S. refineries were constructed for the purpose of refining Canadian crude oil, the extent of refineries' historical usage of Canadian crude oil, the lack of availability of sources of crude oil alternative to Canadian crude oil in sufficient quantities and at reasonable prices, and such other factors as the President may determine.

Mr. President, I am a strong supporter of the Emergency Petroleum Allocation Act. I believe that we must do everything possible to insure its extension. But I am also aware of the possibility that such a long-term extension may not be obtainable at this time. Therefore, we must take whatever specific actions are necessary to protect those areas that would be hit with special difficulties should the allocation act expire. I believe that providing separate legislative authority for a program of Canadian allocation is one such specific action that is urgently needed. I hope early consideration will be given to this legislation.

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

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

S. 2364

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

SEC. 1. The Congress hereby determines that—

(a) refineries in certain land-locked regions of the United States have been and are currently dependent on crude oil imported from Canada; and

(b) the Government of Canada has announced its intention to reduce crude oil exports to the United States, and to totally eliminate such exports by 1983; and

(c) as the volume of Canadian crude oil exported to the United States declines, those

areas most dependent on such crude oil would experience severe economic and supply disruptions; and

(d) such disruptions could be reduced or eliminated during the initial years of the reductions of supply from Canada by an effective system to allocate Canadian crude oil to those refiners most severely affected, and without economically viable alternative crude oil supplies available to them; and

(e) such an allocation system should be promulgated by the President at the earliest possible date.

SEC. 2. (a) The President is hereby authorized to promulgate a regulation providing for the mandatory allocation of crude oil imported from Canada to the United States in amounts specified in (or determined in a manner prescribed by) such regulation.

(b) To the maximum extent practicable, such regulation shall provide for allocation to refineries within the United States on the basis of (1) the lack of availability of sources of crude oil alternative to Canadian crude oil in sufficient quantities and at reasonable prices, (2) historical usage of Canadian crude oil, (3) construction of such refineries for the purpose of refining Canadian crude, and (4) such other factors as he may determine.

SEC. 3. The President shall report to the Congress within 60 days of passage of this Act on the measures taken to implement a system of allocation pursuant to section 2.

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By Mr. BARTLETT:

S. 2365. A bill to amend title 38, United States Code, to provide measurement criteria for courses offered by independent study. Referred to the Committee on Veterans' Affairs.

Mr. BARTLETT. Mr. President, today I introduce legislation to correct a problem facing qualified veterans who wish to take college course work for degrees under liberal studies programs.

The Federal Register of November 5, 1974 (vol. 39, No. 214, p. 39058), included a notice of proposed changes in the existing rules for approval of VA educational benefits for students enrolled in independent study programs.

Prior to December 24, 1974, veterans enrolled in a Bachelor or Master of Liberal Studies program received full-time VA educational subsistence benefits since the programs were full-time residence degree programs. The BLS/MLS programs are recognized and accredited degrees developed under innovative and nontraditional methodologies in higher education.

The VA has, by implementing these regulations, thwarted this innovative approach to education by establishing criteria for educational subsistence as follows:

A major portion of the credit hours for which the veteran or eligible person is enrolled during any term is offered through conventional classroom and/or laboratory sessions.

The new regulations would provide for tuition reimbursement only, while the BLS/MLS programs are designed as independent studies with short-term intensive seminars on the campus.

This legislation will correct this ill-conceived problem thereby allowing eligible veterans to once again receive their full educational assistance entitlement.

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By Mr. WILLIAMS (for himself and Mr. CASE):

S. 2366. A bill to authorize the Secretary of the Navy to convey certain lands at the Naval Air Station, Lakehurst, N.J., to the Airship Association as a site for an airship museum. Referred to the Committee on Armed Services.

AIRSHIP MUSEUM

Mr. WILLIAMS. Mr. President, today I join my distinguished colleague from New Jersey (Mr. CASE) and the entire New Jersey congressional delegation in introducing legislation which would authorize the Secretary of the Navy to transfer certain lands to the Naval Air Station, Lakehurst, N.J., as a site for an airship museum.

Two and one-half years ago, a small group of New Jersey residents associated themselves into a partnership known as the Airship Association. The Airship Association, a nonprofit corporation formed by Vice Adm. Charles E. Rosenthal, U.S. Navy, retired, plans to create a museum to house displays and serve as a repository of airship information. In the past the Airship Association has been borrowing facilities at the Lakehurst Station for the storage of part of its collection.

The Department of the Navy is fully supportive of this plan to designate 13 acres of excess land at the Lakehurst Station to the Airship Association as a site for an airship museum. However, this site cannot be acquired unless legislation is enacted authorizing conveyance of the selected location without cost. This measure being jointly introduced in the House and the Senate will provide the Secretary of the Navy with this authority.

The era of airships represents a rich and romantic period in aviation history, and the Lakehurst Naval Air Station has had a prominent role in this history. Hangar No. 1 of the Lakehurst Station was designated a national shrine in 1971 when the air station, one of the three oldest in America, celebrated its 50th year of active service. The Lakehurst Naval Air Station had been the operating base for the Navy's airship operation since 1921 until its mission was recently changed due to the cessation of the airship program. It is also the site of the explosion of the Hindenburg on May 6, 1937, as the famous German vessel was making one of its transatlantic trips.

Mr. President, in view of its history, the Lakehurst Naval Air Station is a most suitable location for the airship museum. I eagerly look forward to seeing the memory of those Americans, who contributed so much to airship history, become a part of our American heritage. I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2366

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy is authorized to convey to the Airship Association, a non-profit organization incorporated under the laws of the State of New Jersey, without monetary consideration, all right, title and interest of the United States of America, in and to the portion of the lands comprising the Naval Air Station, Lakehurst, New Jersey, described in section 2, for use as a permanent site for the museum described in section 3 of this Act, subject to conditions of use set forth therein.

SEC. 2. The land authorized to be conveyed by the first section of this Act is a certain parcel of land containing 13.52 acres, more or less, situated in Ocean County, New Jersey, being a part of the Naval Air Station, Lakehurst, New Jersey, more particularly described as follows:

Beginning at a point on the westerly side of Ocean County Route No. 547, 205.40' northerly from the intersection of the center line of new road and the westerly side of Route #547 thence (1) N10°-14'-19"E, 770.25' along the westerly edge of road to a point thence (2) N66°35'41"W, 724.55' to a point thence (3) S25°-26'-19"W, 750' to a point thence (4) S66°-35'-41"E, 900' to the point and place of beginning.

SEC. 3. The conveyance authorized by section 1 of this Act shall be subject to the following conditions:

(1) That the lands so conveyed shall be used for the purpose of constructing and operating an Airship Museum to collect, preserve and display to the public materials, memorabilia, and items of historical significance and interest relative to the development and use of the airship, and for purposes incidental thereto;

(2) That all right, title and interest in and to such lands, and any improvements constructed thereon, shall revert to the United States, which shall have an immediate right of entry thereon, if the construction of the Airship Museum is not undertaken within five years from the date of such conveyance, or if the lands conveyed shall cease to be used for the purposes specified in paragraph (1) of this section; and

(3) That the Airship Association comply with such other terms and conditions as the Secretary of the Navy, or his designee, shall determine necessary to protect the interests of the United States.

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By Mr. KENNEDY (for himself, Mr. HARTKE, Mr. PELL, and Mr. PASTORE):

S. 2368. A bill to amend the Regional Rail Reorganization Act of 1973 to protect branch line rail service. Referred to the Committee on Commerce.

Mr. KENNEDY. Mr. President, I am introducing a bill today for myself, the two distinguished Senators from Rhode Island (Mr. PELL and Mr. PASTORE), and the distinguished chairman of the Surface Transportation Subcommittee (Mr. HARTKE), to assist States and localities in keeping vital branch line rail service in operation.

The U.S. Railway Association has submitted a final system plan that calls for the abandonment of 16 branch lines of 150 miles in Massachusetts and 5,757 miles in the Northeast as a whole. This action threatens the economic welfare of numerous communities and is the wrong answer during a time of energy crisis.

This measure carries out the congressional intent to assist States and communities in maintaining branch line service which is so critical to the economic well-being of hundreds of communities in Massachusetts, New England, and the Northeast.

We are attempting to insure that the opportunity under the Regional Rail Reorganization Act of 1973 to maintain these lines is real and not illusory.

In that way, we are trying to fulfill the final system goal of the legislation—"the minimization of job losses and associated increases in unemployment"—will be attained.

I believe the final system plan, as the preliminary system plans, does not adequately respond to that goal in its abandonment proposals.

The light density line abandonment analysis, which focused solely on the profitability of these lines, and the conclusions reached have been severely criticized by communities, shippers, the Rail Services Planning Office of the U.S. Railway Association and to a considerable degree by the Interstate Commerce Commission.

The RSPO hearings held in Massachusetts showed the strong view that the economic survival of many towns depends on our keeping these lines open.

These criticisms justify an immediate and urgent restudy of the lines proposed for abandonment. And during that time, we do not want to see abandonment go forward precipitously or we may find that we have abandoned lines that the new study concludes should have been kept open.

The bill will accomplish the following:

First. It would extend the subsidy provisions from 2 to 5 years;

Second. Instead of 70/30 Federal-State matching, which is unrealistic during these early years, the Federal Government would provide for 100 percent subsidy for the first year while the new study is underway with a gradual reduction until the subsidy reaches 70/30 in the final year;

Third. It would establish State rail planning grant programs so that immediate planning for maintenance of branch lines can be set in motion;

Fourth. It would allow funds to be used not only for direct subsidy of operating costs but also for acquisition and modernization;

Fifth. It would allow funds to be used for the "reserving" of the branch lines for future rail use so that these valuable rights-of-way are not lost;

Sixth. It would allow subsidies to be used on lines that have been acquired and modernized;

Seventh. It would permit viable lines to be included in the final system at some point in the future;

Eighth. It would permit funds to be used for sidings or other rail-related solutions to a community's freight line needs; and

Ninth. It will establish a branch line management function within the new northeast regional rail entity, Consolidated Railroad Corporation.

Mr. PELL. Mr. President, I am happy to be a cosponsor of legislation introduced today by the distinguished senior Senator from Massachusetts (Mr. KENNEDY) which would amend the Regional Rail Reorganization Act of 1973.

This bill is an important complement to the U.S. Railway Association's final system plan, now being considered by Congress. While realizing the plan's importance in returning this Nation's railroads to the right track, I believe the USRA's proposed treatment of light-density lines is unacceptable.

The State of Rhode Island has suffered unduly from the ravages of our sad economy. Now it is going to be hurt again by USRA-recommended closings of important branch lines. Newport County, already reeling from Federal Government closing of the Newport Naval Base, is now threatened with losing its rail link with Portsmouth, a line currently providing rail service for existing industries and one which is vital to that area's economic recovery. Yet the USRA plan, examining only present profitability as a standard, is recommending that this branch not be included within ConRail.

Thus, Mr. President, it falls to the State of Rhode Island to take over operation of this line. Our State government, reflecting its citizens' high unemployment and reduced incomes, is not in a position to expend large sums of money to rehabilitate and run this line or others recommended for exclusion from ConRail.

Under this bill, title IV of the Regional Rail Reorganization Act of 1973 would be amended to provide funds for States to deal with their branch lines in a more flexible and intelligent fashion. Of particular importance is a provision allowing such funds to be spent for acquisition and modernization of branch lines rather than restricting these funds to operating subsidies.

Passage of this measure will help ease the impact of branch line closings on State governments and will demonstrate Federal Government accountability for its actions which adversely affect localities. I support this effort at rectifying the impact of the final system plan and am happy to be included as a cosponsor of this legislation.

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By Mr. CHILES (for himself, Mr. NUNN, Mr. GLENN, Mr. JOHNSTON, and Mr. STONE):

S. 2369. A bill to amend the Food Stamp Act of 1964 by revising the eligibility requirements for participation in the program and increasing the overall efficiency of the program administration through the imposition of a national income formula, and for other purposes. Referred to the Committee on Agriculture and Forestry.

(The remarks of Mr. CHILES when he introduced the above bill appear later in the RECORD.)

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## ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 5

At the request of Mr. CHILES, the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Mexico (Mr. DOMENICI), the Senator from Ohio (Mr. TAFT), and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of S. 5, the Federal Government in the Sunshine Act.

S. 327

At the request of Mr. JACKSON, the Senator from Florida (Mr. STONE) was added as a cosponsor of S. 327, a bill to amend the Land and Water Conservation Fund Act of 1965.

S. 626

At the request of Mr. MONDALE, the Senator from California (Mr. CRANSTON), the Senator from Colorado (Mr. HASKELL), the Senator from Illinois (Mr. PERCY), and the Senator from Montana (Mr. MANSFIELD) were added as cosponsors of S. 626, the Child and Family Services Act of 1975.

S. 626—WITHDRAWAL

At the request of Mr. MONDALE, the Senator from Idaho (Mr. CHURCH) was withdrawn as a cosponsor of S. 626, supra.

S. 997

At the request of Mr. MOSS, the Senator from Pennsylvania (Mr. HUGH SCOTT) was added as a cosponsor of S. 997, a bill to amend the Fair Packaging and Labeling Act to require disclosure by retail distributors of retail unit prices of consumer commodities.

S. 1353

At the request of Mr. WILLIAMS, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 1353, a bill to amend section 306(a)(7) of the Consolidated Farm and Rural Development Act.

S. 1607

At the request of Mr. RANDOLPH, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 1607, a bill to authorize the employment of reading assistants for blind employees and interpreters for deaf employees.

S. 1875

At the request of Mr. BEALL, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1875, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to add a requirement that the comprehensive State plan include provisions for the prevention of crimes against the elderly.

S. 2019

At the request of Mr. HUMPHREY, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 2019, a bill to amend the Rehabilitation Act of 1973 to provide for a program of wage supplements for handicapped individuals.

S. 2040

At the request of Mr. ABOUREZK, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 2040, the Judicial Salary Act of 1975.

S. 2088

At the request of Mr. MATHIAS, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 2088, a bill to prohibit the use of dogs by the Department of Defense in connection with the research, testing, development, or evaluation of radioactive, chemical, or biological warfare agents, and to require the Department of Defense to develop and use, where feasible, alternative, non-animal methods of experimentation.

S. 2145

At the request of Mr. CRANSTON, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 2145, a bill to provide Federal financial assistance to States in order to assist local educational agencies to provide public education to Vietnamese and Cambodian refugee children.

S. 2157

At the request of Mr. JAVITS, the Senator from Michigan (Mr. PHILIP A. HART)

was added as a cosponsor of S. 2157, a bill to amend title XX of the Social Security Act.

S. 2180

At the request of Mr. ABOUREZK, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of S. 2180, a bill to amend title I of the Housing and Community Development Act of 1974.

S. 2250

At the request of Mr. MONDALE, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 2250, the Family Research Act of 1975.

S. 2271

At the request of Mr. DOMENICI, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 2271, a bill to amend the Interstate Commerce Act by including independent owner-operator truckers as an exempted class under section 203(b) of that act, and for other purposes.

S. 2300

At the request of Mr. BELLMON, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2300, a bill to direct the Secretary of the Army to issue permanent easements for certain docks constructed on property under his jurisdiction.

SENATE JOINT RESOLUTION 115

At the request of Mr. DOMENICI, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of Senate Joint Resolution 115, relating to the publication of economic and social statistics for Americans of Spanish origin or descent.

## SENATE RESOLUTION 246—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

(Placed on the calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported the following original resolution:

*Resolved,* That the Committee on Rules and Administration is authorized to expend from the contingent fund of the Senate, during the Ninety-fourth Congress, $10,000 in addition to the amounts, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946, and in Senate Resolution 153, Ninety-fourth Congress, agreed to May 14, 1975.

## SENATE RESOLUTION 247—SUBMISSION OF A RESOLUTION AUTHORIZING CERTAIN PAYMENTS TO JOHN A. DURKIN AND LOUIS C. WYMAN

(Referred to the Committee on Rules and Administration.)

Mr. MANSFIELD (for himself and Mr. HUGH SCOTT) submitted the following resolution:

SENATE RESOLUTION 247

*Resolved,* That the Secretary of the Senate is authorized and directed to reimburse John A. Durkin and Louis C. Wyman for the expenses which (1) were incurred by them or others on their behalf and under their direction as a result of and in connection with the consideration by the Committee on Rules and Administration and by the Senate of the recent contested election for a seat in the Senate from the State of New Hampshire and (2) the Committee on Rules and Administration funds were reasonable and necessary for the proper consideration by that committee and by the Senate of such contested election and were not reimbursed to them from any other source or paid for by any other person.

Sec. 2. Payments under this resolution shall be made from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee on Rules and Administration.

## SENATE RESOLUTIONS 248, 249, AND 250—SUBMISSION OF RESOLUTIONS DISAPPROVING THE DEFERRAL OF CERTAIN BUDGET AUTHORITY

Mr. ABOUREZK (for himself, Mr. CRANSTON, Mr. PHILIP A. HART, Mr. HARTKE, Mr. HUDDLESTON, Mr. HUMPHREY, Mr. KENNEDY, Mr. MCGOVERN, and Mr. TUNNEY) submitted the following resolutions which were referred as indicated, pursuant to the order of January 30, 1975:

Senate Resolution 248; to the Committees on Appropriations, Budget, Agriculture and Forestry, and Banking, Housing and Urban Affairs:

S. RES. 248

*Resolved,* That the Senate disapproves the proposed deferral of budget authority for mutual and self-help housing grants, which deferral (D76–33) was set forth in the special message transmitted by the President to the Congress on July 26, 1975, under section 1013 of the Impoundment Control Act of 1974.

Senate Resolution 249; to the Committees on Appropriations, Budget, Agriculture and Forestry, and Public Works:

S. RES. 249

*Resolved,* That the Senate disapproves the proposed deferral of budget authority for rural water and waste disposal grants, which deferral (D76–31) was set forth in the special message transmitted by the President to the Congress on July 26, 1975, under section 1013 of the Impoundment Control Act of 1974.

Senate Resolution 250; to the Committees on Appropriations, Budget, Agriculture and Forestry, and Banking, Housing and Urban Affairs:

S. RES. 250

*Resolved,* That the Senate disapproves the proposed deferral of budget authority for rural housing for domestic farm labor grants, which deferral (D76–32) was set forth in the special message transmitted by the President to the Congress on July 26, 1975, under section 1013 of the Impoundment Control Act of 1974.

DISAPPROVAL OF FARMERS HOME ADMINISTRATION DEFERRALS

Mr. ABOUREZK. Mr. President, on behalf of myself and eight colleagues, I am submitting resolutions disapproving of three deferrals of spending authority voted by Congress for programs of the Farmers Home Administration. The programs involved are those for rural water and sewer grants, farm labor housing grants, and technical assistance grants for self-help housing programs.

In submitting these resolutions, Mr. President, we are basically asking the Senate to send the administration a message, That message is: Let us stop playing games with these programs and get on with the job that the Congress has repeatedly and consistently said it wants done.

To make the need for sending that message clear, let me review the recent budgetary history of these three programs. In fiscal 1974, the administration recommended no money for water and sewer grants, it recommended no money for farm labor housing, and it recommended only $3 million for self-help grants. Congress response to each of those recommendations was a clear rejection. We voted $30 million for water and sewer; we voted $7.5 million for farm labor housing; and we voted $4 million for self-help housing.

The following year, the administration ignored the clear congressional intent to continue these three programs and recommended no money for any of the three. It proposed to terminate them all. Once again, the congressional response to their recommendation was a clear and unequivocal rejection. We once again appropriated $30 million for water and sewer grants; we voted $5 million for farm labor housing; and we voted $5 million for self-help housing technical assistance. One would think that we had made the policy decision clear: We wanted those programs continued.

But, it becomes evident that we are facing the most stone-walling administration imaginable. When this year's budget recommendations came up to Congress, they included some funding for water and sewer grants, but again urged termination of the farm labor housing and self-help housing grants. Yet once more, the Congress patiently repudiated the administration recommendations, and in the continuing resolution which we voted in June, we provided specifically for increased funding for water and sewer grants above the level recommended by the President, and we provided specifically for continuation of the farm labor and self-help grant programs.

Now, you might think, Mr. President, that three times and out—but, no. Not with this administration. On July 26, the President dispatches another one of his impoundment messages and announces that he is deferring the spending of that additional funding "until Congress makes a final determination" on the matter by action on the regular Farmers Home appropriation measure.

I submit, Mr. President, that this is game-playing. It is clear that the administration may recommend, but that the Congress establishes policy—and it is equally clear that in these programs, the Congress has considered the administration's recommendations not once but three times, and has made its policy decision. It is long past the time when the administration should accept that decision and go on about its job of administering these programs in the way and at the levels Congress voted.

The regular appropriations measure for Farmers Home Administration for fiscal 1976 is, as we know, awaiting resolution of the differences between the House and Senate. Whatever the resolu-

tion of those differences, we know and the administration knows, that we are going to vote more money for these three programs than they asked for. Given their past record on the matter, one wonders if the administration plans to recommmend yet new deferrals in these programs when the regular appropriations act is signed into law. It is not beyond the realm of possibility and it would mean another delay in carrying out the will of the legislative body.

That is why we should send the President and his Office of Management and Budget the message which is embodied in these three disapproval resolutions. That message is simply "enough."

Mr. CRANSTON. Mr. President, I am pleased to be a cosponsor of the resolutions submitted by Senator ABOUREZK today which disapprove deferrals D76–31, D76–32, and D76–33. These deferrals, in the program categories of water and waste disposal grants, farm labor housing grants, and mutual and self-help housing grants respectively, would create an unnecessary interruption in program activities if enacted.

The Farmers Home Administration—FmHA—which administers these three programs, chooses to defer spending for the programs until the fiscal year 1976 agriculture appropriations bill is signed into law. I see no reason for this delay. FmHA is now operating on a continuing resolution that contains adequate funds for the continuation of these programs. The House and Senate have consistently affirmed their support for water and waste disposal grants, farm labor housing grants, and self-help housing grants. The fiscal year 1976 agriculture appropriations bill now in conference provides funds for all three programs.

The need for these programs is great. The number of applications pending in the FmHA national office as of June 30, 1975—and still unfunded as of September 15, 1975—reflects this need. As of June 30, 2,018 applications had been submitted to FmHA for the water and waste disposal grant program—73 of these applications were from California groups and public bodies. Forty-four applications had been received for the farm labor housing loan and grant program, 4 of which were from California groups, and 21 applications were submitted for mutual and self-help housing grants, with 1 application from a California group. Mr. President, public bodies and nonprofit organizations would not be submitting applications to FmHA in such large numbers if the need for these funds was not great. I hope the resolutions disapproving these three deferrals will be enacted swiftly.

## SENATE RESOLUTION 251—SUBMISSION OF A RESOLUTION RELATING TO THE PRESIDENT'S TRIP TO CHINA AND AMERICAN POW'S AND MIA'S

(Referred to the Committee on Foreign Relations.)

Mr. BIDEN submitted the following resolution:

S. RES. 251

*Resolved*, That it is the sense of the Senate that the President should, upon visiting the People's Republic of China, request that appropriate Chinese officials use their good offices to obtain a full and complete accounting of members of the United States armed forces missing in action and confined as prisoners of war in Southeast Asia.

THE PRESIDENT'S TRIP TO PEKING AND AMERICAN POW'S–MIA'S

Mr. BIDEN. Mr. President, the Washington Star reported last Thursday that the President is expected to make his anticipated visit to Peking in mid-November.

No firm dates have been established, but it is apparently anticipated that the President will spend 6 or 7 days in the People's Republic of China.

I rise today, Mr. President, to submit a resolution expressing the sense of the Senate that the President take the occasion of this forthcoming visit to Peking to renew attempts to determine the fate of some 1,300 Americans missing in Indochina.

It has been 2½ years since the Paris Accords were signed—accords which were to have yielded an accounting of Americans missing in Indochina, especially in North and South Vietnam. Over 700 of these missing Americans are Air Force personnel.

Mr. President, I recognize that in the absense of cooperation from Hanoi, obtaining a final accounting of the fate of these Americans is extremely difficult.

However, I had hoped that with the final cessation of hostilities in Indochina this spring, it would be finally possible to obtain such an accounting. It was for that reason that I wrote to both Secretary of State Kissinger and Secretary of Defense Schlesinger on May 1, urging the Ford administration to undertake new efforts "through the liaison office in Peking, the American embassy in Moscow, and whatever other diplomatic or other channels are available, to obtain a listing of American MIA's from the government of North Vietnam."

The responses received from both the State Department and the Defense Department were not encouraging. Neither department directly addressed itself to my suggestion that we seek the good offices of Peking and Moscow in obtaining a final accounting.

This attitude, frankly, puzzles me. Certainly, the United States is not without diplomatic and even economic leverage.

After all, Moscow wants to purchase large quantities of American grain and continues to seek American technology. Furthermore, Soviet leaders continue to express their commitment to détente.

Well, then, Mr. President, what would be so wrong if the State Department simply said to the Soviet foreign ministry, "look fellows, if you want détente—as you say you do—and if you want to buy our grain and our technology, your case is going to be strengthened if you will lean a little bit on Hanoi and tell them to come up with a list of our American MIA's."

That request really would not cost the Soviets much. And, who knows, it might yield some results.

The same thing applies to Peking. The Chinese are fearful of the Soviets. They apparently want to continue the American presence in East Asia. And they want American trade.

OK. What is wrong with asking them to help us a bit?

The resolution I am introducing today takes advantage of the fact that the President will be visiting Peking within a few weeks.

Very simply, it expresses the sense of the Senate that the President, while in Peking, seek from the Chinese a commitment that the People's Republic of China will use its good offices to obtain for the United States an accounting of Americans missing in action and confined as prisoners of war in Southeast Asia.

I, for one, think that is precious little for us to ask.

## AMENDMENTS SUBMITTED FOR PRINTING

### ASSISTANCE FOR CERTAIN EMPLOYEES IN THE CIVIL SERVICE—S. 771

AMENDMENT NO. 884

(Ordered to be printed and referred to the Committee on Post Office and Civil Service.)

Mr. ABOUREZK submitted an amendment intended to be proposed by him to the bill (S. 771) to assist certain employees of the United States in finding other employment in the civil service.

### NATURAL GAS EMERGENCY ACT OF 1975—S. 2310

AMENDMENTS NOS. 885 THROUGH 888

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

Mr. HOLLINGS submitted four amendments intended to be proposed by him to the bill (S. 2310) to assure the availability of adequate supplies of natural gas for the period June 30, 1975.

### DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1976—H.R. 8069

AMENDMENT NO. 890

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

Mr. NELSON. Mr. President, I ask that the amendments submitted by myself and Senator CRANSTON yesterday be modified and considered en bloc and I send to the desk a modified amendment.

We have been concerned since the enactment of the National Cancer Act of 1971 that the extraordinary budgetary emphasis placed on cancer research might, in light of the national concern over Federal spending and deficits, result in decreases in the amounts made available to other vital research efforts of the National Institutes of Health—NIH—which would, in fact, have a possibly detrimental effect on cancer research. The reason is that much basic biomedical research, supported by other institutes may result in breakthroughs for cancer research, serendipitously, or in basic understanding of biological activity. Our concern was intensified in the following year with the enactment of the National Heart, Blood Vessel, Lung, and Blood Act of 1972, authorizing appropriation of substantial funds for programs of the National Heart and Lung Institute.

Our fears have been substantiated since that time by the steadily decreasing real dollars made available to all the institutes other than the National Cancer Institute and the National Heart and Lung Institute.

The Appropriations Committee has recommended an increase of $100 million over the amount included in the House-passed fiscal year 1976 Appropriations Act for the National Cancer Institute as well as a $50 million increase for the National Heart and Lung Institute and modest increases for several of the other Institutes. As we understand the committee's recommendation, $134.4 million would be appropriated over the amount available in fiscal year 1975 for the National Cancer Institute, and approximately $50 million additional for the National Heart and Lung Institute over the amount available in fiscal year 1975.

We recognize these are vital programs which must receive substantial support. However, we remain concerned particularly that the appropriation of substantial additional funds for cancer research is at the expense of research in other areas, especially basic biomedical research.

In addition, we think there is substantial evidence that the benefits of expanded basic research programs at the other NIH Institutes will also accrue to the understanding of cancer and heart disease.

We therefore are proposing an alternative approach for NIH funding, which retains the House-passed levels for the Cancer and Heart Institutes and increases the total for all other Institutes by $50 million, thereby reducing by $100 million the total NIH appropriation recommended by the committee.

The Congressional Budget Committee has recommended a total of $2.1 billion for the National Institutes of Health. The administration's budget request is $1.8 billion, including training funds. The House allowance totals $2.150 billion, almost the same amount as the Budget Committee recommendation. This amendment would bring the NIH appropriation to $2.166 billion.

We believe such a total figure would be far more in keeping with the first concurrent budget resolution of the Congress, which set $30.7 billion as a top figure for health expenditures in fiscal 1976. According to the Congressional Budget Office Senate budget scorekeeping report of September 2, 1975, it is estimated that fiscal year 1976 outlays based on existing programs, Senate action underway, and unfunded requests in the President's budget already is $2.1 billion over the target amount. The administration's total fiscal 1976 budget request for all health programs is $28.1 billion.

Of greatest concern is that those institutes which have shown the lowest rate of growth, are those that support research which may have the greatest potential to aid cancer and heart research: the Allergy Institute, which supports work in immunology and virology; the Neurology Institute, which supports slow virus work; the General Medical Sciences Institute, which supports basic cellular and genetic research; the National Institute of Environmental Health Sciences, which supports toxicology research, the development of test methodologies, and actual testing and screening of elements that may cause cancer, birth defects, or genetic change—the NIEHS in fact is supporting, along with the National Cancer Institute, a screening project to determine which agents are both carcinogenic as well as mutagenic—even the Dental Institute, which supports work on herpes virus.

EXAMPLES OF APPROVED BUT UNFUNDED BASIC RESEARCH

Some examples of the wide range of basic research projects that have been approved for funding by other Institutes, but which cannot be funded under the existing budget constraints or the proposed fiscal 1976 budget, are:

General Medical Sciences Institute.—The 450 approved grants are presently unfunded, having to do with studies of the structures within cells, both normal and diseased; how cells function, how diseases occur, and how the cells might be corrected when diseased. Such research relates to virtually all diseases. Other studies going unfunded have to do with chromosome structure and the activation and regulation of genetic function.

National Institute of Environmental Health Sciences.—The grants approved in fiscal 1975 were not funded, including: studies of methyl mercury on primate reproduction; the mechanism of toxicity on shellfish, such as clams; the effect of maleic hydrazine—used in pesticides and as a rocket propellant—on the DNA—the basic biological structure—the effect of lead on the basic enzyme that controls membranes; the metabolism of anesthetic gases and their relationship to carcinogenesis; the mutagenicity of vinyl chloride; the affect of lead on protein synthesis; the toxicity of a widely used toxic substance, benzene; automobile exhaust and chronic respiratory disease; the metabolism of foreign compounds and lung cancer relationship.

Neurology Institute.—A total of $58.8 million worth of approved grants could not be funded under the administration's proposed budget, including: research on stroke, head injuries, Parkinson's disease, multiple sclerosis, and artificial ear implants.

Allergy and Infectious Diseases Institute.—The 870 grants have been approved, but only 12 could be funded under the proposed fiscal 1976 budget, including: studies of insect sting allergies and the biochemistry of venoms; the genetics of immune response to pollens; the effects of drugs and inhaled allergens on the nose and respiratory tract; and the biochemistry of aspirin and the tolerance of aspirin in lung disease.

Arthritis and Metabolic Diseases Institute.—Unfunded grants include: studies of regulatory proteins in vertebrates with muscle; the deterioration of the retina in diabetics; reconstructing the esophagus; and control of obesity.

Three tables, which I ask unanimous consent be inserted into the RECORD, illustrate the situation. Table No. 1 shows that with the amendment we propose, all institutes except Cancer and Heart would experience increases in their budgets and basic research support capabilities over the House-passed and Senate committee recommended appropriations. The Cancer and Heart Institutes would remain at the House-passed level. The overall effect is to bring the other institutes up to a comparable level that Cancer and Heart Institutes have reached in terms of capability to support new starts in basic research.

Table 2 shows the average annual growth rate over 5 years for all institutes, in both current dollars and constant dollars—or the amount in dollars without an inflation factor. All institutes have experienced growth rates; however, those with less than 10 percent increases actually experienced a reduction in constant dollars.

Table 3 shows a comparison between 1970 appropriations for all Institutes—before enactment of the Cancer and Heart Acts—and 1975 appropriations, including percentage increases.

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

CHART 1

EVIDENCE THAT OTHER INSTITUTES HAVE NOT GROWN AT THE SAME LEVEL, AS NATIONAL CANCER INSTITUTE, IN ABILITY TO FUND NEW APPROVED RESEARCH GRANT AWARDS (ESTIMATES)

[In percent]

| | 1975 funding of new grants | 1976 budget request | House approved | Senate recommendations | Nelson amendment |
|---|---|---|---|---|---|
| NCI | 62 | 32 | 61 | 82 | [1] 61 |
| Heart | 46 | 13 | 60 | 85 | [1] 60 |
| Dental | 65 | 29 | 57 | 57 | 65+ |
| Arthritis | 53 | 30 | 45 | 48 | 52+ |
| Neurology | 70 | 19 | 58 | 58 | 68+ |
| Allergy | 44 | 21 | 52 | 52 | 64+ |
| GMS | 59 | 13 | 51 | 51 | 65+ |
| NICHD | 46 | 32 | 32 | 32 | 56+ |
| Eye | 49 | 14 | 44 | 70 | 70+ |
| NIEHS | 53 | 10 | 34 | 34 | 55+ |
| Aging | 46 | 17 | 24 | 50 | 50+ |
| Total NIH | 55 | 20 | | | |

[1] Same as House.

AVERAGE ANNUAL GROWTH RATE OVER 5 YR (REPRESENTING 1970 BUDGET TO 1975 DIVIDED BY 5) [1]

[Percent]

| | Current dollars per year | Constant dollars [2] |
|---|---|---|
| NCI | 31 | 23 |
| Heart | 15 | 9 |
| Dental | 11 | 5 |
| Arthritis | 5 | −1 |
| Neurology | 8 | 2 |
| Allergy | 5 | −1 |
| GMS | 4 | −1 |
| NICHD | 14 | 8 |
| Eye | 13 | 7 |
| NIEHS | 15 | 8 |
| Total | [3] 13 | 7 |

[1] Reason: although there has been growth rate in all institutes, where it is less than 10 percent increase, there is actually a reduction in constant dollars. Deflator is factored in at little less than 10 percent (per year).
[2] What dollar would buy in 1970, i.e., without inflation factored in.
[3] Per year.

CHART 3

[In millions]

| | 1970 appropriation [1] | 1975 appropriation [2] | Percent increase: Current dollars | Percent increase: Constant dollars |
|---|---|---|---|---|
| NCI | 182 | 669 | 280 | 186 |
| Heart | 159 | 303 | 104 | 52 |
| Dental | 29 | 44 | 71 | 28 |
| Arthritis | 134 | 161 | 29 | −4 |
| Neurology | 97 | 129 | 47 | 10 |
| Allergy | 94 | 110 | 27 | −5 |
| GMS | 151 | [3] 135 | 24 | −7 |
| NICHD | 72 | 116 | 97 | 47 |
| Eye | 24 | 39 | 83 | 38 |
| NIEHS | 17 | 32 | 97 | 52 |
| Aging | 0 | 14 | | |
| Research, resources | 132 | [4] 128 | −4 | −28 |
| Total NIH | 1,092 | 1,937 | 86 | 40 |

[1] Includes training.
[2] Does not include training, authority not yet enacted.
[3] Minus, with training, 187.
[4] Minus, actual reduction.

Mr. NELSON. The following analysis shows of how the $50 million would be reallocated among the other institutes.

National Institute of Neurological and Communicative Disorders and Stroke. The recommended increase of $15.5 million over the fiscal year 1975 level would be utilized to increment the Institute's efforts in the following areas:

First, an increase of $1.7 million to support research in communicative disorders, primarily in new ways to improve hearing in the deaf.

Second, an increase of $6.8 million for increased emphasis on neurological disorders including an increased effort in epilepsy, including the development of several more epilepsy centers, and increased efforts—multiple sclerosis, brain tumors nad neuropathies—which to some extent are associated with diabetes—as well as peripheral nerve disorders.

Third, an increase of $2.1 million to support two to four new centers in stroke and or spinal cord injury.

Fourth, $1.8 million to support expanded programs in the fundamental neurosciences—that is basic research in the nervous system.

Fifth, $1.8 million to expand the intramural program by establishing three new vital sections—in hearing—neuroimmunology—the viral disorders of the nervous system such as encephalitis, and pursue the possibility of a virus as the cause of mutliple sclerosis—and in pharmacology as it relates to the nervous system.

Sixth, $1.9 million of the recommended increase would be needed for research management and program services to cover increased costs as well as provide needed support to the two new Commissions mandated by Congress—one on epilepsy and one on Huntington's disease.

National Dental Institute. The recommended increase of $3.8 million over the 1975 level would support expanded research in three major areas—caries, topical fluorides, and antiplaques where research and demonstration tests are needed to find new agents.

One million of the increase is needed to improve extramural clinical research and $.5 million is needed to advance the intramural program on caries.

National Institute of Arthritis, Metabolism and Digestive Diseases, the total recommended increase of $23 million over the fiscal year 1975 level would be used primarily to support expanded research programs in arthritis and diabetes and to strengthen research programs in the other broad mandates of the Institute. $5.7 million of the increase would be set aside for the arthritis and an equal amount for the diabetes program. This $11.4 million would strengthen the existing programs in these important areas and would enable the Institute to start immediately in implementing the recommendations of the Commissions established in each disease category by legislation enacted in the last Congress.

An increase of about $4 million would be needed for intramural programs in arthritis and diabetes mandated by Congress, but this expansion would be dependent on increasing the staff positions for the intramural program as recommended by the House report on H.R. 8069; $3.8 million on the recommended increase would be utilized for support of research grants in gastrointestinal disease and nutrition; $2.1 million of the increase would be utilized for support of research in kidney disease and hemotology; $800,000 of the increase would be allocated to research management and program services to cover increased costs due to inflation and the need to provide support to the National Arthritis Commission and the Diabetes Commission.

National Institute of Allergy and Infectious Diseases. This Institute has suffered a real loss over the past years in constant dollars, and its mandate covers some of the most prevalent diseases affecting man.

The recommended increase of $17.5 million over the fiscal year 1975 level would support expanded programs in the following areas:

First, $4 million increase in allergic and immunologic diseases. Research in this area can have a vast effect on many disease categories since new developments in immunology have such broad applications.

Second, up to $9 million additonal is needed for increased laboratory, epidemiologic, and behavioral studies in the infectious diseases such as venereal diseases, herpes virus, and viral infections. Research is well underway to develop a hepatitis vaccine. The area of infectious diseases is the area in which there are probably more viable research projects needing support than any other area. The appropriations recommended by the House would enable the Institute to support only 21 percent of approved new applications in this field.

Third, an increase of $2.9 million for intramural efforts is needed to cover the increased costs of volunteer facilities for studies of viral and infectious diseases due to the phaseout of this type of research at penal institutions. In additon it would support expansion of the asthma center, and provide better biohazard containment facilities.

Fourth, an increase of $.7 million would be allocated to research management and program services to cover increased costs of management and services.

National Institute of General Medical Sciences. This Institute is the most compromised Institute in terms of constant dollars being made available to it.

The recommended increase of $20.1 million over the fiscal year 1975 level would be allocated among the following priorities:

First, an increase of $6 million for increased research in genetics, with a primary emphasis on polygenic diseases which science indicates causes such inherited traits as high cholesterol and alpha-one antitripsin deficiency, connected with the development of emphysema. Research would be continued in the monogenic diseases, such as sickle cell and tay sachs.

Second, an increase of $4.8 million research in the cellular and molecular basis of disease programs, with particular emphasis on macro molecules, which promise a whole new frontier of research possibilities, leading to basic knowledge in cell reactions to external influences.

Third, an increase of $2.2 million for research in biomedical engineering such as polymers or other prosthesis needed to assist bodily functions.

Fourth, an increase of $2.8 million to be utilized by the clinical and psycological sciences program in two areas—development of trauma and burn research centers, and an increase in research grants in anesthesia including basic research in pain and how to combat it.

Fifth, an increase of $2.5 million for research in pharmacology and toxicology. One major area to be emphasized will be research in pediatric clinical pharmacology.

Sixth, an increase of $1.6 million would be allocated to research management and program services to cover increased costs of management and services.

National Institute of Child Health and Human Development. The recommended increase of $15.2 million over the fiscal

year 1975 level would be utilized to support expansion in the following priority areas:

First, population research would be increased from $41.5 million to $48.3 million for a net increase of $6.8 million.

Second, maternal and infant health programs would be increased by $6.3 million, from $56.0 million to $62.3 million. This increase would be utilized to support research programs in the important areas of perinatal biology and infant mortality, the low birthweight infant, and sudden infant death. High priority will also be given to studies in the causes of dyslexia.

Third, intramural programs could readily utilize an increase of $2.3 million, from $11.4 to $13.7 million to carry out programs at the recently opened perinatal biology center, established to give the necessary attention to the study of the mother and the child in the period immediately preceding and immediately following birth. The allocation of new staff positions to this area is particularly important.

Fourth, an increase of $300,000 would be allocated to research management and program services to cover the increased costs of management and services from $7.3 to $7.6 million.

National Institute on Aging. This is the newest of the Institutes and its funding is particularly inadequate. The increase of $6.6 million over the fiscal year 1975 level would strengthen and expand the intramural research program and help fund a substantial backlog of approved but unfunded grants; $800,000 of the recommended increase would be needed to buttress the intramural component by supporting additional costs of the existing Gerontology Research Center at Baltimore and to expand the existing longitudinal study which has been following males for 20 years to follow women as well.

An increase of $4.9 million would be allocated to fund a portion of the backlog of unfunded approved grants.

An increase of $1 million would be allocated to research management and program services to cover the increased costs of management and services.

National Eye Institute. The recommended increase of $11.2 million over the fiscal year 1975 level would be allocated as shown below in several areas of retinal and choroidal disease research:

| Area | Current | Recommended | Increase |
|---|---|---|---|
| Retinal disease | $12.5m | $17.0m | $4.5m |
| Corneal disease | 5.8m | 6.6m | .8m |
| Cataracts | 3.0m | 4.2m | 1.2m |
| Glaucoma | 4.2m | 6.5m | 2.3m |
| Sensory motor rehabilitation (eye muscle weakness) | 6.4m | 8.3m | 1.9m |
| Intramural research | 4.9m | 5.2m | .3m |
| Research management and program services | 2.6m | 2.8m | .2m |
| Total | | | $11.2m |

National Institute of Environmental Health Sciences. This is a relatively young institute which has been severely stunted in its growth by the precipitous rate of decline in funding support over the last 6 years.

The recommended increase of $10.2 million would be allocated as follows:

First, a modest increase of $300,000 for the center grants program.

Second, several important areas included in the environmental mutagenesis program would receive increased support—$1.8 million for etiologic studies to identify environmental substances which may have a mutagenic and perhaps a carcinogenic effect on man; $2.1 million to identify the chemicals most likely to have such effects on man; $3.1 million to support increased research in environmental pharmacology and toxicology, particularly to identify hazardous agents associated with new methods of energy production; and an increase of $500,000 in environmental pathogenesis research, that is, a study of the early effects of toxic agents on organs.

Third, the intramural research program has been severely restricted by a shortage of funds and positions; $2.4 million of the increase would be allocated to intramural research primarily to increase the Institute's capability to conduct epidemiologic studies. The program has requested 48 additional positions to carry out such programs.

Fourth, an increase of $100,000 would be allocated to research management and program services to cover the increased costs of management and services.

Division of Research Resources. The modest increase of $4.9 million over the fiscal year 1975 level for this Division would support the following expansions in research efforts:

First, $500,000 would support additional research in the development of instrumentation.

Second, $1.8 million of the increase is badly needed in primate research to carry out plans to increase and maintain breeding contracts and establish primate resources.

Third, modest amounts totaling less than $300,000 would be allocated for the general research support formula program and the minority biomedical support program.

Fourth, $200,000 of the increase would be allocated to research management and program services to cover the increased cost in management and services.

John E. Fogarty International Center for Advanced Studies in the Health Sciences. The $1 million increase recommended over the fiscal year 1975 level includes a $500,000 increase for the Gorgas Memorial Laboratory, a $300,000 increase for the scholarship program to support a greater number of exchange scholars, and $200,000 for increased costs in management and services.

National Library of Medicine. The $1 million increase recommended over the fiscal year 1975 level for the National Library of Medicine would cover an increase of $500,000 to increase the Library's efforts in the field of utilizing satellites for biomedical communication and $300,000 for the National Audiovisual Center, and $500,000 for the expansion of the Library's program for the dissemination of information, including special emphasis on providing information to practitioners in rural areas.

Buildings and facilities. The recommended increase of $38 million over the fiscal year 1975 level would enable NIH to do necessary maintenance and improvements as follows: $21.7 for improvement to the ambulatory research facility at the clinical research center, $11 million for the Environmental Health Services Center, $2.8 million for extension of utilities services, $1.1 million for uninterruptable power, $1 million to move the firehouse, $.4 million to expand the potable water system, $3 million for repairs and improvements to the NIH campus.

Office of the Director. The recommended increase to $19.6 million over the $18 available in fiscal year 1975 will enable the office to meet the $1,626,000 cost of the mandatory pay increases for existing staff, as well as $400,000 owed the GSA for rent. In addition, greater demands will be made on the Director's office as a result of his new responsibilities under the Human Experimentation Act, the Freedom of Information Act, and the Privacy Act.

## ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 876

At the request of Mr. ABOUREZK, the Senator from South Dakota (Mr. McGOVERN) was added as a cosponsor of amendment No. 876, intended to be proposed to the bill (S. 1816), the foreign aid bill.

## NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

James R. Laffoon, of California, to be U.S. marshal for the southern district of California for the term of 4 years (reappointment).

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, September 24, 1975, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

## NOTICE OF HEARINGS

Mr. PROXMIRE. Mr. President, the Committee on Banking, Housing and Urban Affairs will conduct hearings on October 6, 7, and 8, on S. 2273, the Condominium Consumer Protection Act of 1975.

The hearings will commence at 10 a.m. each morning, and will be held in room 5302, Dirksen Senate Office Building.

If there are any questions, please contact Ms. Elinor Bachrach at 224–7391 or Mr. Jeremiah S. Buckley at 224–5404.

## CANCELLATION OF MEAT INSPECTION HEARING

Mr. ALLEN. Mr. President, recently the Department of Agriculture indicated that it was considering a plan to alter the existing Federal-State meat inspection system and relationship, to a new system utilizing the provisions of the Talmadge-Aiken Act, but providing authority at an 80–20 Federal-State funding level.

Under the provisions of the existing Federal Meat Inspection Act, Federal-State funding of the system is on a 50–50 basis. Further, meat inspected in State inspected plants is prohibited from moving in interstate commerce.

On the other hand, Talmadge-Aiken authority plants are now funded on a 50–50 basis but meat inspected in these plants is permitted to move in interstate commerce.

Inasmuch as the Agriculture Department's proposed change had many ramifications, the chairman of our Senate Committee on Agriculture and Forestry, the distinguished senior Senator from Georgia (Mr. TALMADGE) requested Secretary Butz to suspend consideration of the new plan until the committee was given an opportunity to obtain public views on the matter.

Recently I announced that our Senate Subcommittee on Agricultural Research and General Legislation would hold hearings on the proposed changes in the meat inspection system on September 23. On yesterday, however, I met with officials of the Agriculture Department and, after a discussion of the many implications involved in moving from 50–50 Federal funding of State meat inspection under the Wholesome Meat Act authority, to 80–20 under the Talmadge-Aiken Act authority, the officials advised me that they no longer plan to alter the existing Federal-State meat inspection system.

Earlier today I received a letter from Assistant USDA Secretary, Mr. Richard L. Feltner, confirming the substance of our meeting on yesterday, and I ask unanimous consent that Mr. Feltner's letter be printed in the RECORD at this point.

Mr. President, in view of the substance of Mr. Feltner's letter, it will no longer be necessary to conduct the subcommittee hearings on next Tuesday and, therefore, I announce that they are hereby canceled.

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

DEPARTMENT OF AGRICULTURE,
*Washington, D.C., September 17, 1975.*

Hon. JAMES B. ALLEN,
*Chairman, Subcommittee on Agricultural Research and General Legislation, Committee on Agriculture and Forestry, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request for a representative of this Department to appear before the Subcommittee on Agricultural Research and General Legislation on September 23 to discuss possible changes in the level of funding for Federal-State meat inspection programs under the Talmadge-Aiken Act (P.L. 87–718) (76 Stat. 663).

The Department has reviewed various options and has decided not to initiate changes in the level of funding at this time. In view of this decision, we have not gone forward with plans to implement any changes. Therefore, it is our belief that hearings on this subject are no longer required.

Sincerely,

RICHARD L. FELTNER,
*Assistant Secretary.*

## BUDGET COMMITTEE TAX POLICY TASK FORCE ANNOUNCES SEMINARS ON CAPITAL FORMATION, DISC

Mr. MONDALE. Mr. President, the Senate Budget Committee Task Force on Tax Policy and Tax Expenditures will hold seminars on September 18 and 19 on the tax aspects of capital formation, and on September 26 on the Domestic International Sales Corp.—DISC—export tax incentive.

The members of the task force include myself as chairman, and Senators FRANK E. MOSS, Democrat, of Utah; JAMES ABOUREZK, Democrat, of South Dakota; JOSEPH BIDEN, JR., Democrat, of Delaware; ROBERT DOLE, Republican, of Kansas; J. GLENN BEALL, JR., Republican, of Maryland; and PETE DOMENICI, Republican, of New Mexico.

The seminars on September 18 and 19 on the tax aspects of capital formation will be held jointly with the task force on capital needs, chaired by Senator LAWTON CHILES, Democrat, of Florida.

The seminar on Thursday, September 18, will begin at 9:30 a.m. in room 357 of the Russell Office Building. The topic will be "Encouraging Capital Formation Through the Tax Code: An Evaluation of Existing Incentives." It will include a review and evaluation of the investment tax credit, the asset depreciation range—ADR—system and changes in the corporate tax rate. The impact of these and other investment incentives on capital investment, jobs, and productivity will be evaluated and the cost, effectiveness, and equity of these tax incentives will be compared with other Federal fiscal and monetary actions aimed at the same purposes.

Participants in this seminar will include:

Dale Jorgenson, professor of economics, Harvard University.

Robert Eisner, professor of economics, Northwestern University.

Paul Taubman, professor of economics, University of Pennsylvania.

The seminar on Friday, September 19, will begin at 10 a.m. in room 357 of the Russell Office Building. The topic will be "Encouraging Capital Formation Through the Tax Code: An Evaluation of New Proposals." It will cover proposals for full or partial integration of corporate and individual income taxes, adjustment of depreciation allowances for inflation and elimination of the corporate interest deduction with a corresponding reduction in the corporate tax rate. The proposals will be evaluated in light of their revenue cost, equity and their effectiveness in generating additional investment, jobs, and productivity. They will be compared with other possible Federal fiscal and monetary actions aimed at the same purposes.

Participants in this seminar will include:

Reginald Jones, chairman of the board, General Electric Co.

Martin Feldstein, professor of economics, Harvard University.

Gerard Brannon, professor of economics, Georgetown University.

The seminar on Friday, September 26, will begin at 10 a.m. in room 357 of the Russell Office Building. The topic will be "DISC: An Evaluation of the Cost and Benefits." The seminar will review and evaluate the following issues: the need for export incentives in light of subsequent dollar devaluations and a floating rate exchange system; how much DISC has increased exports; how much of an inflationary impact DISC has had on domestic price levels: which industries and types of companies have benefited most from DISC: why DISC revenue costs have been so much higher than initially anticipated; and the value of the continued existence of DISC as a significant "bargaining chip" in international trade negotiations. The seminar will also evaluate DISC in light of the assumption in the first concurrent resolution on the budget that $1 billion in additional revenue for fiscal year 1976 will be raised "through enactment of tax reform legislation."

The participants of this seminar will include:

David Garfield, vice chairman, Ingersoll-Rand Co. and chairman of the special committee for U.S. exports.

Harold Malmgren, fellow, Woodrow Wilson Center for Scholars, former deputy special trade representatives.

Thomas Horst, professor, Fletcher School of Law and Diplomacy.

Robert Sammons, consultant to the Treasury Department and the Federal Reserve Board.

## ADDITIONAL STATEMENTS

### THE ALOHA STADIUM

Mr. FONG. Mr. President, the growth and development of my State of Hawaii has attracted the attention of the Nation during recent years. I am pleased to report the completion over the weekend of the newest major landmark in this history of growth. I refer to the Aloha Stadium which opened on Friday, September 12, 1975, in Honolulu.

This extraordinary multisport stadium, designed for the State of Hawaii by world renowned architects Charles Luckman Associates, holds significance for sports fans across the Nation. This unique 50,000-seat stadium is the first in the world with massive movable grandstands designed to provide sports fans with ideal seating for both football and baseball.

Through the innovative use of air firm technology, Aloha Stadium changes shape from football position to baseball and back again by moving the 14-million-pound grandstands on a thin film of compressed air. Seating configurations place both the football fan and the baseball fan closer to the playing field and with a better viewing angle than ever before achieved in a multisport stadium.

The bold design concept for Aloha Stadium was conceived by Charles Luckman Associates, architects for many of

the Nation's most prestigious structures, including Madison Square Garden in New York, the Forum in Inglewood, Calif., Prudential Square in Boston, Los Angeles Convention and Exhibition Center, and Phoenix Civil Plaza.

Aloha Stadium represents the remarkable achievements that can be attained by creative planners, designers and builders working in cooperation with enlightened State government.

Though many things could have gone wrong, I am happy to report that the opening of the stadium, with the Governor and a host of other officials and Mr. Luckman present, took place Friday without a flaw.

I am also happy to report that my enthusiasm for our new landmark and its architect is shared by many others. As examples, I cite an article by Grady Timmons, a staff writer with the Honolulu Star-Bulletin, and another which appeared in the September 22 issue of Time magazine. 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:

LUCKMAN: THERE IS NO OTHER LIKE IT

(By Grady Timmons)

Slightly more than a year ago, Stadium architect Charles Luckman predicted that the stadium, when finished, would be well worth the delays. To be on hand for its opening this weekend, Luckman flew into Honolulu last night, his position unchanged.

"I think it has been well worth it for everybody," he said: "The people here are going to have a revolutionary type of stadium. There is no other like it in the world. Eventually I think it will even become a tourist attraction. I also think it is going to make money."

By revolutionary, Luckman meant that because of the movable stands the new Aloha Stadium will be the only one of its kind capable of adapting itself perfectly to either baseball or football. "From the viewpoint of the fan the sidelines will be exactly right," he said.

Citing problems other cities have had, Luckman noted that the Coliseum in Los Angeles is a beautiful structure and a great place to play football, but that the Dodgers almost went crazy trying to play baseball in it. Or how Kansas City spent $42 million for side-by-side stadiums, one for football, one for baseball.

Luckman flew in from Los Angeles where Wednesday evening the stadium and its revolutionary features were shown nationally on all networks.

For Luckman, the stadium is not his biggest architectural feat, but he says that it is his most gratifying. "As an architect it is terribly exciting and satisfying to see the project completed. Five years ago we were the only ones who said it would work . . . But I always thought that once the stands moved the bickering would stop."

Because of bickering and delays, Luckman also admits that with the completion of the stadium comes a sense of relief. "It would be less than honest to say that there isn't," he said.

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SLIDING ON AIR

Even before the University of Hawaii's season-opening football game with Texas A. & I. last week, there had been a show of another kind of power and agility at the state's new $30 million Aloha Stadium in Honolulu. Two weeks ago, four of the stadium's six huge, 147-ft.-high grandstand sections were swung closer to the playing field. That maneuver marked the final successful test of the revolutionary 50,000-seat stadium, which uses advanced technology to change its shape and purpose by literally sliding on a cushion of air.

When sports-happy Hawaiians began planning a new stadium in Honolulu eight years ago, they wanted an all-purpose arena that would serve equally well for football and baseball, a neat trick never satisfactorily performed. For example, when stadiums basically designed for football are also used for baseball, the outfield is likely to be so shallow that even weak hitters tend to turn into Hank Aarons. Charles Luckman Associates, the big Los Angeles architectural firm, decided on a novel approach: they designed a stadium that called for two large grandstand sections in fixed positions at the north and south ends of the field; the four other sections, paired on the east and west sides, were to be moved around as events required. The two pairs of east-west stands would be pulled in close to the playing field to frame the classic football grid, or pushed back and angled away to form a baseball diamond. The stands would also be reconfigured for concerts or other events.

But how to move the massive structures, each of which would be as high as a 14-story building and weigh 1,750 tons? After looking at a variety of techniques, the Luckman designers, collaborating with Rolair Systems, Inc. of Santa Barbara, Calif., found the answer in airfilm technology. Already used by Boeing to move heavy airframes about and by San Francisco's Bay Area Rapid Transit system to swing subway cars around at terminals, this new technology allows large, bulky objects to be maneuvered on so-called air bearings—thin (.031 in.), porous plastic disks. When air is forced through the disks from above at high pressure, it builds up underneath them in a thin film that acts as a bearing. In the Rolair-designed system at the Aloha Stadium, 416 such air bearings are positioned under the four movable stands. They are linked by pipe to three large compressors. When the compressors are turned on, the bearings lift the stands up about .004 in. above a smooth concrete surface. That is enough to reduce friction sufficiently so that the stands can be moved along by hydraulic jacks a distance of 180 ft. in only 20 or 25 minutes.

In fact, says Luckman's project chief, Samuel M. Burnett Jr., the stands can be maneuvered by muscle power alone. All it could take to prepare the stadium for baseball next spring is some season-end shoving by the football team.

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## PAY ADJUSTMENTS FOR FEDERAL EMPLOYEES

Mr. McGEE. Mr. President, tomorrow afternoon the Senate will move on to consideration of Senate Resolution 239, disapproving the alternative plan for pay adjustments for Federal employees. That resolution was introduced on September 4 by my courageous colleague, the distinguished Senator from Montana (Mr. METCALF).

It is an outrage that once again, the Federal worker is called upon to serve as the sacrificial lamb on the administration's altar of inflation. Are we to believe that by succumbing to the President's alternative plan of 5 percent, grocery prices will drop, the housing crunch will dissolve and the unemployment rate will be lowered. If I thought that any one of those things would happen, I would happily support the President.

To the contrary, a vote against this resolution tomorrow will result in lesser benefits for over 500,000 disabled black lung miners and their dependents who by virtue of the law are geared to grade 2 of the General Schedule which now pays a starting salary of $5,996. It will result in less pay for the uniformed services and the rank and file Federal workers who, because of an antiquated Hatch Act and an inability to bargain collectively, must stand by and hope that tomorrow we will do the right thing regardless of political considerations.

The President announced in January that he intended to ignore the law that mandates comparability and propose no more than 5 percent some 8 months later. He reminded us of his promise when in March he sent along to the Congress leglislative proposals that included a 5-percent limitation. In other words, just as his predecessor before him decided, the President early on made the decision to make the Federal wage earner the scapegoat for economic policies that yesterday were, in effect, soundly rejected in the State of New Hampshire. We all know that the dedicated civil servants are not the reason for the sad state of our economy. The reason is a steadfast refusal to budge from economic policies that have proven that they just will not work. Those policies are set by Presidential appointees, not the rank and file Government worker whose purchasing power swings on the strength of our vote tomorrow.

It gave me great hope when I reviewed the conference report presented in the Chamber by the Senate Budget Committee on May 9, 1975, and read that:

If Congress should decide not to limit increases in defense salaries and retirement allowances, there are sufficient funds within this total to support that decision.

The conferees went on to state:

The conferees assume that the levels agreed upon are sufficient to cover civilian agency pay raises under existing law . . .

It comes as no little surprise to me that some of our conferees instrumental in obtaining what I thought at the time was an excellent result in their conference with the House are now contemplating doing an about face on this issue.

There have been published certain statistics that will indicate the adverse effect that a vote against the resolution will have on minorities in Federal employment. As we all know, minorities are by and large represented at the bottom rungs of the general schedule ladder with little hope for much more than what tomorrow's vote will bring.

Mr. President, so that my colleagues may have the benefit of those statistics in advance of the vote tomorrow, I ask unanimous consent that the relevant tables be printed at this point in the RECORD.

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

[Prepared by U.S. Civil Service Commission, Nov. 30, 1972]

MINORITY GROUP EMPLOYMENT IN THE FEDERAL GOVERNMENT

1972 MINORITY GROUP STUDY

[Full-time employment as of Nov. 30, 1972]

| Pay system | Total full-time employees | Total minority employees | | Negro | | Spanish surnamed | | American Indian | | Oriental | | All other employees | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| **ALABAMA** | | | | | | | | | | | | | |
| Total all pay systems | 53,660 | 6,118 | 11.4 | 5,920 | 11.0 | 110 | 0.2 | 40 | 0.1 | 48 | 0.1 | 47,542 | 88.6 |
| Total General Schedule or similar | 31,690 | 2,668 | 8.4 | 2,513 | 7.9 | 88 | .3 | 27 | .1 | 40 | .1 | 29,022 | 91.6 |
| GS–1 through 4 | 6,524 | 1,308 | 20.0 | 1,276 | 19.6 | 21 | .3 | 6 | .1 | 5 | .1 | 5,216 | 80.0 |
| GS–5 through 8 | 8,491 | 770 | 9.1 | 737 | 8.7 | 19 | .2 | 8 | .1 | 6 | .1 | 7,721 | 90.9 |
| GS–9 through 11 | 7,266 | 420 | 5.8 | 390 | 5.4 | 10 | .1 | 6 | .1 | 14 | .2 | 6,846 | 94.2 |
| GS–12 through 13 | 7,088 | 125 | 1.8 | 93 | 1.3 | 19 | .3 | 4 | .1 | 9 | .1 | 6,963 | 98.2 |
| GS–14 through 15 | 2,251 | 44 | 2.0 | 16 | .7 | 19 | .8 | 3 | .1 | 6 | .3 | 2,207 | 98.0 |
| GS–16 through 18 | 70 | 1 | 1.4 | 1 | 1.4 | | | | | | | 69 | 98.6 |
| **ALASKA** | | | | | | | | | | | | | |
| Total all pay systems | 13,675 | 1,543 | 11.3 | 509 | 3.7 | 112 | .8 | 832 | 6.1 | 90 | .7 | 12,132 | 88.7 |
| Total general schedule or similar | 7,643 | 727 | 9.5 | 178 | 2.3 | 55 | .7 | 453 | 5.9 | 41 | .5 | 6,916 | 90.5 |
| GS–1 through 4 | 1,987 | 377 | 19.0 | 82 | 4.1 | 24 | 1.2 | 259 | 13.0 | 12 | .6 | 1,610 | 81.0 |
| GS–5 through 8 | 1,902 | 170 | 8.9 | 41 | 2.2 | 18 | .9 | 101 | 5.3 | 10 | .5 | 1,732 | 91.1 |
| GS–9 through 11 | 2,245 | 126 | 5.6 | 38 | 1.7 | 8 | .4 | 66 | 2.9 | 14 | .6 | 2,119 | 94.4 |
| GS–12 through 13 | 1,273 | 47 | 3.7 | 15 | 1.2 | 5 | .4 | 22 | 1.7 | 5 | .4 | 1,226 | 96.3 |
| GS–14 through 15 | 229 | 7 | 3.1 | 2 | .9 | | | 5 | 2.2 | | | 222 | 96.9 |
| GS–16 through 18 | 7 | | | | | | | | | | | 7 | 100.0 |
| **ARIZONA** | | | | | | | | | | | | | |
| Total all pay systems | 27,996 | 7,866 | 28.1 | 738 | 2.6 | 2,586 | 9.2 | 4,447 | 15.9 | 95 | .3 | 20,130 | 71.9 |
| Total general schedule or similar | 16,327 | 4,425 | 27.1 | 331 | 2.0 | 912 | 5.6 | 3,121 | 19.1 | 61 | .4 | 11,902 | 72.9 |
| GS–1 through 4 | 4,978 | 2,589 | 52.0 | 124 | 2.5 | 295 | 5.9 | 2,159 | 43.4 | 11 | .2 | 2,389 | 48.0 |
| GS–5 through 8 | 4,477 | 1,106 | 24.7 | 63 | 1.4 | 372 | 8.3 | 647 | 14.5 | 24 | .5 | 3,371 | 75.3 |
| GS–9 through 11 | 4,194 | 575 | 13.7 | 128 | 3.1 | 179 | 4.3 | 256 | 6.1 | 12 | .3 | 3,619 | 86.3 |
| GS–12 through 13 | 2,232 | 136 | 6.1 | 16 | .7 | 58 | 2.6 | 49 | 2.2 | 13 | .6 | 2,096 | 93.9 |
| GS–14 through 15 | 441 | 19 | 4.3 | | | 8 | 1.8 | 10 | 2.3 | 1 | .2 | 422 | 95.7 |
| GS–16 through 18 | 5 | | | | | | | | | | | 5 | 100.0 |
| **ARKANSAS** | | | | | | | | | | | | | |
| Total all pay systems | 15,490 | 1,802 | 11.6 | 1,715 | 11.1 | 33 | .2 | 42 | .3 | 12 | .1 | 13,688 | 88.4 |
| Total general schedule or similar | 7,819 | 666 | 8.5 | 601 | 7.7 | 24 | .3 | 31 | .4 | 10 | .1 | 7,153 | 91.5 |
| GS–1 through 4 | 1,995 | 407 | 20.4 | 393 | 19.7 | 7 | .4 | 6 | .3 | 1 | .1 | 1,588 | 79.6 |
| GS–5 through 8 | 2,656 | 143 | 5.4 | 128 | 4.8 | 7 | .3 | 6 | .2 | 2 | .1 | 2,513 | 94.6 |
| GS–9 through 11 | 2,064 | 94 | 4.6 | 73 | 3.5 | 6 | .3 | 12 | .6 | 3 | .1 | 1,970 | 95.4 |
| GS–12 through 13 | 902 | 19 | 2.1 | 7 | .8 | 2 | .2 | 7 | .8 | 3 | .3 | 883 | 97.9 |
| GS–14 through 15 | 196 | 3 | 1.5 | | | 2 | 1.0 | | | 1 | .5 | 193 | 98.5 |
| GS–16 through 18 | 6 | | | | | | | | | | | 6 | 100.0 |
| **CALIFORNIA** | | | | | | | | | | | | | |
| Total all pay systems | 283,144 | 73,084 | 25.8 | 41,935 | 14.8 | 17,691 | 6.2 | 1,349 | .5 | 12,109 | 4.3 | 210,060 | 74.2 |
| Total general schedule or similar | 133,090 | 24,616 | 18.5 | 12,636 | 9.5 | 5,807 | 4.4 | 668 | .5 | 5,505 | 4.1 | 108,474 | 81.5 |
| GS–1 through 4 | 30,979 | 8,834 | 28.5 | 5,303 | 17.1 | 2,048 | 6.6 | 240 | .8 | 1,243 | 4.0 | 22,145 | 71.5 |
| GS–5 through 8 | 39,294 | 9,073 | 23.1 | 5,097 | 13.0 | 1,920 | 4.9 | 221 | .6 | 1,835 | 4.7 | 30,221 | 76.9 |
| GS–9 through 11 | 35,417 | 4,575 | 12.9 | 1,597 | 4.5 | 1,297 | 3.7 | 132 | .4 | 1,549 | 4.4 | 30,842 | 87.1 |
| GS–12 through 13 | 22,190 | 1,816 | 8.2 | 548 | 2.5 | 452 | 2.0 | 61 | .3 | 755 | 3.4 | 20,374 | 91.8 |
| GS–14 through 15 | 5,024 | 311 | 6.2 | 89 | 1.8 | 86 | 1.7 | 13 | .3 | 123 | 2.4 | 4,713 | 93.8 |
| GS–16 through 18 | 186 | 7 | 3.8 | 2 | 1.1 | 4 | 2.2 | 1 | .5 | | | 179 | 96.2 |
| **COLORADO** | | | | | | | | | | | | | |
| Total all pay systems | 42,051 | 7,783 | 18.5 | 2,811 | 6.7 | 4,480 | 10.7 | 200 | .5 | 292 | .7 | 34,268 | 81.5 |
| Total general schedule or similar | 26,365 | 3,170 | 12.0 | 1,444 | 5.5 | 1,371 | 5.2 | 156 | .6 | 199 | .8 | 23,195 | 88.0 |
| GS–1 through 4 | 6,165 | 1,293 | 21.0 | 627 | 10.2 | 567 | 9.2 | 56 | .9 | 43 | .7 | 4,872 | 79.0 |
| GS–5 through 8 | 7,928 | 1,112 | 14.0 | 519 | 6.5 | 494 | 6.2 | 47 | .6 | 52 | .7 | 6,816 | 86.0 |
| GS–9 through 11 | 5,882 | 478 | 8.1 | 197 | 3.3 | 206 | 3.5 | 22 | .4 | 53 | .9 | 5,404 | 91.9 |
| GS–12 through 13 | 4,901 | 224 | 4.6 | 80 | 1.6 | 82 | 1.7 | 21 | .4 | 41 | .8 | 4,677 | 95.4 |
| GS–14 through 15 | 1,413 | 60 | 4.2 | 19 | 1.3 | 21 | 1.5 | 10 | .7 | 10 | .7 | 1,353 | 95.8 |
| GS–16 through 18 | 76 | 3 | 3.9 | 2 | 2.6 | 1 | 1.3 | | | | | 73 | 96.1 |
| **CONNECTICUT** | | | | | | | | | | | | | |
| Total all pay systems | 17,295 | 1,692 | 9.8 | 1,550 | 9.0 | 109 | .6 | 4 | | 29 | .2 | 15,603 | 90.2 |
| Total General Schedule or similar | 6,022 | 473 | 7.9 | 409 | 6.8 | 45 | .7 | 3 | | 16 | .3 | 5,549 | 92.1 |
| GS–1 through 4 | 1,205 | 199 | 16.5 | 174 | 14.4 | 21 | 1.7 | 1 | .1 | 3 | .2 | 1,006 | 83.5 |
| GS–5 through 8 | 1,827 | 178 | 9.7 | 160 | 8.8 | 14 | .8 | 1 | .1 | 3 | .2 | 1,649 | 90.3 |
| GS–9 through 11 | 1,817 | 70 | 3.9 | 59 | 3.2 | 7 | .4 | 1 | .1 | 3 | .2 | 1,747 | 96.1 |
| GS–12 through 13 | 978 | 17 | 1.7 | 12 | 1.2 | 2 | .2 | | | 3 | .3 | 961 | 98.3 |
| GS–14 through 15 | 190 | 9 | 4.7 | 4 | 2.1 | 1 | .5 | | | 4 | 2.1 | 181 | 95.3 |
| GS–16 through 18 | 5 | | | | | | | | | | | 5 | 100.0 |

MINORITY GROUP EMPLOYMENT IN THE FEDERAL GOVERNMENT—Continued

1972 MINORITY GROUP STUDY—Continued

[Full-time employment as of Nov. 30, 1972]

| Pay system | Total full-time employees | Total minority employees | | Negro | | Spanish surnamed | | American Indian | | Oriental | | All other employees | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| **DELAWARE** | | | | | | | | | | | | | |
| Total all pay systems | 4,502 | 678 | 15.1 | 637 | 14.1 | 17 | .4 | 3 | .1 | 21 | .5 | 3,824 | 84.9 |
| Total general schedule or similar | 1,861 | 226 | 12.1 | 196 | 10.5 | 9 | .5 | 1 | .1 | 20 | 1.1 | 1,635 | 87.9 |
| GS–1 through 4 | 434 | 77 | 17.7 | 70 | 16.1 | 3 | .7 | | | 4 | .9 | 357 | 82.3 |
| GS–5 through 8 | 727 | 100 | 13.8 | 93 | 12.8 | 4 | .6 | 1 | .1 | 2 | .3 | 627 | 86.2 |
| GS–9 through 11 | 437 | 25 | 5.7 | 22 | 5.0 | 2 | .5 | | | 1 | .2 | 412 | 94.3 |
| GS–12 through 13 | 218 | 13 | 6.0 | 11 | 5.0 | | | | | 2 | .9 | 205 | 94.0 |
| GS–14 through 15 | 44 | 11 | 25.0 | | | | | | | 11 | 25.0 | 33 | 75.0 |
| GS–16 through 18 | 1 | | | | | | | | | | | 1 | 100.0 |
| **FLORIDA** | | | | | | | | | | | | | |
| Total all pay systems | 67,427 | 7,926 | 11.8 | 6,372 | 9.5 | 1,335 | 2.0 | 117 | .2 | 102 | .2 | 59,501 | 88.2 |
| Total general schedule or similar | 33,215 | 2,306 | 6.9 | 1,498 | 4.5 | 678 | 2.0 | 65 | .2 | 65 | .2 | 30,909 | 93.1 |
| GS–1 through 4 | 7,431 | 1,075 | 14.5 | 830 | 11.2 | 212 | 2.9 | 21 | .3 | 12 | .2 | 6,356 | 85.5 |
| GS–5 through 8 | 9,536 | 699 | 7.3 | 447 | 4.7 | 216 | 2.3 | 23 | .2 | 13 | .1 | 8,837 | 92.7 |
| GS–9 through 11 | 8,131 | 335 | 4.1 | 164 | 2.0 | 141 | 1.7 | 12 | .1 | 18 | .2 | 7,796 | 95.9 |
| GS–12 through 13 | 6,479 | 134 | 2.1 | 52 | .8 | 64 | 1.0 | 8 | .1 | 10 | .2 | 6,345 | 97.9 |
| GS–14 through 15 | 1,591 | 62 | 3.9 | 5 | .3 | 44 | 2.8 | 1 | .1 | 12 | .8 | 1,529 | 96.1 |
| GS–16 through 18 | 47 | 1 | 2.1 | | | 1 | 2.1 | | | | | 46 | 97.9 |
| **GEORGIA** | | | | | | | | | | | | | |
| Total all pay systems | 70,054 | 13,183 | 18.8 | 12,883 | 18.4 | 192 | .3 | 28 | | 80 | .1 | 56,871 | 81.2 |
| Total general schedule or similar | 39,418 | 3,666 | 9.3 | 3,463 | 8.8 | 117 | .3 | 21 | .1 | 65 | .2 | 35,752 | 90.7 |
| GS–1 through 4 | 9,609 | 1,799 | 18.7 | 1,761 | 18.3 | 21 | .2 | 3 | | 14 | .1 | 7,810 | 81.3 |
| GS–5 through 8 | 12,903 | 1,116 | 8.6 | 1,067 | 8.3 | 32 | .2 | 6 | | 11 | .1 | 11,787 | 91.4 |
| GS–9 through 11 | 9,368 | 456 | 4.9 | 396 | 4.2 | 34 | .4 | 7 | .1 | 19 | .2 | 8,912 | 95.1 |
| GS–12 through 13 | 5,911 | 226 | 3.8 | 188 | 3.2 | 18 | .3 | 4 | .1 | 16 | .3 | 5,685 | 96.2 |
| GS–14 through 15 | 1,560 | 64 | 4.1 | 46 | 2.9 | 12 | .8 | 1 | .1 | 5 | .3 | 1,496 | 95.9 |
| GS–16 through 18 | 67 | 5 | 7.5 | 5 | 7.5 | | | | | | | 62 | 92.5 |
| **IDAHO** | | | | | | | | | | | | | |
| Total all pay systems | 7,730 | 308 | 4.0 | 72 | .9 | 57 | .7 | 150 | 1.9 | 29 | .4 | 7,422 | 96.0 |
| Total general schedule or similar | 4,855 | 174 | 3.6 | 27 | .6 | 30 | .6 | 99 | 2.0 | 18 | .4 | 4,681 | 96.4 |
| GS–1 through 4 | 913 | 64 | 7.0 | 8 | .9 | 11 | 1.2 | 39 | 4.3 | 6 | .7 | 849 | 93.0 |
| GS–5 through 8 | 1,493 | 74 | 5.0 | 13 | .9 | 14 | .9 | 39 | 2.6 | 8 | .5 | 1,419 | 95.0 |
| GS–9 through 11 | 1,562 | 30 | 1.9 | 6 | .4 | 4 | .3 | 16 | 1.0 | 4 | .3 | 1,532 | 98.1 |
| GS–12 through 13 | 753 | 5 | .7 | | | 1 | .1 | 4 | .5 | | | 748 | 99.3 |
| GS–14 through 15 | 130 | 1 | .8 | | | | | 1 | .8 | | | 129 | 99.2 |
| GS–16 through 18 | 4 | | | | | | | | | | | 4 | 100.0 |
| **ILLINOIS** | | | | | | | | | | | | | |
| Total all pay systems | 101,304 | 31,665 | 31.3 | 30,014 | 29.6 | 1,023 | 1.0 | 95 | .1 | 533 | .5 | 69,639 | 68.7 |
| Total general schedule or similar | 44,451 | 9,197 | 20.6 | 8,285 | 18.6 | 464 | 1.0 | 52 | .1 | 396 | .9 | 35,344 | 79.4 |
| GS–1 through 4 | 11,132 | 3,991 | 35.9 | 3,772 | 33.9 | 174 | 1.6 | 20 | .2 | 25 | .2 | 7,141 | 64.1 |
| GS–5 through 8 | 13,236 | 3,312 | 25.0 | 3,060 | 23.1 | 143 | 1.1 | 15 | .1 | 94 | .7 | 9,924 | 75.0 |
| GS–9 through 11 | 10,769 | 1,232 | 11.4 | 973 | 9.0 | 79 | .7 | 7 | .1 | 173 | 1.6 | 9,537 | 88.6 |
| GS–12 through 13 | 7,410 | 508 | 6.9 | 385 | 5.2 | 49 | .7 | 7 | .1 | 67 | .9 | 6,902 | 93.1 |
| GS–14 through 15 | 1,913 | 151 | 7.9 | 93 | 4.9 | 19 | 1.0 | 2 | .1 | 37 | 1.9 | 1,762 | 92.1 |
| GS–16 through 18 | 81 | 3 | 3.7 | 2 | 2.5 | | | 1 | 1.2 | | | 78 | 96.3 |
| **INDIANA** | | | | | | | | | | | | | |
| Total all pay systems | 40,179 | 5,628 | 14.0 | 5,484 | 13.6 | 82 | .2 | 13 | | 49 | .1 | 34,551 | 86.0 |
| Total general schedule or similar | 18,022 | 2,520 | 14.0 | 2,435 | 13.5 | 35 | .2 | 7 | | 43 | .2 | 15,502 | 86.0 |
| GS–1 through 4 | 6,166 | 1,410 | 22.9 | 1,390 | 22.5 | 12 | .2 | 1 | | 7 | .1 | 4,756 | 77.1 |
| GS–5 through 8 | 5,045 | 798 | 15.8 | 783 | 15.5 | 9 | .2 | 3 | .1 | 3 | .1 | 4,247 | 84.2 |
| GS–9 through 11 | 4,211 | 234 | 5.6 | 205 | 4.9 | 9 | .2 | 3 | .1 | 17 | .4 | 3,977 | 94.4 |
| GS–12 through 13 | 2,267 | 64 | 2.8 | 53 | 2.3 | 4 | .2 | | | 7 | .3 | 2,203 | 97.2 |
| GS–14 through 15 | 323 | 14 | 4.3 | 4 | 1.2 | 1 | .3 | | | 9 | 2.8 | 309 | 95.7 |
| GS–16 through 18 | 10 | | | | | | | | | | | 10 | 100.0 |
| **IOWA** | | | | | | | | | | | | | |
| Total all pay systems | 16,616 | 497 | 3.0 | 401 | 2.4 | 65 | .4 | 7 | | 24 | .1 | 16,119 | 97.0 |
| Total General Schedule or similar | 6,520 | 196 | 3.0 | 145 | 2.2 | 26 | .4 | 4 | .1 | 21 | .3 | 6,324 | 97.0 |
| GS–1 through 4 | 1,333 | 65 | 4.9 | 59 | 4.4 | 5 | .4 | 1 | .1 | | | 1,268 | 95.1 |
| GS–5 through 8 | 2,524 | 55 | 2.2 | 44 | 1.7 | 8 | .3 | 1 | | 2 | .1 | 2,469 | 97.8 |
| GS–9 through 11 | 1,667 | 45 | 2.7 | 30 | 1.8 | 5 | .3 | 2 | .1 | 8 | .5 | 1,622 | 97.3 |
| GS–12 through 13 | 805 | 20 | 2.5 | 9 | 1.1 | 5 | .6 | | | 6 | .7 | 785 | 97.5 |
| GS–14 through 15 | 187 | 10 | 5.3 | 2 | 1.1 | 3 | 1.6 | | | 5 | 2.7 | 177 | 94.7 |
| GS–16 through 18 | 4 | 1 | 25.0 | 1 | 25.0 | | | | | | | 3 | 75.0 |
| **KANSAS** | | | | | | | | | | | | | |
| Total all pay systems | 20,504 | 2,101 | 10.2 | 1,560 | 7.6 | 251 | 1.2 | 224 | 1.1 | 66 | .3 | 18,403 | 89.8 |
| Total general schedule or similar | 9,925 | 1,007 | 10.1 | 696 | 7.0 | 103 | 1.0 | 164 | 1.7 | 44 | .4 | 8,918 | 89.9 |
| GS–1 through 4 | 2,781 | 446 | 16.0 | 351 | 12.6 | 34 | 1.2 | 52 | 1.9 | 9 | .3 | 2,335 | 84.0 |
| GS–5 through 8 | 3,218 | 309 | 9.6 | 223 | 6.9 | 33 | 1.0 | 45 | 1.4 | 8 | .2 | 2,909 | 90.4 |
| GS–9 through 11 | 2,355 | 184 | 7.8 | 93 | 3.9 | 18 | .8 | 60 | 2.5 | 13 | .6 | 2,171 | 92.2 |
| GS–12 through 13 | 1,310 | 42 | 3.2 | 24 | 1.8 | 6 | .5 | 7 | .5 | 5 | .4 | 1,268 | 96.8 |
| GS–14 through 15 | 255 | 26 | 10.2 | 5 | 2.0 | 12 | 4.7 | | | 9 | 3.5 | 229 | 89.8 |
| GS–16 through 18 | 6 | | | | | | | | | | | 6 | 100.0 |

| Pay system | Total full-time employees | Total minority employees | | Negro | | Spanish surnamed | | American Indian | | Oriental | | All other employees | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| **KENTUCKY** | | | | | | | | | | | | | |
| Total all pay systems | 34,309 | 3,490 | 10.2 | 3,388 | 9.9 | 56 | .2 | 13 | | 33 | .1 | 30,819 | 89.8 |
| Total General Schedule or similar | 15,476 | 1,382 | 8.9 | 1,320 | 8.5 | 31 | .2 | 3 | | 28 | .2 | 14,094 | 91.1 |
| GS–1 through 4 | 4,601 | 656 | 14.3 | 641 | 13.9 | 11 | .2 | | | 4 | .1 | 3,945 | 85.7 |
| GS–5 through 8 | 5,302 | 524 | 9.9 | 509 | 9.6 | 6 | .1 | 1 | | 8 | .2 | 4,778 | 90.1 |
| GS–9 through 11 | 3,737 | 174 | 4.7 | 150 | 4.0 | 11 | .3 | 2 | .1 | 11 | .3 | 3,563 | 95.3 |
| GS–12 through 13 | 1,571 | 22 | 1.4 | 18 | 1.1 | 1 | .1 | | | 3 | .2 | 1,549 | 98.6 |
| GS–14 through 15 | 260 | 6 | 2.3 | 2 | .8 | 2 | .8 | | | 2 | .8 | 254 | 97.7 |
| GS–16 through 18 | 5 | | | | | | | | | | | 5 | 100.0 |
| **LOUISIANA** | | | | | | | | | | | | | |
| Total all pay systems | 26,214 | 6,029 | 23.0 | 5,665 | 21.6 | 289 | 1.1 | 22 | .1 | 53 | .2 | 20,185 | 77.0 |
| Total General Schedule or similar | 13,793 | 1,870 | 13.6 | 1,680 | 12.2 | 139 | 1.0 | 19 | .1 | 32 | .2 | 11,923 | 86.4 |
| GS–1 through 4 | 3,860 | 978 | 25.3 | 947 | 24.5 | 22 | .6 | 2 | .1 | 7 | .2 | 2,882 | 74.7 |
| GS–5 through 8 | 4,387 | 584 | 13.3 | 532 | 12.1 | 45 | 1.0 | 2 | | 5 | .1 | 3,803 | 86.7 |
| GS–9 through 11 | 3,312 | 230 | 6.9 | 166 | 5.0 | 45 | 1.4 | 6 | .2 | 13 | .4 | 3,082 | 93.1 |
| GS–12 through 13 | 1,810 | 61 | 3.4 | 31 | 1.7 | 18 | 1.0 | 7 | .4 | 5 | .3 | 1,749 | 96.6 |
| GS–14 through 15 | 414 | 17 | 4.1 | 4 | 1.0 | 9 | 2.2 | 2 | .5 | 2 | .5 | 397 | 95.9 |
| GS–16 through 18 | 10 | | | | | | | | | | | 10 | 100.0 |
| **MARYLAND** | | | | | | | | | | | | | |
| Total all pay systems | 121,203 | 27,134 | 22.4 | 25,831 | 21.3 | 471 | .4 | 145 | .1 | 687 | .6 | 94,069 | 77.6 |
| Total General Schedule or similar | 88,863 | 16,047 | 18.1 | 14,959 | 16.8 | 395 | .4 | 117 | .1 | 576 | .6 | 72,816 | 81.9 |
| GS–1 through 4 | 18,208 | 6,739 | 37.0 | 6,626 | 36.4 | 60 | .3 | 16 | .1 | 37 | .2 | 11,469 | 63.0 |
| GS–5 through 8 | 25,947 | 5,512 | 21.2 | 5,304 | 20.4 | 79 | .3 | 42 | .2 | 87 | .3 | 20,435 | 78.8 |
| GS–9 through 11 | 17,297 | 2,105 | 12.2 | 1,865 | 10.8 | 97 | .6 | 23 | .1 | 120 | .7 | 15,192 | 87.8 |
| GS–12 through 13 | 18,340 | 1,263 | 6.9 | 908 | 5.0 | 105 | .6 | 22 | .1 | 228 | 1.2 | 17,077 | 93.1 |
| GS–14 through 15 | 8,314 | 417 | 5.0 | 252 | 3.0 | 52 | .6 | 14 | .2 | 99 | 1.2 | 7,897 | 95.0 |
| GS–16 through 18 | 757 | 11 | 1.5 | 4 | .5 | 2 | .3 | | | 5 | .7 | 746 | 98.5 |
| **MAINE** | | | | | | | | | | | | | |
| Total all pay systems | 7,824 | 59 | .8 | 35 | .4 | 6 | .1 | 13 | .2 | 5 | .1 | 7,765 | 99.2 |
| Total General Schedule or similar | 3,056 | 33 | 1.1 | 18 | .6 | 2 | .1 | 10 | .3 | 3 | .1 | 3,023 | 98.9 |
| GS–1 through 4 | 700 | 15 | 2.1 | 9 | 1.3 | | | 4 | .6 | 2 | .3 | 685 | 97.9 |
| GS–5 through 8 | 1,070 | 9 | .8 | 5 | .5 | 1 | .1 | 3 | .3 | | | 1,061 | 99.2 |
| GS–9 through 11 | 893 | 3 | .3 | 3 | .3 | | | | | | | 890 | 99.7 |
| GS–12 through 13 | 328 | 5 | 1.5 | 1 | .3 | | | 3 | .9 | 1 | .3 | 323 | 98.5 |
| GS, 14 through 15 | 64 | 1 | 1.6 | | | 1 | 1.6 | | | | | 63 | 98.4 |
| GS, 16 through 18 | 1 | | | | | | | | | | | 1 | 100.0 |
| **MASSACHUSETTS** | | | | | | | | | | | | | |
| Total all pay systems | 58,768 | 3,231 | 5.5 | 2,826 | 4.8 | 226 | .4 | 27 | | 152 | .3 | 55,537 | 94.5 |
| Total General Schedule or similar | 26,565 | 1,481 | 5.6 | 1,230 | 4.6 | 118 | .4 | 14 | .1 | 119 | .4 | 25,084 | 94.4 |
| GS–1 through 4 | 6,612 | 555 | 8.4 | 492 | 7.4 | 43 | .7 | 3 | | 17 | .3 | 6,057 | 91.6 |
| GS–5 through 8 | 7,980 | 439 | 5.5 | 378 | 4.7 | 31 | .4 | 8 | .1 | 22 | .3 | 7,541 | 94.5 |
| GS–9 through 11 | 5,674 | 242 | 4.3 | 195 | 3.4 | 22 | .4 | 3 | .1 | 22 | .4 | 5,432 | 95.7 |
| GS–12 through 13 | 4,657 | 153 | 3.3 | 105 | 2.3 | 15 | .3 | | | 33 | .7 | 4,504 | 96.7 |
| GS–14 through 15 | 1,574 | 86 | 5.5 | 56 | 3.6 | 7 | .4 | | | 23 | 1.5 | 1,488 | 94.5 |
| GS–16 through 18 | 68 | 6 | 8.8 | 4 | 5.9 | | | | | 2 | 2.9 | 62 | 91.2 |
| **MICHIGAN** | | | | | | | | | | | | | |
| Total all pay systems | 49,846 | 11,664 | 23.4 | 11,222 | 22.5 | 239 | .5 | 105 | .2 | 98 | .2 | 38,182 | 76.6 |
| Total General Schedule or similar | 21,353 | 4,587 | 21.5 | 4,371 | 20.5 | 99 | .5 | 37 | .2 | 80 | .4 | 16,766 | 78.5 |
| GS–1 through 4 | 5,126 | 1,854 | 36.2 | 1,810 | 35.3 | 22 | .4 | 16 | .3 | 6 | .1 | 3,272 | 63.8 |
| GS–5 through 8 | 5,928 | 1,648 | 27.8 | 1,602 | 27.0 | 28 | .5 | 8 | .1 | 10 | .2 | 4,280 | 72.2 |
| GS–9 through 11 | 6,045 | 780 | 12.9 | 711 | 11.8 | 34 | .6 | 9 | .1 | 26 | .4 | 5,265 | 87.1 |
| GS–12 through 13 | 3,536 | 258 | 7.3 | 223 | 6.3 | 12 | .3 | 4 | .1 | 19 | .5 | 3,278 | 92.7 |
| GS–14 through 15 | 703 | 46 | 6.5 | 24 | 3.4 | 3 | .4 | | | 19 | 2.7 | 657 | 93.5 |
| GS–16 through 18 | 15 | 1 | 6.7 | 1 | 6.7 | | | | | | | 14 | 93.3 |
| **MINNESOTA** | | | | | | | | | | | | | |
| Total all pay systems | 26,843 | 1,069 | 4.0 | 663 | 2.5 | 89 | .3 | 255 | .9 | 62 | .2 | 25,774 | 96.0 |
| Total General Schdeule or similar | 11,411 | 503 | 4.4 | 270 | 2.4 | 35 | .3 | 157 | 1.4 | 41 | .4 | 10,908 | 95.6 |
| GS–1 through 4 | 2,436 | 195 | 8.0 | 102 | 4.2 | 9 | .4 | 79 | 3.2 | 5 | .2 | 2,241 | 92.0 |
| GS–5 through 8 | 3,682 | 170 | 4.6 | 95 | 2.6 | 18 | .5 | 45 | 1.2 | 12 | .3 | 3,512 | 95.4 |
| GS–9 through 11 | 3,028 | 79 | 2.6 | 46 | 1.5 | 5 | .2 | 21 | .7 | 7 | .2 | 2,949 | 97.4 |
| GS–12 through 13 | 1,848 | 42 | 2.3 | 24 | 1.3 | 1 | .1 | 8 | .4 | 9 | .5 | 1,806 | 97.7 |
| GS–14 through 15 | 404 | 17 | 4.2 | 3 | .7 | 2 | .5 | 4 | 1.0 | 8 | 2.0 | 387 | 95.8 |
| GS–16 through 18 | 13 | | | | | | | | | | | 13 | 100.0 |
| **MISSISSIPPI** | | | | | | | | | | | | | |
| Total all pay systems | 19,545 | 2,328 | 11.9 | 2,102 | 10.8 | 41 | .2 | 162 | .8 | 23 | .1 | 17,217 | 88.1 |
| Total General Schedule or similar | 11,114 | 791 | 7.1 | 635 | 5.7 | 32 | .3 | 104 | .9 | 20 | .2 | 10,323 | 92.9 |
| GS–1 through 4 | 2,683 | 458 | 17.1 | 383 | 14.3 | 7 | .3 | 66 | 2.5 | 2 | .1 | 2,225 | 82.9 |
| GS–5 through 8 | 3,485 | 159 | 4.6 | 123 | 3.5 | 10 | .3 | 22 | .6 | 4 | .1 | 3,326 | 95.4 |
| GS–9 through 11 | 3,143 | 137 | 4.4 | 111 | 3.5 | 11 | .3 | 10 | .3 | 5 | .2 | 3,006 | 95.6 |
| GS–12 through 13 | 1,531 | 31 | 2.0 | 18 | 1.2 | 3 | .2 | 6 | .4 | 4 | .3 | 1,500 | 98.0 |
| GS–14 through 15 | 264 | 6 | 2.3 | | | 1 | .4 | | | 5 | 1.9 | 258 | 97.7 |
| GS–16 through 18 | 8 | | | | | | | | | | | 8 | 100.0 |

MINORITY GROUP EMPPLOYMENT IN THE FEDERAL GOVERNMENT—Continued

1972 MINORITY GROUP STUDY—Continued

[Full-time employment as of Nov. 30, 1972]

| Pay system | Total full-time employees | Total minority employees | | Negro | | Spanish surnamed | | American Indian | | Oriental | | All other employees | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| **MISSOURI** | | | | | | | | | | | | | |
| Total-all pay systems | 61,585 | 11,950 | 19.4 | 11,347 | 18.4 | 383 | .6 | 82 | .1 | 138 | .2 | 49,635 | 80.6 |
| Total General Schedule or similar | 38,002 | 5,759 | 15.2 | 5,319 | 14.0 | 258 | .7 | 62 | .2 | 120 | .3 | 32,243 | 84.8 |
| GS–1 through 4 | 10,048 | 2,632 | 26.2 | 2,524 | 25.1 | 76 | .8 | 14 | .1 | 18 | .2 | 7,416 | 73.8 |
| GS–5 through 8 | 10,715 | 1,798 | 16.8 | 1,686 | 15.7 | 73 | .7 | 15 | .1 | 24 | .2 | 8,917 | 83.2 |
| GS–9 through 11 | 10,175 | 988 | 9.7 | 866 | 8.5 | 62 | .6 | 19 | .2 | 41 | .4 | 9,187 | 90.3 |
| GS–12 through 13 | 5,778 | 271 | 4.7 | 199 | 3.4 | 41 | .7 | 13 | .2 | 18 | .3 | 5,507 | 95.3 |
| GS–14 through 15 | 1,246 | 69 | 5.5 | 43 | 3.5 | 6 | .5 | 1 | .1 | 19 | 1.5 | 1,177 | 94.5 |
| GS–16 through 18 | 40 | 1 | 2.5 | 1 | 2.5 | | | | | | | 39 | 97.5 |
| **MONTANA** | | | | | | | | | | | | | |
| Total all pay systems | 9,938 | 927 | 9.3 | 90 | .9 | 51 | .5 | 762 | 7.7 | 24 | .2 | 9,011 | 90.7 |
| Total General Schedule or similar | 6,059 | 592 | 9.8 | 28 | .5 | 28 | .5 | 517 | 8.5 | 19 | .3 | 5,467 | 90.2 |
| GS–1 through 4 | 1,250 | 309 | 24.7 | 7 | .6 | 10 | .8 | 289 | 23.1 | 3 | .2 | 941 | 75.3 |
| GS–5 through 8 | 1,802 | 163 | 9.0 | 9 | .5 | 7 | .4 | 141 | 7.8 | 6 | .3 | 1,639 | 91.0 |
| GS–9 through 11 | 1,895 | 82 | 4.3 | 10 | .5 | 9 | .5 | 59 | 3.1 | 4 | .2 | 1,813 | 95.7 |
| GS–12 through 13 | 961 | 29 | 3.0 | 1 | .1 | 1 | .1 | 24 | 2.5 | 3 | .3 | 932 | 97.0 |
| GS–14 through 15 | 146 | 9 | 6.2 | 1 | .7 | 1 | .7 | 4 | 2.7 | 3 | 2.1 | 137 | 93.8 |
| GS–16 through 18 | 5 | | | | | | | | | | | 5 | 100.0 |
| **NEBRASKA** | | | | | | | | | | | | | |
| Total all pay systems | 14,493 | 972 | 6.7 | 737 | 5.1 | 115 | .8 | 95 | .7 | 25 | .2 | 13,521 | 93.3 |
| Total General Schedule or similar | 7,218 | 414 | 5.7 | 288 | 4.0 | 44 | .6 | 60 | .8 | 22 | .3 | 6,804 | 94.3 |
| GS–1 through 4 | 1,447 | 180 | 12.4 | 127 | 8.8 | 18 | 1.2 | 32 | 2.2 | 3 | .2 | 1,267 | 87.6 |
| GS–5 through 8 | 2,365 | 139 | 5.9 | 103 | 4.4 | 17 | .7 | 15 | .6 | 4 | .2 | 2,226 | 94.1 |
| GS–9 through 11 | 1,808 | 67 | 3.7 | 42 | 2.3 | 6 | .3 | 10 | .6 | 9 | .5 | 1,741 | 96.3 |
| GS–12 through 13 | 1,314 | 21 | 1.6 | 14 | 1.1 | 1 | .1 | 3 | .2 | 3 | .2 | 1,293 | 98.4 |
| GS–14 through 15 | 272 | 7 | 2.6 | 2 | .7 | 2 | .7 | | | 3 | 1.1 | 265 | 97.4 |
| GS–16 through 18 | 12 | | | | | | | | | | | 12 | 100.0 |
| **NEVADA** | | | | | | | | | | | | | |
| Total all pay systems | 8,115 | 1,036 | 12.8 | 405 | 5.0 | 287 | 3.5 | 289 | 3.6 | 55 | .7 | 7,079 | 87.2 |
| Total General Schedule or similar | 4,037 | 374 | 9.3 | 88 | 2.2 | 85 | 2.1 | 165 | 4.1 | 36 | .9 | 3,663 | 90.7 |
| GS–1 through 4 | 813 | 144 | 17.7 | 30 | 3.7 | 24 | 3.0 | 81 | 10.0 | 9 | 1.1 | 669 | 82.3 |
| GS–5 through 8 | 1,195 | 135 | 11.3 | 39 | 3.3 | 34 | 2.8 | 52 | 4.4 | 10 | .8 | 1,060 | 88.7 |
| GS–9 through 11 | 1,076 | 58 | 5.4 | 12 | 1.1 | 13 | 1.2 | 23 | 2.1 | 10 | .9 | 1,018 | 94.6 |
| GS–12 through 13 | 745 | 29 | 3.9 | 4 | .5 | 13 | 1.7 | 7 | .9 | 5 | .7 | 716 | 96.1 |
| GS–14 through 15 | 194 | 8 | 4.1 | 3 | 1.5 | 1 | .5 | 2 | 1.0 | 2 | 1.0 | 186 | 95.9 |
| GS–16 through 18 | 14 | | | | | | | | | | | 14 | 100.0 |
| **NEW HAMPSHIRE** | | | | | | | | | | | | | |
| Total all pay systems | 11,063 | 116 | 1.0 | 77 | .7 | 14 | .1 | 7 | .1 | 18 | .2 | 10,947 | 99.0 |
| Total general schedule or similar | 4,561 | 76 | 1.7 | 48 | 1.1 | 7 | .2 | 3 | .1 | 18 | .4 | 4,485 | 98.3 |
| GS–1 through 4 | 904 | 17 | 1.9 | 12 | 1.3 | | | 2 | .2 | 3 | .3 | 887 | 98.1 |
| GS–5 through 8 | 1,017 | 17 | 1.7 | 10 | 1.0 | 5 | .5 | | | 2 | .2 | 1,000 | 98.3 |
| GS–9 through 11 | 1,477 | 18 | 1.2 | 16 | 1.1 | 1 | .1 | | | 1 | .1 | 1,459 | 98.8 |
| GS–12 through 13 | 992 | 16 | 1.6 | 7 | .7 | | | 1 | .1 | 8 | .8 | 976 | 98.4 |
| GS–14 through 15 | 170 | 8 | 4.7 | 3 | 1.8 | 1 | .6 | | | 4 | 2.4 | 162 | 95.3 |
| GS–16 through 18 | 1 | | | | | | | | | | | 1 | 100.0 |
| **NEW JERSEY** | | | | | | | | | | | | | |
| Total all pay systems | 62,264 | 9,746 | 15.7 | 8,921 | 14.3 | 618 | 1.0 | 28 | | 179 | .3 | 52,518 | 84.3 |
| Total general schedule or similar | 28,535 | 3,641 | 12.8 | 3,307 | 11.6 | 178 | .6 | 14 | | 142 | .5 | 24,894 | 87.2 |
| GS–1 through 4 | 5,760 | 1,608 | 27.9 | 1,531 | 26.6 | 56 | 1.0 | 2 | | 19 | .3 | 4,152 | 72.1 |
| GS–5 through 8 | 7,031 | 1,120 | 15.9 | 1,032 | 14.7 | 53 | .8 | 3 | | 32 | .5 | 5,911 | 84.1 |
| GS–9 through 11 | 7,490 | 538 | 7.2 | 460 | 6.1 | 41 | .5 | 4 | .1 | 33 | .4 | 6,952 | 92.8 |
| GS–12 through 13 | 6,716 | 310 | 4.6 | 245 | 3.6 | 25 | .4 | 5 | .1 | 35 | .5 | 6,406 | 95.4 |
| GS–14 through 15 | 1,503 | 61 | 4.1 | 37 | 2.5 | 3 | .2 | | | 21 | 1.4 | 1,442 | 95.9 |
| GS–16 through 18 | 35 | 4 | 11.4 | 2 | 5.7 | | | | | 2 | 5.7 | 31 | 88.6 |
| **NEW MEXICO** | | | | | | | | | | | | | |
| Total all pay systems | 24,015 | 10,399 | 43.3 | 401 | 1.7 | 6,484 | 27.0 | 3,455 | 14.4 | 59 | .2 | 13,616 | 56.7 |
| Total General Schedule or similar | 16,890 | 6,173 | 36.5 | 276 | 1.6 | 3,293 | 19.5 | 2,551 | 15.1 | 53 | .3 | 10,717 | 63.5 |
| GS–1 through 4 | 4,167 | 2,703 | 64.9 | 65 | 1.6 | 1,079 | 25.9 | 1,544 | 37.1 | 15 | .4 | 1,464 | 35.1 |
| GS–5 through 8 | 4,820 | 2,120 | 44.0 | 77 | 1.6 | 1,368 | 28.4 | 662 | 13.7 | 13 | .3 | 2,700 | 56.0 |
| GS–9 through 11 | 4,198 | 925 | 22.0 | 99 | 2.4 | 536 | 12.8 | 276 | 6.6 | 14 | .3 | 3,273 | 78.0 |
| GS–12 through 13 | 3,003 | 379 | 12.6 | 32 | 1.1 | 286 | 9.5 | 54 | 1.8 | 7 | .2 | 2,624 | 87.4 |
| GS–14 through 15 | 679 | 46 | 6.8 | 3 | .4 | 24 | 3.5 | 15 | 2.2 | 4 | .6 | 633 | 93.2 |
| GS–16 through 18 | 23 | | | | | | | | | | | 23 | 100.0 |
| **NEW YORK** | | | | | | | | | | | | | |
| Total all pay systems | 163,242 | 37,948 | 23.2 | 30,702 | 18.8 | 6,432 | 3.9 | 133 | .1 | 681 | .4 | 125,294 | 76.8 |
| Total General Schedule or similar | 60,513 | 10,696 | 17.7 | 8,832 | 14.6 | 1,406 | 2.3 | 56 | .1 | 402 | .7 | 49,817 | 82.3 |
| GS–1 through 4 | 14,863 | 4,499 | 30.3 | 3,833 | 25.8 | 617 | 4.2 | 16 | .1 | 33 | .2 | 10,364 | 69.7 |
| GS–5 through 8 | 18,257 | 3,914 | 21.4 | 3,345 | 18.3 | 446 | 2.4 | 21 | .1 | 102 | .6 | 14,343 | 78.6 |
| GS–9 through 11 | 14,986 | 1,499 | 10.0 | 1,130 | 7.5 | 200 | 1.3 | 9 | .1 | 160 | 1.1 | 13,487 | 90.0 |
| GS–12 through 13 | 9,627 | 560 | 5.8 | 406 | 4.2 | 102 | 1.1 | 7 | .1 | 45 | .5 | 9,067 | 94.2 |
| GS–14 through 15 | 2,678 | 214 | 8.0 | 111 | 4.1 | 38 | 1.4 | 3 | .1 | 62 | 2.3 | 2,464 | 92.0 |
| GS–16 through 18 | 102 | 10 | 9.8 | 7 | 6.9 | 3 | 2.9 | | | | | 92 | 90.2 |

| Pay system | Total full-time employees | Total minority employees | | Negro | | Spanish surnamed | | American Indian | | Oriental | | All other employees | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| **NORTH DAKOTA** | | | | | | | | | | | | | |
| Total all pay systems | 7,541 | 553 | 7.3 | 37 | .5 | 19 | .3 | 480 | 6.4 | 17 | .2 | 6,988 | 92.7 |
| Total General Schedule or similar | 3,867 | 337 | 8.7 | 20 | .5 | 15 | .4 | 290 | 7.5 | 12 | .3 | 3,530 | 91.3 |
| GS–1 through 4 | 884 | 175 | 19.8 | 8 | .9 | 4 | .5 | 158 | 17.9 | 5 | .6 | 709 | 80.2 |
| GS–5 through 8 | 1,216 | 87 | 7.2 | 3 | .2 | 4 | .3 | 78 | 6.4 | 2 | .2 | 1,129 | 92.8 |
| GS–9 through 11 | 1,185 | 56 | 4.7 | 7 | .6 | 6 | .5 | 40 | 3.4 | 3 | .3 | 1,129 | 95.3 |
| GS–12 through 13 | 511 | 17 | 3.3 | 2 | .4 | 1 | .2 | 13 | 2.5 | 1 | .2 | 494 | 96.7 |
| GS–14 through 15 | 69 | 2 | 2.9 | | | | | 1 | 1.4 | 1 | 1.4 | 67 | 97.1 |
| GS–16 through 18 | 2 | | | | | | | | | | | 2 | 100.0 |
| **NORTH CAROLINA** | | | | | | | | | | | | | |
| Total all pay systems | 36,629 | 5,923 | 16.2 | 5,566 | 15.2 | 100 | .3 | 212 | .6 | 45 | .1 | 30,706 | 83.8 |
| Total general schedule or similar | 16,594 | 1,715 | 10.3 | 1,511 | 9.1 | 52 | .3 | 115 | .7 | 37 | .2 | 14,879 | 89.7 |
| GS–1 through 4 | 4,578 | 929 | 20.3 | 840 | 18.3 | 24 | .5 | 53 | 1.2 | 12 | .3 | 3,649 | 79.7 |
| GS–5 through 8 | 5,718 | 509 | 8.9 | 452 | 7.9 | 8 | .1 | 39 | .7 | 10 | .2 | 5,209 | 91.1 |
| GS–9 through 11 | 3,938 | 218 | 5.5 | 184 | 4.7 | 11 | .3 | 20 | .5 | 3 | .1 | 3,720 | 94.5 |
| GS–12 through 13 | 1,857 | 40 | 2.2 | 31 | 1.7 | 6 | .3 | 3 | .2 | | | 1,817 | 97.8 |
| GS–14 through 15 | 478 | 19 | 4.0 | 4 | .8 | 3 | .6 | | | 12 | 2.5 | 459 | 96.0 |
| GS–16 through 18 | 25 | | | | | | | | | | | 25 | 100.0 |
| **OHIO** | | | | | | | | | | | | | |
| Total all pay systems | 90,164 | 19,145 | 21.2 | 18,773 | 20.8 | 183 | .2 | 39 | | 150 | .2 | 71,019 | 78.8 |
| Total general schedule or similar | 44,800 | 7,799 | 17.4 | 7,550 | 16.9 | 100 | .2 | 20 | | 129 | .3 | 37,001 | 82.6 |
| GS–1 through 4 | 8,997 | 2,994 | 33.3 | 2,958 | 32.9 | 24 | .3 | 5 | .1 | 7 | .1 | 6,003 | 66.7 |
| GS–5 through 8 | 11,674 | 2,919 | 25.0 | 2,872 | 24.6 | 19 | .2 | 9 | .1 | 19 | .2 | 7,855 | 75.0 |
| GS–9 through 11 | 10,359 | 1,145 | 11.1 | 1,087 | 10.5 | 27 | .3 | 3 | | 28 | .3 | 9,214 | 88.9 |
| GS–12 through 13 | 11,004 | 647 | 5.9 | 588 | 5.3 | 22 | .2 | 2 | | 35 | .3 | 10,357 | 94.1 |
| GS–14 through 15 | 2,665 | 94 | 3.5 | 45 | 1.7 | 8 | .3 | 1 | | 40 | 1.5 | 2,571 | 96.5 |
| GS–16 through 18 | 101 | | | | | | | | | | | 101 | 100.0 |
| **OKLAHOMA** | | | | | | | | | | | | | |
| Total all pay systems | 51,623 | 7,124 | 13.8 | 3,731 | 7.2 | 358 | .7 | 2,966 | 5.7 | 69 | .1 | 44,499 | 86.2 |
| Total general schedule or similar | 24,816 | 3,148 | 12.7 | 1,117 | 4.5 | 170 | .7 | 1,810 | 7.3 | 51 | .2 | 21,668 | 87.3 |
| GS–1 through 4 | 6,132 | 1,286 | 21.0 | 471 | 7.7 | 40 | .7 | 762 | 12.4 | 13 | .2 | 4,846 | 79.0 |
| GS–5 through 8 | 7,132 | 990 | 13.9 | 389 | 5.5 | 45 | .6 | 544 | 7.6 | 12 | .2 | 6,142 | 86.1 |
| GS–9 through 11 | 7,430 | 610 | 8.2 | 204 | 2.7 | 60 | .8 | 335 | 4.5 | 11 | .1 | 6,820 | 91.8 |
| GS–12 through 13 | 3,557 | 218 | 6.1 | 48 | 1.3 | 20 | .6 | 141 | 4.0 | 9 | .3 | 3,339 | 93.9 |
| GS–14 through 15 | 554 | 44 | 7.9 | 5 | .9 | 5 | .9 | 28 | 5.1 | 6 | 1.1 | 510 | 92.1 |
| GS–16 through 18 | 11 | | | | | | | | | | | 11 | 100.0 |
| **OREGON** | | | | | | | | | | | | | |
| Total all pay systems | 22,826 | 1,199 | 5.3 | 534 | 2.3 | 146 | .6 | 297 | 1.3 | 222 | 1.0 | 21,629 | 94.7 |
| Total General Schedule or similar | 13,984 | 686 | 4.9 | 222 | 1.6 | 85 | .6 | 237 | 1.7 | 142 | 1.0 | 13,298 | 95.1 |
| GS–1 through 4 | 3,034 | 227 | 7.5 | 84 | 2.8 | 26 | .9 | 96 | 3.2 | 21 | .7 | 2,807 | 92.5 |
| GS–5 through 8 | 4,045 | 216 | 5.3 | 76 | 1.9 | 30 | .7 | 70 | 1.7 | 40 | 1.0 | 3,829 | 94.7 |
| GS–9 through 11 | 4,101 | 147 | 3.6 | 42 | 1.0 | 17 | .4 | 45 | 1.1 | 43 | 1.0 | 3,954 | 96.4 |
| GS–12 through 13 | 2,298 | 71 | 3.1 | 16 | .7 | 8 | .3 | 19 | .8 | 28 | 1.2 | 2,227 | 96.9 |
| GS–14 through 15 | 486 | 25 | 5.1 | 4 | .8 | 4 | .8 | 7 | 1.4 | 10 | 2.1 | 461 | 94.9 |
| GS–16 through 18 | 20 | | | | | | | | | | | 20 | 100.0 |
| **PENNSYLVANIA** | | | | | | | | | | | | | |
| Total all pay systems | 130,484 | 23,433 | 18.0 | 22,803 | 17.5 | 369 | .3 | 67 | .1 | 194 | .1 | 107,051 | 82.0 |
| Total General Schedule or similar | 65,844 | 10,780 | 16.4 | 10,401 | 15.8 | 190 | .3 | 37 | .1 | 152 | .2 | 55,064 | 83.6 |
| GS–1 through 4 | 17,663 | 4,704 | 26.6 | 4,616 | 26.1 | 56 | .3 | 13 | .1 | 19 | .1 | 12,959 | 73.4 |
| GS–5 through 8 | 18,469 | 3,728 | 20.2 | 3,642 | 19.7 | 49 | .3 | 9 | | 28 | .2 | 14,741 | 79.8 |
| GS–9 through 11 | 17,903 | 1,705 | 9.5 | 1,602 | 8.9 | 50 | .3 | 9 | .1 | 44 | .2 | 16,918 | 90.5 |
| GS–12 through 13 | 9,828 | 524 | 5.3 | 459 | 4.7 | 25 | .3 | 6 | .1 | 34 | .3 | 9,304 | 94.7 |
| GS–14 through 15 | 1,924 | 113 | 5.9 | 76 | 4.0 | 10 | .5 | | | 27 | 1.4 | 1,811 | 94.1 |
| GS–16 through 18 | 57 | 6 | 10.5 | 6 | 10.5 | | | | | | | 51 | 89.5 |
| **RHODE ISLAND** | | | | | | | | | | | | | |
| Total all pay systems | 15,268 | 569 | 3.7 | 490 | 3.2 | 36 | .2 | 5 | | 38 | .2 | 14,659 | 96.3 |
| Total General Schedule or similar | 7,488 | 211 | 2.8 | 164 | 2.2 | 18 | .2 | 3 | | 26 | .3 | 7,277 | 97.2 |
| GS–1 through 4 | 1,663 | 81 | 4.9 | 70 | 4.2 | 7 | .4 | | | 4 | .2 | 1,582 | 95.1 |
| GS–5 through 8 | 2,202 | 66 | 3.0 | 54 | 2.5 | 4 | .2 | 1 | | 7 | .3 | 2,136 | 97.0 |
| GS–9 through 11 | 2,007 | 37 | 1.8 | 29 | 1.4 | 2 | .1 | 1 | | 5 | .2 | 1,970 | 98.2 |
| GS–12 through 13 | 1,361 | 19 | 1.4 | 10 | .7 | 2 | .1 | 1 | .1 | 6 | .4 | 1,342 | 98.6 |
| GS–14 through 15 | 240 | 7 | 2.9 | 1 | .4 | 3 | 1.3 | | | 3 | 1.3 | 233 | 97.1 |
| GS–16 through 18 | 15 | 1 | 6.7 | | | | | | | 1 | 6.7 | 14 | 93.3 |
| **SOUTH CAROLINA** | | | | | | | | | | | | | |
| Total all pay systems | 27,631 | 4,850 | 17.6 | 4,734 | 17.1 | 56 | .2 | 16 | .1 | 44 | .2 | 22,781 | 82.4 |
| Total general schedule or similar | 11,917 | 1,060 | 8.9 | 994 | 8.3 | 29 | .2 | 5 | | 32 | .3 | 10,857 | 91.1 |
| GS–1 through 4 | 3,309 | 623 | 18.8 | 601 | 18.2 | 8 | .2 | 2 | .1 | 12 | .4 | 2,686 | 81.2 |
| GS–5 through 8 | 4,151 | 301 | 7.3 | 287 | 6.9 | 6 | .1 | 1 | | 7 | .2 | 3,850 | 92.7 |
| GS–9 through 11 | 2,795 | 105 | 3.8 | 89 | 3.2 | 9 | .3 | 2 | .1 | 5 | .2 | 2,690 | 96.2 |
| GS–12 through 13 | 1,423 | 18 | 1.3 | 15 | 1.1 | 2 | .1 | | | 1 | .1 | 1,405 | 98.7 |
| GS–14 through 15 | 231 | 13 | 5.6 | 2 | .9 | 4 | 1.7 | | | 7 | 3.0 | 218 | 94.4 |
| GS–16 through 18 | 8 | | | | | | | | | | | 8 | 100.0 |

MINORITY GROUP EMPLOYMENT IN THE FEDERAL GOVERNMENT—Continued

1972 MINORITY GROUP STUDY—Continued

[Full-time employment as of Nov. 30, 1972]

| Pay system | Total full-time employees | Total minority employees | | Negro | | Spanish surnamed | | American Indian | | Oriental | | All other employees | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| **SOUTH DAKOTA** | | | | | | | | | | | | | |
| Total all pay systems | 8,766 | 1,216 | 13.9 | 42 | .5 | 30 | .3 | 1,133 | 12.9 | 11 | .1 | 7,550 | 86.1 |
| Total General Schedule or similar | 4,831 | 802 | 16.6 | 21 | .4 | 17 | .4 | 757 | 15.7 | 7 | .1 | 4,029 | 83.4 |
| GS–1 through 4 | 1,256 | 414 | 33.0 | 4 | .3 | 7 | .6 | 403 | 32.1 | | | 842 | 67.0 |
| GS–5 through 8 | 1,495 | 227 | 15.2 | 6 | .4 | 6 | .4 | 214 | 14.3 | 1 | .1 | 1,268 | 84.8 |
| GS–9 through 11 | 1,457 | 110 | 7.5 | 8 | .5 | 4 | .3 | 95 | 6.5 | 3 | .2 | 1,347 | 92.5 |
| GS–12 through 13 | 518 | 38 | 7.3 | 1 | .2 | | | 36 | 6.9 | 1 | .2 | 480 | 92.7 |
| GS–14 through 15 | 102 | 13 | 12.7 | 2 | 2.0 | | | 9 | 8.8 | 2 | 2.0 | 89 | 87.3 |
| GS–16 through 18 | 3 | | | | | | | | | | | 3 | 100.0 |
| **TENNESSEE** | | | | | | | | | | | | | |
| Total all pay systems | 46,300 | 6,854 | 14.8 | 6,693 | 14.5 | 61 | .1 | 33 | .1 | 67 | .1 | 39,446 | 85.2 |
| Total General Schedule or similar | 15,347 | 1,748 | 11.4 | 1,688 | 11.0 | 21 | .1 | 9 | .1 | 30 | .2 | 13,599 | 88.6 |
| GS–1 through 4 | 4,422 | 1,160 | 26.2 | 1,150 | 26.0 | 3 | .1 | 2 | | 5 | .1 | 3,262 | 73.8 |
| GS–5 through 8 | 4,669 | 376 | 8.1 | 360 | 7.7 | 7 | .1 | 1 | | 8 | .2 | 4,293 | 91.9 |
| GS–9 through 11 | 3,488 | 161 | 4.6 | 146 | 4.2 | 6 | .2 | 4 | .1 | 5 | .1 | 3,327 | 95.4 |
| GS–12 through 13 | 2,196 | 37 | 1.7 | 29 | 1.3 | 3 | .1 | 2 | .1 | 3 | .1 | 2,159 | 98.3 |
| GS–14 through 15 | 548 | 14 | 2.6 | 3 | .5 | 2 | .4 | | | 9 | 1.6 | 534 | 97.4 |
| GS–16 through 18 | 24 | | | | | | | | | | | 24 | 100.0 |
| **TEXAS** | | | | | | | | | | | | | |
| Total all pay systems | 139,447 | 41,983 | 30.1 | 14,030 | 10.1 | 27,393 | 19.6 | 304 | .2 | 256 | .2 | 97,464 | 69.9 |
| Total General Schedule or similar | 74,086 | 14,921 | 20.1 | 4,366 | 5.9 | 10,172 | 13.7 | 194 | .3 | 189 | .3 | 59,165 | 79.9 |
| GS–1 through 4 | 18,723 | 6,430 | 34.3 | 2,176 | 11.6 | 4,154 | 22.2 | 49 | .3 | 51 | .3 | 12,293 | 65.7 |
| GS–5 through 8 | 21,965 | 4,980 | 22.7 | 1,370 | 6.2 | 3,499 | 15.9 | 58 | .3 | 53 | .2 | 16,985 | 77.3 |
| GS–9 through 11 | 19,263 | 2,602 | 13.5 | 602 | 3.1 | 1,917 | 10.0 | 43 | .2 | 40 | .2 | 16,661 | 86.5 |
| GS–12 through 13 | 11,133 | 779 | 7.0 | 198 | 1.8 | 516 | 4.6 | 32 | .3 | 33 | .3 | 10,354 | 93.0 |
| GS–14 through 15 | 2,913 | 126 | 4.3 | 19 | .7 | 83 | 2.8 | 12 | .4 | 12 | .4 | 2,787 | 95.7 |
| GS–16 through 18 | 89 | 4 | 4.5 | 1 | 1.1 | 3 | 3.4 | | | | | 85 | 95.5 |
| **UTAH** | | | | | | | | | | | | | |
| Total all pay systems | 36,154 | 2,498 | 6.9 | 421 | 1.2 | 1,429 | 4.0 | 345 | 1.0 | 303 | .8 | 33,656 | 93.1 |
| Total General Schedule or similar | 18,877 | 918 | 4.9 | 121 | .6 | 381 | 2.0 | 224 | 1.2 | 192 | 1.0 | 17,959 | 95.1 |
| GS–1 through 4 | 4,547 | 387 | 8.5 | 45 | 1.0 | 164 | 3.6 | 142 | 3.1 | 36 | .8 | 4,160 | 91.5 |
| GS–5 through 8 | 5,699 | 289 | 5.1 | 41 | .7 | 132 | 2.3 | 50 | .9 | 66 | 1.2 | 5,410 | 94.9 |
| GS–9 through 11 | 5,854 | 192 | 3.3 | 26 | .4 | 70 | 1.2 | 24 | .4 | 72 | 1.2 | 5,662 | 96.7 |
| GS–12 through 13 | 2,423 | 44 | 1.8 | 7 | .3 | 14 | .6 | 8 | .3 | 15 | .6 | 2,379 | 98.2 |
| GS–14 through 15 | 341 | 6 | 1.8 | 2 | .6 | 1 | .3 | | | 3 | .9 | 335 | 98.2 |
| GS–16 through 18 | 13 | | | | | | | | | | | 13 | 100.0 |
| **VERMONT** | | | | | | | | | | | | | |
| Total all pay systems | 3,475 | 30 | .9 | 11 | .3 | 15 | .4 | 3 | .1 | 1 | | 3,445 | 99.1 |
| Total General Schedule or similar | 1,495 | 14 | .9 | 5 | .3 | 6 | .4 | 2 | .1 | 1 | .1 | 1,481 | 99.1 |
| GS–1 through 4 | 269 | 3 | 1.1 | 2 | .7 | 1 | .4 | | | | | 266 | 98.9 |
| GS–5 through 8 | 521 | 5 | 1.0 | 2 | .4 | 1 | .2 | 1 | .2 | 1 | .2 | 516 | 99.0 |
| GS–9 through 11 | 478 | 5 | 1.0 | 1 | .2 | 4 | .8 | | | | | 473 | 99.0 |
| GS–12 through 13 | 188 | 1 | .5 | | | | | 1 | .5 | | | 187 | 99.5 |
| GS–14 through 15 | 36 | | | | | | | | | | | 36 | 100.0 |
| GS–16 through 18 | 3 | | | | | | | | | | | 3 | 100.0 |
| **VIRGINIA** | | | | | | | | | | | | | |
| Total all pay systems | 133,324 | 28,502 | 21.4 | 27,608 | 20.7 | 400 | .3 | 75 | .1 | 419 | .3 | 104,822 | 78.6 |
| Total General Schedule or similar | 89,102 | 13,049 | 14.6 | 12,278 | 13.8 | 338 | .4 | 54 | .1 | 379 | .4 | 76,053 | 85.4 |
| GS–1 through 4 | 16,827 | 4,854 | 28.8 | 4,764 | 28.3 | 44 | .3 | 7 | | 39 | .2 | 11,973 | 71.2 |
| GS–5 through 8 | 27,266 | 5,498 | 20.2 | 5,267 | 19.3 | 117 | .4 | 15 | .1 | 99 | .4 | 21,768 | 79.8 |
| GS–9 through 11 | 17,200 | 1,581 | 9.2 | 1,412 | 8.2 | 78 | .5 | 17 | .1 | 74 | .4 | 15,619 | 90.8 |
| GS–12 through 13 | 18,010 | 864 | 4.8 | 681 | 3.8 | 68 | .4 | 13 | .1 | 102 | .5 | 17,146 | 95.2 |
| GS–14 through 15 | 9,131 | 243 | 2.7 | 149 | 1.6 | 30 | .3 | 2 | | 62 | .7 | 8,888 | 97.3 |
| GS–16 through 18 | 668 | 9 | 1.3 | 5 | .7 | 1 | .1 | | | 3 | .4 | 659 | 98.7 |
| **WASHINGTON** | | | | | | | | | | | | | |
| Total all pay systems | 50,197 | 4,129 | 8.2 | 2,103 | 4.2 | 357 | .7 | 690 | 1.4 | 979 | 2.0 | 46,068 | 91.8 |
| Total general schedule or similar | 24,923 | 1,816 | 7.3 | 762 | 3.1 | 157 | .6 | 423 | 1.7 | 474 | 1.9 | 23,107 | 92.7 |
| GS–1 through 4 | 5,902 | 694 | 11.8 | 343 | 5.8 | 68 | 1.2 | 146 | 2.5 | 137 | 2.3 | 5,208 | 88.2 |
| GS–5 through 8 | 7,480 | 644 | 8.6 | 249 | 3.3 | 45 | .6 | 185 | 2.5 | 165 | 2.2 | 6,836 | 91.4 |
| GS–9 through 11 | 6,761 | 295 | 4.4 | 99 | 1.5 | 29 | .4 | 64 | .9 | 103 | 1.5 | 6,466 | 95.6 |
| GS–12 through 13 | 3,818 | 141 | 3.7 | 52 | 1.4 | 7 | .2 | 27 | .7 | 55 | 1.4 | 3,677 | 96.3 |
| GS–14 through 15 | 923 | 42 | 4.6 | 19 | 2.1 | 8 | .9 | 1 | .1 | 14 | 1.5 | 881 | 95.4 |
| GS–16 through 18 | 39 | | | | | | | | | | | 39 | 100.0 |
| **WEST VIRGINIA** | | | | | | | | | | | | | |
| Total all pay systems | 12,908 | 675 | 5.2 | 624 | 4.8 | 21 | .2 | 5 | | 25 | .2 | 12,233 | 94.8 |
| Total general schedule or similar | 6,892 | 363 | 5.3 | 333 | 4.8 | 5 | .1 | 3 | | 22 | .3 | 6,529 | 94.7 |
| GS–1 through 4 | 1,935 | 140 | 7.2 | 136 | 7.0 | 2 | .1 | 1 | .1 | 1 | .1 | 1,795 | 92.8 |
| GS–5 through 8 | 2,067 | 119 | 5.8 | 116 | 5.6 | 2 | .1 | | | 1 | | 1,948 | 94.2 |
| GS–9 through 11 | 1,696 | 75 | 4.4 | 68 | 4.0 | 1 | .1 | 1 | .1 | 5 | .3 | 1,621 | 95.6 |
| GS–12 through 13 | 996 | 14 | 1.4 | 12 | 1.2 | | | 1 | .1 | 1 | .1 | 982 | 98.6 |
| GS–14 through 15 | 192 | 15 | 7.8 | 1 | .5 | | | | | 14 | 7.3 | 177 | 92.2 |
| GS–16 through 18 | 6 | | | | | | | | | | | 6 | 100.0 |

| Pay system | Total full-time employees | Total minority employees | | Negro | | Spanish surnamed | | American Indian | | Oriental | | All other employees | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| **WISCONSIN** | | | | | | | | | | | | | |
| Total all pay systems | 23,596 | 1,558 | 6.6 | 1,300 | 5.5 | 106 | .4 | 121 | .5 | 31 | .1 | 22,038 | 93.4 |
| Total general schedule or similar | 8,747 | 528 | 6.0 | 402 | 4.6 | 38 | .4 | 62 | .7 | 26 | .3 | 8,219 | 94.0 |
| GS–1 through 4 | 2,240 | 250 | 11.2 | 194 | 8.7 | 17 | .8 | 37 | 1.7 | 2 | .1 | 1,990 | 88.8 |
| GS–5 through 8 | 2,817 | 167 | 5.9 | 146 | 5.2 | 8 | .3 | 9 | .3 | 4 | .1 | 2,650 | 94.1 |
| GS–9 through 11 | 2,233 | 68 | 3.0 | 45 | 2.0 | 7 | .3 | 12 | .5 | 4 | .2 | 2,165 | 97.0 |
| GS–12 through 13 | 1,148 | 27 | 2.4 | 15 | 1.3 | 3 | .3 | 3 | .3 | 6 | .5 | 1,121 | 97.6 |
| GS–14 through 15 | 299 | 16 | 5.4 | 2 | .7 | 3 | 1.0 | 1 | .3 | 10 | 3.3 | 283 | 94.6 |
| GS–16 through 18 | 10 | | | | | | | | | | | 10 | 100.0 |
| **WYOMING** | | | | | | | | | | | | | |
| Total all pay systems | 4,930 | 356 | 7.2 | 54 | 1.1 | 190 | 3.9 | 94 | 1.9 | 18 | .4 | 4,574 | 92.8 |
| Total General Schedule or similar | 2,918 | 162 | 5.6 | 14 | .5 | 66 | 2.3 | 71 | 2.4 | 11 | .4 | 2,756 | 94.4 |
| GS–1 through 4 | 558 | 76 | 13.6 | 7 | 1.3 | 30 | 5.4 | 35 | 6.3 | 4 | .7 | 482 | 86.4 |
| GS–5 through 8 | 884 | 57 | 6.4 | 2 | .2 | 26 | 2.9 | 25 | 2.8 | 4 | .5 | 827 | 93.6 |
| GS–9 through 11 | 952 | 25 | 2.6 | 5 | .5 | 9 | .9 | 9 | .9 | 2 | .2 | 927 | 97.4 |
| GS–12 through 13 | 450 | 4 | .9 | | | 1 | .2 | 2 | .4 | 1 | .2 | 446 | 99.1 |
| GS–14 through 15 | 72 | | | | | | | | | | | 72 | 100.0 |
| GS–16 through 18 | 2 | | | | | | | | | | | 2 | 100.0 |

APPENDIX E

TABLE 1.—1973 MINORITY GROUP STUDY—ALL AGENCIES SUMMARY

[Full-time employment as of Nov. 30, 1973]

| Pay system | Total full-time employees | Total minority employees | | Negro | | Spanish surnamed | | American Indian | | Oriental | | All other employees | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| **Total all pay systems** | 2,385,770 | 499,435 | 20.9 | 383,699 | 16.1 | 76,351 | 3.2 | 18,745 | 0.8 | 20,640 | 0.9 | 1,886,335 | 79.1 |
| **Total General Schedule or similar** | 1,312,074 | 219,612 | 16.7 | 164,696 | 12.6 | 30,999 | 2.4 | 12,400 | .9 | 11,517 | .9 | 1,092,462 | 83.3 |
| GS–1 through 4 | 295,737 | 84,885 | 29.0 | 66,831 | 22.6 | 10,875 | 3.7 | 6,076 | 2.1 | 2,103 | .7 | 209,852 | 71.0 |
| GS–5 through 8 | 396,184 | 83,111 | 21.0 | 65,523 | 16.5 | 10,686 | 2.7 | 3,496 | .9 | 3,406 | .9 | 313,073 | 79.0 |
| GS–9 through 11 | 308,582 | 32,485 | 10.5 | 21,401 | 6.9 | 6,120 | 2.0 | 1,839 | .6 | 3,125 | 1.0 | 276,097 | 89.5 |
| GS–12 through 13 | 230,154 | 14,177 | 6.2 | 8,588 | 3.7 | 2,584 | 1.1 | 768 | .3 | 2,237 | 1.0 | 215,977 | 93.8 |
| GS–14 through 15 | 76,095 | 3,753 | 4.9 | 2,216 | 2.9 | 701 | .9 | 213 | .3 | 623 | .8 | 72,342 | 95.1 |
| GS–16 through 18 | 5,322 | 201 | 3.8 | 137 | 2.6 | 33 | .6 | 8 | .2 | 23 | .4 | 5,121 | 96.2 |

APPENDIX E

TABLE 3.—FULL-TIME WHITE COLLAR EMPLOYMENT OF WOMEN BY GENERAL SCHEDULE AND EQUIVALENT GRADES—ALL AGENCIES, WORLDWIDE

| Grade[1] | Employment Oct. 31, 1973 | | | Employment Oct. 31, 1972 | | | Percent change | |
|---|---|---|---|---|---|---|---|---|
| | Total | Men Number | Men Percent | Total | Women Number | Women Percent | Total | Women |
| 1 | 3,810 | 2,610 | 68.5 | 4,040 | 2,738 | 67.8 | −5.7 | −4.7 |
| 2 | 35,956 | 27,773 | 77.2 | 31,421 | 22,959 | 73.1 | 14.4 | 20.0 |
| 3 | 106,879 | 82,470 | 77.2 | 108,084 | 82,661 | 76.5 | −1.1 | −.2 |
| 4 | 167,443 | 124,801 | 74.5 | 171,802 | 127,745 | 74.4 | −2.5 | −2.3 |
| 5 | 212,767 | 119,634 | 56.2 | 223,180 | 126,967 | 56.9 | −4.7 | −5.8 |
| 6 | 580,972 | 122,097 | 24.4 | 500,405 | 134,252 | 26.8 | .1 | −9.1 |
| 7 | 135,491 | 56,312 | 41.6 | 196,243 | 65,269 | 33.3 | −30.0 | −13.7 |
| 8 | 46,622 | 16,376 | 35.1 | 60,175 | 18,400 | 30.6 | −22.5 | −11.0 |
| 9 | 154,097 | 43,860 | 28.5 | 169,277 | 45,994 | 27.2 | −8.0 | −4.6 |
| 10 | 32,871 | 6,000 | 18.3 | 32,704 | 4,190 | 12.8 | .5 | 43.2 |
| 11 | 154,552 | 21,319 | 13.8 | 157,830 | 20,742 | 13.1 | −2.1 | 2.8 |
| 12 | 140,899 | 11,343 | 8.1 | 137,550 | 10,866 | 7.9 | 2.4 | 4.4 |
| 13 | 107,610 | 5,492 | 5.1 | 106,781 | 5,130 | 4.8 | .8 | 7.1 |
| 14 | 53,290 | 2,174 | 4.1 | 53,299 | 2,088 | 3.9 | ---- | 4.1 |
| 15 | 30,295 | 1,183 | 3.9 | 29,356 | 959 | 3.3 | 3.2 | 23.4 |
| 16 | 5,867 | 190 | 2.2 | 6,207 | 127 | 2.0 | −5.5 | 2.4 |
| 17[2] | 2,908 | 48 | 1.6 | 2,088 | 34 | 1.6 | 43.1 | 41.2 |
| 18[2] | 572 | 8 | 1.4 | 1,538 | 14 | .9 | −62.8 | −42.9 |
| Above 18[2] | 604 | 17 | 2.8 | 430 | 17 | 4.0 | 40.5 | ---- |
| Total[3] | 1,893,575 | 643,647 | 34.0 | 1,992,410 | 671,152 | 33.7 | −5.0 | −4.1 |

[1] The grades or levels of the various pay systems have been considered equivaent to specific general schedule grade solely on the basis of comparison of salary rates, specifically, in most instances, by comparing the 4th step GS rates with comparable rates in other pay systems.

[2] Employment changes of GS (and equivalent) grades 17, 18, and above 18 were due, for the most part, to changes in the GS equivalency procedures necessitated by the compression of the salary ranges at the upper grade levels. (In 1973, all employees at step 4 and above of GS–16 as well as all employees at grades 17 and 18 earned $36,000 per year.)

[3] Excludes employees of Central Intelligence Agency, National Security Agency, Board of Governors of Federal Reserve System, and Foreign Nationals Overseas.

## CONSOLIDATED FEDERAL LAW ENFORCEMENT TRAINING CENTER

Mr. NUNN. Mr. President, on September 12, 1975, a significant event took place near Brunswick, Ga.—the Consolidated Federal Law Enforcement Training Center was officially dedicated at the former Glynco Naval Air Station.

The activation of the Center by Treasury Secretary William Simon was the culmination of outstanding cooperation and initiative among Federal, State, and local officials and citizens. Not only will the Center provide over 26 Federal agencies with highly professional law enforcement training, but its location represents a saving of approximately 30 million tax dollars. Hopefully, this training will be extended to other Federal agencies as well as local and State law enforcement personnel.

The Treasury personnel who worked on this project and who will operate the Center are some of the finest and most capable I have come in contact with since coming to Washington. I believe that the Consolidated Law Enforcement Training Center will provide the best and most effective training available.

I would especially like to recognize and commend the superb efforts of the local officials, the chamber of commerce, and citizens in the Brunswick-Golden Isles area. All combined in an untiring effort to insure the successful opening of the Center.

I am even more impressed by the continuing community support of the Center. This unified community spirit is, in my opinion, indicative of the strong support the Center can expect as it progresses toward full implementation of its training programs.

## AN INNOVATIVE PROGRAM OF DUE PROCESS

Mr. HUGH SCOTT. Mr. President, Adeline S. Tabourin, ACSW, former executive director, Sleighton Farm School for Girls, has written an article, "An Innovative Program of Due Process." I would like to share its contents with my colleagues, and I ask unanimous consent that it be printed in the RECORD.

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

AN INNOVATIVE PROGRAM OF DUE PROCESS

In my first years as Administrator of Sleighton Farm School for Girls, I was very concerned with whether girls felt they were being treated fairly. In many situations, I was impressed that the girls were so absorbed with resentment about being restricted for misbehavior, that they could not look at the behavior which led to restrictions. A part of the purpose of any institution for youngsters adjudged delinquent is to help them look at the kinds of behavior which brought them to placement and which they continue to exhibit, and then to help them find alternative modes of behavior which are more acceptable. When the punishment feels unjust, whether it is or not, the girls are concerned with that rather than with questioning their responsibility for what they have done. When this was interpreted to staff, it served to make some defensive. They believed that this was too permissive and that holding strictly to requirements was helpful. The lines were fairly drawn and I found myself in the position of advocate for the girls, with staff feeling resentful. Part of the problem was that many of staff had not quite made the change from custodial institution to treatment-oriented one. Thus the next step, a therapeutic environment, was even more difficult to attain. Another part was that there was a drastic need for specialized training and we could not find what we wanted in the area. It was not until recently that we set up our own intensive training program which permitted staff to grapple with this issue.

Sleighton Farm School for Girls is a private institution for girls adjudged delinquent by the Courts of Pennsylvania. Its history goes back to 1826, making it the second oldest training school in the United States. It has survived because of the deep concern of Board and staff to keep abreast of the times, and, in some areas, to be innovative.

The present paper wishes to describe an innovative program of due process, which may serve as a model to other institutions and residential treatment centers.

The momentum for this program came from the Pennsylvania Department of Public Welfare, which, in its formal evaluation of the institution, was critical of methods of handling discipline. It also came from a lawyer in Chester, Pennsylvania, connected with the Delaware County Legal Assistance Association, Inc., who challenged our methods of handling discipline. While nothing hurts an institution truly invested in helping youngsters as much as sharp criticism, nothing can help it as much. This is particularly true, when the critics help and support necessary change.

We had heard of a public institution in Pennsylvania which had law students placed there to help youngsters and staff with legal problems pertaining to placement and to the institution. We took this a step further to request of Villanova University Law School, the placement of law students to act as the advocates of children in due process hearings. The legal advisor of Sleighton Farm School, Alan Reeve Hunt, Esquire, investigated all laws and court decisions pertaining to security and due process hearings. He then wrote up a statement re Due Process Hearing and Confinement Regulations, assisted by Suzanne Noble, Esquire, of Chester. The Standards for Security Confinement were based on the requirements of the Department of Public Welfare and on our concern to be helpful in this process. The Due Process part is unique and will be quoted in its entirety.

A. DUE PROCESS HEARING

1. Before being placed in a security room, a girl shall be informed of the reasons for confinement and of the expectations of the School regarding her behavior during confinement. The girl shall be informed that failure to meet those expectations may result in lengthened confinement. A copy of the Hearing and Confinement Regulations contained herein shall be presented to a girl entering a security room.

2. The reasons for confinement shall be presented to the girl both orally and in written form. However, if the girl's behavior clearly presents a danger to herself or others, and it would not be possible or practical to present the girl with written reasons for confinement before she is put in a security room, then a written presentment may be made within 24 hours of a girl's placement in confinement.

3. Within 24 hours after confinement, and as soon as possible, a hearing shall be held before an impartial board in order to determine whether confinement was justified and whether it should continue. If the board determines that confinement should continue, it must specify the period for which it shall continue, assuming behavioral expectations are met.

a. The hearing board shall consist of:

(1) A social worker acquainted with the accused girl.

(2) An individual, designated by the Director of the institution, who was not involved in the disturbance leading up to confinement and who has no knowledge of the facts of the situation.

(3) A disinterested third party who has no connection with the institution.

(4) Administrator.

b. At the hearing, the girl shall have the right to be represented by counsel or by any person of her choice.

c. She shall have the right to confront her accusers and present evidence on her own behalf.

d. A written record of the hearing shall be made in a form sufficient to permit administrative review of the decision. The record shall contain an account of the following:

(1) The date and time of the hearing.

(2) The time period the girl has already been held in confinement.

(3) The name, title and role of the persons present at the hearing.

(4) The reasons for confinement as presented by the staff member responsible for placing the girl in a security room.

(5) The girl's version of the circumstances leading up to confinement.

(6) Statements of any witnesses.

(7) The decision of the hearing board.

The record shall consist of notes recorded by the disinterested third party. Such notes shall be reduced to typewritten form and shall be signed by all members of the hearing board. A copy of the decision shall be given to the girl and the Regional Office of the Department of Public Welfare as soon as possible after the hearing.

e. Upon an adverse ruling by the board, (i.e., that the confinement was justified or that it should continue) the girl shall have the right to appeal the decision to a committee consisting of three members of the Board of Managers of Sleighton Farm School. If the hearing board determines that the confinement was not justified, or that it should not continue, the decision shall be final.

f. If confinement continues for more than 24 hours, the girl shall be given another hearing to be held within 24 hours of the initial hearing.

g. The hearing room shall be closed to spectators. Those persons present shall be the accused girl, her counsel the board, the complainant (the person who requested confinement), and any necessary witnesses.

A week before the law students were placed at Sleighton Farm School for Girls, on February 20, 1975, the Assistant Dean of Villanova Law School, Ms. Susan Cherner, visited Sleighton Farm School for Girls, and worked out the plan for initiation of this program. The four students placed would first be oriented to the purposes and procedures of the school. The girls at Sleighton Farm School for Girls would be advised of the new resource for support in a due process hearing, and would be advised of the new resource for support in a due proctss hearing, and would be addressed by one of the student lawyers. The lawyers would be involved in any School activity they could attend, would have access to records, to staff, and above all, to girls requesting their help as advocates. In those situations where a girl did not wish to have an advocate, the law student sat in on the hearing in order to advise the Administration whether or not due process was being observed. The reason for this was that the Administration was treatment-oriented, and needed and wanted the input of the lawyers.

The legal people wanted outside people, both as advocates and arbitrators. The administration did not accept this as an immediate goal. She wanted this program to work, and believed it would have greater strength if only one component, namely, the advocates, was introduced at the beginning. She believed that the second component could be added when the program was well off the ground.

On April 18, 1975, a meeting was held at Sleighton Farm School for Girls to evaluate how this program was doing. Present were the President of the Board of Managers, the legal counsel for Sleighton Farm School for Girls, Ms. Noble of the Delaware County Legal Assistance Association, Inc., Dean Cherner, the Executive Director and Assistant Executive Director of the School and the four law students. The following excerpts of this meeting describe the evaluation that was made of this program:

"The meeting was begun with a definition of its purpose, to evaluate the students' experience with Due Process at Sleighton Farm School. The students have been at Sleighton Farm School twice a week for two months, available to students and staff. They have been involved in the Due Process hearings and in other meetings. This has worked out well. All students emphasized that they have had an excellent experience. Several cases were discussed in which the law students recognized the responsibility of the Administration in requiring security and of their support of this. For example: in the case of Connie, who was seriously disruptive in the Schoolhouse, the question was, was she out of control? While this does not represent hysteria, it is a clear disruption of an entire program in the Schoolhouse and a need for placement away so that the Schoolhouse can function and so that Connie can pull herself together and understand what she has done there. Actually, Connie was to be isolated in the Dispensary with her school books, but not locked in, and no Due Process was

indicated. In no instance was a door locked when the staff felt that the child could handle an unlocked door. Some question was raised as to an immediate hearing within 24 hours, and it was recognized that if the girl had been released, she does not need an immediate hearing, particularly if the School wants to wait for the law students to be involved. The students stated that in most of the Due Process hearings in which they participated, there were no factual disputes: the girls admitted that they were wrong. Security has been used only for girls who were out of control, and not as a means of discipline.

"One of the students suggested that the Sleighton Farm School Due Process Hearing and Confinement 'Regulations' as worked out by the attorneys, may be too oriented to 'security', that is, towards confinement only when a girl is hysterical and out of control. The students would prefer to be involved in hearings involving disciplinary procedures i.e., withdrawal of privileges such as a home visit, a shopping trip, a dance, etc. In view of this, the students would like to be involved in areas where girls may feel unjustly treated. Girls appear more disturbed when loss of privileges are involved and seem to want a hearing on this. The students believe that an accurate record should be kept of this and that a Due Process should occur when a girl feels unjustly treated.

"The Administration strongly believes that the use of law students in Due Process having to do with security has become a vital asset and support to the program and would want this to be continued. The Administration further feels that the request of the students to enter into areas of discipline is valid and could be helpful to girls. She agreed with the recommendation that the Referee should more clearly take responsibility in the beginning of the meeting for making the final decision dependent on input; this would help the girl to feel that there is a clear decision, made by a specific person to whom she can react.

"In discussing the question of the law student's involvement in Due Process regulations, the question came up as to whether we need more regulations to cover their participation in other areas. Our attorney's feeling was that if we have too many regulations, we would have to violate them because it would be difficult to follow every one. However, we should have guidelines and the guidelines should be based on when a girl feels that an injustice is occurring. Administration pointed out a real problem in this area. Sometimes a weekend is taken away as a punitive device. Sometimes this is done because when she is demonstrating problematic behavior, a girl will not be able to handle herself well and may indeed get into serious trouble which might be avoided by giving her a weekend home when she is more able to cope with problems at home or in the community. This has to be understood and evaluated by staff and the law students in a hearing. It was agreed that if the child expresses a feeling of injustice, a Due Process hearing would help her to have her weekend or to accept the loss of it.

"In summary, all present were very positive about the Due Process hearings and plan to meet again to reevaluate the experience."

It is interesting to note that the law students, with only two months of experience, were supporting the Executive Director's concern for the girl who feels unjustly treated and who, therefore, reacts to the restriction rather than to the behavior which may have warranted this. This is indeed an area in which they should be involved if we want to really help girls.

In conclusion, there is no question but that this program has been successful and needs further development. One question which Administrators of institutions may have is, does this kind of program take away from the authority of the Administrator? The answer is *no*; it is a support to the Administration and helps the public to feel secure about discipline in an institution. Another question is, can it serve the therapeutic purpose of the institution? The answer is *yes;* for if a girl can truly feel that she has been treated fairly, she will concentrate less on imagined injustice, and more on her responsibility for what she has done. From this, she can begin to examine in more depth, the problems which required placement.

The next step for Sleighton Farm School for Girls is to include responsible community people in due process hearings as objective observers. When these people are able to identify with the program at the School and identify with the girls in trouble, they will be able to assume the role of arbitrator or referee now carried by the Executive Director and her assistant.—ADELINE F. TABOURIN, ACSW.



## RESOLVED: SLOW DOWN

Mr. GRAVEL. Mr. President, throughout this country and in other nations as well, people are learning more about the great and unresolved hazards of nuclear energy. In increasing numbers, they are insisting that the rush to nuclear power be slowed or stopped.

In Oregon and Massachusetts, State energy reports have recommended a turn away from nuclear power. In New York, the legislature has altered the State energy office to deemphasize nuclear development. In Vermont, new nuclear plants must now be approved by the State legislature. In California, more than 400,000 voters have put the nuclear power issue on next June's ballot.

Today, Mr. President, I would like to draw the attention of my colleagues to resolutions issued in recent months by four different groups, representing in particular many of our Nation's scientists, technicians and physicians. These resolutions call for reassessment of our nuclear plans. They urge conservation and the rapid development of benign power sources like solar and geothermal energy. In addition, they call attention to the unbreakable linkage between nuclear power and nuclear weapons.

The first statement, which was delivered to the President last month, is signed by 2,300 biologists, chemists, engineers, doctors, and physicists. They call attention to the fission waste problem—

No technically or economically feasible methods have yet been proven for the ultimate disposal of radioactive waste: a grim legacy from the nuclear program to future generations.

And they note:

The connection between commercial nuclear powerplants and nuclear explosives.

They urge "a drastic reduction in new nuclear powerplant construction," and they say the export of nuclear plants should be suspended.

Who are these scientists? Nine of them are Nobel Prize winners in physics, biology, or chemistry: Hannes Alfven of the University of California at San Diego; Christian B. Anfinsen of the U.S. National Institute of Health; Carl F. Cori of Harvard; Salvatore Luria of MIT; Julian Schwinger of UCLA; Albert Szent-Gyorgyi of the Woods Hole Marine Biological Laboratory; Harold C. Urey of the University of California at San Diego; George Wald of Harvard; and James D. Watson of Harvard.

Among the most prominent of the other signers are:

Britton Chance, director of the Johnson Research Foundation.

James B. Conant, president emeritus at Harvard and a member of the Manhattan project steering committee.

Paul Ehrlich, biologist and author.

M. King Hubbert, geologist and energy resource expert.

George B. Kistiakowsky, professor emeritus of chemistry at Harvard and head of the explosives division of the Manhattan project.

Philip Morse, professor emeritus of Physics at MIT and past president of the American Physical Society.

Richard F. Post, deputy associate director of the controlled fusion division of the Lawrence Livermore Laboratory.

Irving J. Selikoff, director of the environmental sciences laboratory at the Mount Sinai Medical School.

Jerome Steffens, chairperson of the technology and society division of the American Society of Mechanical Engineers.

Victor Weisskopf, former chairman of the MIT Physics Department and head of the theoretical division of the Manhattan project.

Ralph Weymouth, vice admiral, retired, and former Director of Research and Development in the Office of the Chief of Naval Operations.

The signers note that, like the 4,000 French scientists who signed a similar petition earlier this year, they initially were enthusiastic about nuclear power. But, they say:

This early optimism has been steadily eroded as the problems of major accidents, long-term radioactive waste disposal, and the special health and national security hazards of plutonium became more fully recognized.

A complete list of the signers is available from the Union of Concerned Scientists, 1208 Massachusetts Avenue, Cambridge, Mass. 02138.

The second resolution is by the National Medical Association, a group of 4,000 American physicians. They call particular attention to the insufficiently known effects of low-level radiation. They say:

Radionuclides from nuclear powerplants enter the soil, air, and water. They are inhaled or ingested by the general population at random, localizing in various tissues in the body and irradiating these tissues until their radioactivity is spent.

They note that—

Significant research on this subject is now in progress; several investigators have suggested correlations between the increase in nuclear reactors and the increase in cancer, infant mortality, and congenital abnormalities.

I am pleased to say that Dr. Bernard Randolph, chairman of the NMA's ad hoc committee on nuclear powerplants, says the group endorses the Nuclear Power Reappraisal Act introduced by Senator ABOUREZK and myself last May. That bill would impose a 5-year halt on new nuclear construction pending a comprehensive review of U.S. nuclear plans. The

NMA also endorses the Nuclear Energy Reappraisal Act introduced in the House of Representatives with 24 cosponsors by Representatives HAMILTON FISH and NED PATTISON.

It is reassuring to see physicians participating in the nuclear power debate, because nuclear power is at bottom an issue of public health.

I would also like to enter here a report from Nucleonics Week about a manifesto issued earlier this year by the New Mexico Citizens for Clean Air and Water. The group constructively questions nuclear power. The manifesto states that if safety, waste disposal and liability insurance difficulties are not ameliorated within 2 years, a moratorium on new nuclear plants will be justified. Some 250 scientists from Los Alamos, a nuclear research center, signed the manifesto.

The final resolution I wish to mention here is a national policy paper of the Americans for Democratic Action. The ADA calls for a 10-year moratorium on nuclear construction coupled with aggressive development of alternative energy sources.

In addition, I would like to enter into the RECORD an editorial published last month by the Detroit Free Press. The paper endorses the statement of the 2,300 scientists and calls for the drastic reduction urged in their statement. The newspaper concludes:

. . . It seems clear that the country has seriously underestimated the dangers of nuclear power, and has overemphasized its potential for solving the energy crunch. It is time to readjust our energy priorities, in accordance with new information, and to demand a higher standard of proof from those who advocate increased reliance on nuclear energy.

Mr. President, I ask unanimous consent that the statement by 2,300 scientists, the NMA resolution, the Nucleonics Week item, the ADA policy paper, and the Free Press editorial be printed in the RECORD.

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

DECLARATION ON NUCLEAR POWER BY MEMBERS OF THE AMERICAN TECHNICAL COMMUNITY

Nuclear fission releases enormous energy locked inside the atomic nucleus. Used in anger, nuclear fission can create world-wide devastation. Applied for peace-time electric power generation, nuclear fission creates massive amounts of radioactive by-products posing grave potential hazards which can only be controlled by an exceedingly high level of care, perception, and diligence.

There was once widely shared enthusiasm among scientists that nuclear fission would represent an inexhaustible new energy source for mankind, valuable because it would be safe, inexpensive, and non-polluting. This early optimism has been steadily eroded as the problems of major accidents, long-term radioactive waste disposal, and the special health and national security hazards of plutonium became more fully recognized. It also became clear that the nuclear power proponents failed to appreciate in due course the practical problems that could interfere with the implementation of this new technology, of how companies and individuals might fail to achieve the high level of performance required to safeguard the prodigious quantities of radioactive materials accumulating in a country-wide nuclear power program and thus enhance the risks of serious accidents.

The nuclear power program in this country is now the focus of a burgeoning controversy. Many thoughtful members of the technical community, and some of the Government agencies with responsibilities relating to the nuclear power program, hold a variety of reservations about the assurance of nuclear safety. The effectiveness, for example, of basic reactor safety systems is questioned because of the lack of relevant experimental evidence. The operating record of the country's nuclear plants includes no major nuclear accident to date, a very gratifying fact, but the total operating record is small and the absence of casualties is no guarantee for the future. In fact, the record to date evidences many malfunctions of major equipment, operator errors, and design defects as well as continuing weaknesses in the quality control practices with which nuclear plants are constructed. Granted the present state of reactor safety, it is difficult to see how the occurrence of a major mishap can be precluded in decades to come in a full-scale nuclear power program.

No technically or economically feasible methods have yet been proven for the ultimate disposal of radioactive waste: a grim legacy from the nuclear program to future generations. Several proposals for dealing with the wastes exist, and one or more of these approaches may eventually be shown to be satisfactory, but important questions remain unanswered today about all of them.

The connection between commercial nuclear power plants and nuclear explosives is another legitimate source of concern. Various studies carried out by the Government, as well as by outside reviewers, point up multiple weaknesses in safeguards procedures intended to prevent the theft or diversion of commercial reactor-produced plutonium for use in illicit nuclear explosives or radiological terror weapons. Proposals for satisfactory plutonium safeguards procedures appear to require special pervasive security apparatus incompatible with American traditions of freedom, an apparatus which could take the United States a long way down the road to a police state.

The plutonium safeguards problem has an international dimension because the United States, and to a lesser extent Canada, West Germany, and France, have begun worldwide commercial nuclear power plant sales programs that, if continued in their present way, may give dozens of countries the wherewithal for nuclear weapons: the necessary supply of plutonium.

The problems now besetting nuclear power are grave, but not necessarily irremediable. A major program of reactor safety, plutonium safeguards, and waste disposal research conducted with much enhanced priority and level of competence, might be able to provide the answers to the technical concerns that have accumulated. We urge national consideration and adoption of such a program. In the meantime, however, the country must recognize that it now appears imprudent to move forward with a rapidly expanding nuclear power plant construction program. The risks of doing so are altogether too great. We, therefore, urge a drastic reduction in new nuclear power plant construction starts before major progress is achieved in the required research and in resolving present controversies about safety, waste disposal, and plutonium safeguards. For similar reasons, we urge the nation to suspend its program of exporting nuclear plants to other countries pending resolution of the national security questions associated with the use by these countries of the by-product plutonium from United States nuclear reactors.

In order to reduce reliance on nuclear energy prior to resolution of the problems discussed above, the United States must adopt realistic policies governing energy acquisition and use, the extraction, conversion, and combustion of coal, and the development of alternative sources of energy. These policies present grave challenges and will call for decisions that have been largely avoided to date in the national debate over energy policy.

We must, in the first place, commit this country to a comprehensive energy conservation program. This program must increase the efficiency of energy use in all sectors and eliminate the present waste in transportation, space heating, and industrial uses of energy.

Secondly, we must commit this country to the prompt application of air pollution control equipment at coal-burning power plants, to vigorous efforts to improve the safety of coal miners, and to a conscientious program to mitigate the damage from strip mining. These procedures are essential if the nation is to make use of our vast coal resources during the period of transition from our present mix of energy sources to the one we develop through research efforts in the upcoming decades.

Finally, we must commit the required technical resources to a full-scale research and development effort to create more benign energy producing technologies that can make use of the energy of the sun, the winds, the tides, and the heat in the earth's crust. Fusion energy research should also be given an enhanced priority.

It was no mistake, following Hiroshima, to try to make use of nuclear energy for peaceful purposes. But it was a serious error in judgment in the following decades to devote resources to nuclear development to the virtual exclusion of other alternatives. It has also been unfortunate that the efforts to commercialize nuclear energy allowed safety and national security problems to receive less than the required consideration. The nation, on the thirtieth anniversary of Hiroshima, must take note of these facts, diminish the large growth rate of the nuclear program, and take other appropriate steps to ensure adequate energy for the nation.

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NUCLEAR POWERPLANTS—A RESOLUTION OF THE NATIONAL MEDICAL ASSOCIATION

Whereas, Nuclear powerplants in normal operation have low-level emissions of radiation; when there are mechanical failures, these emissions may increase; in 1973-74 the AEC investigated 1148 safety violations involving reactors.

Whereas, Radionuclides contained in the emissions enter the soil, air and water. They are inhaled or ingested by the general population at random, localizing in various tissues in the body and irradiating these tissues until their radioactivity is spent.

Whereas, The biological effects of low-level radiation are not known. Significant research on this subject is now in progress; several investigators have suggested correlations between the increase in nuclear reactors and the increase in cancer, infant mortality and congenital abnormalities.

Whereas, There are serious technological problems in the transportation and disposal of radioactive wastes and in the back-up cooling systems in nuclear plants. Numerous minor accidents have occurred, several major accidents have occurred and a catastrophic accident is possible.

Whereas, The environmental monitoring safeguards in many areas are inadequate. The local populations in the vicinity of many nuclear reactors, often the rural poor, are ill-informed as to the potential hazards.

Whereas, Several nuclear powerplants have been constructed or are being planned in areas where instability in the underlying geological strata are known to exist.

We, therefore, recommend that; the National Medical Association:

1. Support legislation designed to increase research and development of alternate energy sources.

2. Support national agencies such as the Environmental Protective Agency in promoting comprehensive environmental monitoring programs.

3. Encourage Constituent State organizations to pursue similar programs at the State level.

4. Establish a permanent Committee on Environmental Health and Safety.

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"NUCLEONICS WEEK" REPORT

Some 250 Los Alamos scientists, among others, constructively question nuclear power in a manifesto . . . If answers to their questions are not forthcoming within 2 years, however, they call for a moratorium on new nuclear plants. The group, New Mexico Citizens For Clean Air and Water, has about 2,000 members, of which some 400 work at (nearby) Los Alamos Scientific Labs [one of America's 3 main atomic labs—the other 2 being Oak Ridge and Hanford] . . . The group was formed some time ago to tackle the 4 Corners fossil power plant at the junction of New Mexico and 3 other states, but has now turned to question nuclear power.

The manifesto advocates abandoning Price-Anderson liability indemnification protection, since, if nuclear plants are as safe as proponents claim, utilities and others should not need the coverage; Price-Anderson elimination will stimulate utilities and others to be less lax in their standards, the paper says.

A full-scale test of an emergency core cooling system is advocated, using a reasonable mock-up of a several-hundred Mw reactor, said Bartlit (chairman of the group). Nuclear power plants should also be sited in or close to the urban electrical load centers rather than in rural areas—if they are as safe as their proponents say, the manifesto says.

The group is concerned with long term storage of high level nuclear wastes and its manifesto proposes . . . federal funding of solar and geothermal research at a level equal to that of nuclear energy. Bartlit acknowledged that ERDA is examining salt beds in New Mexico for permanent disposal of high level wastes. The group does not think this is any worse or better than putting the wastes elsewhere.

If these problems are not solved or being solved within 2 years, we would oppose further construction of nuclear plants, said Bartlit (and) added, "Lack of public pressure virtually ensures that the situation is ignored."

"The manifesto has taken about 18 months to prepare, and began with a much more extreme antinuclear flavor. The heavy contribution made by LASL people modified its tone considerably," said Bartlit.

(Free copies of the full position paper—which also contains a full-scale discussion of the case with which illicit atomic bombs can be privately manufactured, as well as a detailed account of the actual routing of a trans-national shipment of plutonium from Japan to Cheswick, Penna., are available from: New Mexico Citizens for Clean Air and Water, 100 Circle Drive, Santa Fe, New Mexico 87501.)

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NATIONAL ADA POLICY ON NUCLEAR ENERGY

The further construction of nuclear power plants should be stopped immediately for a moratorium period of ten years. Because of the serious dangers to public health and safety and because of the jeopardy imposed upon future generations who must guard indefinitely the nuclear wastes we are now producing, ADA urges the phasing out of the entire nuclear fission power program. The development of alternative sources of energy must actively be encouraged and funded as a top national priority.

There are several factors which make further construction of nuclear fission plants unconscionable:

1. Serious safety defects found in present nuclear plants indicate that the possibility of catastrophic disaster by accident or sabotage is not negligible, despite assurances to the contrary by the Atomic Energy Commission (Rasmussen Report, 1974). The credibility of the AEC's safety claims is seriously questioned by both the strict limitation of liability for a nuclear accident imposed by the Price-Anderson Act (1974) and the total unavailability of insurance coverage to individuals for nuclear accidents.

2. The storage of dangerous radioactive wastes requires us to impose upon all future generations the moral obligation to safeguard these lethal nuclear by-products. We, therefore, have to guarantee or assume a stable social and political system without human error or acts of God for at least 10,000 years—an obvious impossibility.

3. Theft of bomb-quality, fissionable material for use by terrorists or criminals is a real possibility with present-day safeguards. Production and shipment of huge quantities of plutonium for future nuclear breeder plants is an invitation to theft and nuclear blackmail.

4. A security system which could prevent any theft or sabotage of nuclear material would have as a necessary consequence the serious infringement on the civil liberties and privacy of millions of Americans.

5. Plutonium is perhaps the most deadly substance known to man. The possibilities of sabotage or an accident due to human error are demonstrated by the nuclear industries' poor safety record. The benefits of nuclear power from breeder reactors cannot compensate for the jeopardy to human health.

6. The threat to health from the low-level radiation given off by present nuclear plants is unknown. Recent studies have shown that long-range exposure to very low levels of radiation may cause serious damage. Thus, even in normal, "safe" operation, present day nuclear plants pose an indeterminate and potentially serious threat to health.

7. Alternative energy sources, such as solar or geothermal energy, should be economically feasible and can be exploited by full-scale research and development programs.

8. A long-term program of energy conservation, coupled with more complete exploitation of available fossil fuels, should avoid the need for nuclear reactors and provide the needed time for development of alternative energy sources.

9. There is serious question to the economic advantage of nuclear reactors over alternative energy sources.

ADA, therefore, advocates the following measures:

1. The breeder reactor energy program, in view of its known and potential risks and its huge costs should be abandoned immediately.

2. A ten-year moratorium on construction of *any* nuclear power plants should be implemented immediately.

3. Present nuclear power plants should be phased out gradually, on a case-by-case basis, as alternative power sources are developed, or as operating dangers prohibit their safe operation.

4. Funding of research and development of alternative energy technologies such as solar, geothermal, or fusion energy should be a top national priority.

5. We are opposed to the exportation of any nuclear reactors, because no safeguards can be devised which are adequate in view of the enormous risks involved.

6. A long-term program of energy conservation should be developed and enforced.

[Editorial From the Detroit Press Press, Aug. 8, 1975]

NUCLEAR POWER DANGERS MUST NOT GO IGNORED

The Nation cannot afford to ignore the warnings about the dangers of nuclear power that were issued this week by some 2,300 American scientists. President Ford should follow the recommendations made by the scientists, lest a major nuclear tragedy occur as a result of our failure to take heed.

The country's nuclear power program has been under attack for many months by a wide variety of consumer and environmental groups. Part of the nuclear power industry's response to this attack was that no reputable scientists doubted the safety of nuclear reactors.

This argument has now been laid to rest. The petition presented to Mr. Ford this week was prepared by five of the most eminent scientists in the nation, and was signed by more than 2,300 biologists, chemists, physicists, engineers and other scientists. Nine Nobel Prize winners were among the distinguished group that endorsed the statement.

In defining the dangers inherent in the nuclear power program, the scientists' petition cited three main areas of concern:

The basic safety of nuclear reactors. The petition asserts that while no major accident has ocurred to date, the record shows "many malfunctions of major equipment, operator errors and design defects, as well as a continuing weakness in the quality control practices" of plant construction.

The problem of disposal of nuclear waste. This waste is highly radioactive and dangerous, and no feasible method has yet been devised for its disposal, according to the scientists. This radioactive waste, the petition concludes, is "a grim legacy from the nuclear program to future generations."

The danger that plutonium produced in nuclear reactors could be stolen or diverted to construct "illicit nuclear explosives or radiological terror weapons." Safeguards in this area, the scientists found, are wholly inadequate.

The study concluded that nuclear power plant construction should be "drastically reduced" until research can be done to start solving the dangers cited. It also called for an end to American exports of nuclear plants, and urged a long-term program of energy conservation and exploration of alternative energy sources such as environmentally controlled coal power, solar energy and fusion.

These recommendations are cogent and responsible, and must be adopted promptly by the government. The nation's long-range energy problems are very real, and nuclear power may yet hold part of the answer. But it seems clear that the country has seriously underestimated the dangers of nuclear power, and has overemphasized its potential for solving the energy crunch. It is time to readjust our energy priorities, in accordance with new information, and to demand a higher standard of proof from those who advocate increased reliance on nuclear energy.

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## RIGHT TO PRIVACY

Mr. MATHIAS. Mr. President, the events of the past several years have dramatized more clearly than ever before the vast and chilling extent of government's capacity—and sometimes, inclination—to invade individual citizens' personal privacy through various forms of surveillance and technological innovation.

I am pleased to note that legislation to curb such excesses and to provide clear

procedures to protect U.S. citizens from unwarranted surveillance, H.R. 214, has been under active consideration by a House Judiciary Subcommittee and may well be acted upon by the full committee and House this session. As the principal sponsor of the Senate version of this bill, S. 1888, which I initially introduced in the spring of 1974, I would like to take this opportunity to thank my friend and colleague in the House, Mr. MOSHER, for his vigorous and effective efforts in that body on behalf of H.R. 214, of which he is chief sponsor.

I would like to call to the attention of my colleagues a recent article which explores the need for and progress being made by H.R. 214. Entitled, "Privacy Rights Pushed," this article appeared in the September 8 issue of the Capitol Hill Forum, a promising new periodical which has now joined the 25-year-old Roll Call in providing useful and informative coverage of events and developments on and around Capitol Hill. I ask unanimous consent that this article be printed in full in the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MATHIAS. In addition, Mr. President, I am pleased to note another recent development related to the privacy issue—namely, the publication by the House Republican leadership of its legislative agenda, including the following statement:

> We must consider legislation to assure American citizens that they will not be subject to arbitrary or unjustified surveillance by government agents and to protect citizens' right-to-privacy.

Coupled with the excellent report issued last year by the House Republican Task Force on Privacy, this statement helps to underscore the commitment of the Republican side of what I hope will be a major bi-partisan effort on this crucial issue.

The exhibit follows:

EXHIBIT 1

PRIVACY RIGHTS PUSHED

(By Marc H. Rosenberg)

Political Washington is a city that is constantly caught up in a tug-of-war between the executive and legislative branches of government. Occasionally, the courts pitch in to add their weight on one side or the other or to pull in a new direction.

Lately, the Central Intelligence Agency (CIA) and other intelligence-related agencies have been a primary focus of executive-legislative contention. From the preliminary reports, it is increasingly clear that the agencies have been guilty of various transgressions in the not-so-distant past and that some new legislation may result from the ongoing inquiries.

As the Congress moves closer to creating new statutory restrictions on the intelligence agencies, the tug-of-war will intensify. The executive branch will swear that the "horror stories" that have come to the public's attention were unique and will never happen again. New administrative guidelines will be announced, and the argument will be made that any legislation in this area would impede the President in the exercise of his constitutional authorities as Commander-in-Chief.

Let us hope that Congress and the American public are not diverted by these arguments. We must take care that Congress and the public do not become so spellbound by the wrangling over past activities of the intelligence agencies that they lose sight of the broader issues that underlie the whole debate.

The news media are titillated by stories about how we attempted to slip Fidel Castro a poisoned cigar, and some continue to wax indignant over CIA involvements in coups in Iran and Chile and who knows where else. These are legitimate subjects of investigation and do raise serious questions about the nature and conduct of our foreign policy.

But the gut issue is the domestic activities of the CIA, the Federal Bureau of Investigation, the military intelligence services, and other federal agencies. Starting with the Ervin Committee's mind-boggling disclosure of the Huston plan, and continuing to the present time, we have seen myriad revelations of cases in which the U.S. government violated the rights to privacy of American citizens.

To cite a few of the more blatant examples, we have learned in recent years of Army spies at the 1968 Democratic convention; CIA openings of thousands of pieces of mail; National Security Agency interceptions of thousands of telephone calls; FBI break-ins and burglaries at hundreds of locations; mail covers placed on hundreds of citizens by the Post Office, acting on behalf of dozens of agencies; and Internal Revenue Service personnel spying on the private activities of dozens of individuals. Every one of these activities involved the federal government spying on private citizens; in none of these cases was a warrant or other prior court approval sought or granted.

Are these isolated cases? I don't think so. Neither are they necessarily related, however. What all of these examples point out is that federal statutes are sufficiently vague, and executive agencies' self-restraints and internal controls are so weak, that time after time, in wholly unrelated cases, we see evidence of a gross lack of awareness or concern for citizens' rights to privacy. Admittedly, those rights are not very precisely defined, but it does not take much imagination to figure out what is an invasion of someone's privacy and what is not.

There is presently an effort underway in Congress to help provide better protection for US citizens against undue surveillance by their government. New legislation is quietly working its way to the floor.

The Bill of Rights Procedures Act (H.R. 214) appears to be the main bill under consideration at this time. Originally introduced last spring by Senator Charles McC. Mathias (R-Md.) and Rep. Charles A. Mosher (R-Ohio), this bill is now co-sponsored by a strong bipartisan group of 73 congressmen; it has been endorsed by the House Republican Task Force on Privacy, The New York Times, and many groups in between. The proposed legislation would make it a criminal offense for any agent of the federal government to conduct any form of surveillance of a private American citizen unless a court order is first obtained.

The House Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice, chaired by Rep. Robert Kastenmeier (D-Wis.), has been holding hearings on H.R. 214 sporadically during the past six months; the last day of hearings is now scheduled for September 8. By early October, the bill should be in subcommittee mark-up, with favorable action expected.

The Bill of Rights Procedures Act embodies two very fundamental concepts. They are:

(1) No individual citizen's rights to privacy should be abridged by the government without the prior knowledge and written approval of the courts;

(2) Any federal agent conducting warrantless surveillance should be held personally liable for criminal law penalties.

In joint testimony before the Kastenmeier subcommittee, Mathias and Mosher said, "It is our firm belief that discretionary authority in the area of government surveillance should be removed entirely from the executive branch. It should not be the prerogative of the executive to determine whose rights should be infringed upon and whose should not. We feel the Constitution correctly indicates that the courts are the only proper place for decisions of this sort to be made."

The practical effect of passage of H.R. 214 would be to compel federal agents to go into court and to explain to a judge, before the fact, why a particular surveillance act is necessary. There would be no exceptions to this requirement, although Congressman Mosher concedes that standards of proof may vary in some cases, such as in matters relating to espionage or international intelligence-gathering.

The main point that Mosher and others make is that Americans need to be assured that their rights will not be tampered with unless a court has given its prior approval. Privacy advocates cite the problem of the so-called "chilling effect" as evidence of the need for this assurance.

Mosher notes that he has received letters from several constituents who feared they might be subject to government surveillance. More importantly, he believes that citizens are refraining from participating in legitimate political exercises—such as writing to congressmen or newspaper editors, joining in peaceful demonstrations, contributing to controversial political parties, etc.—out of fear of becoming targets of government surveillance.

The Ohio Republican is still in the process of polling a sampling of his colleagues on this subject, but preliminary results already show substantial agreement that the chilling effect is a valid theory and that a high percentage of congressmen say they have received letters or calls from constituents who feel they are being monitored by the government.

The Judiciary Committee and, later, the whole House will soon have the opportunity to correct this imbalance, to tug our national policy away from permitting arbitrary executive decisions in the privacy area and instead move toward a strict statutory definition of limitations on surveillance, with the courts—not the snoopers—interpreting the laws.

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## UNITED STATES-CUBA RELATIONS

Mr. STONE. Mr. President, on June 2, 1975, three Cuban trained agents, natives of the Dominican Republic, infiltrated this country through Palenque Beach, situated west of the capital city of Santo Domingo, in San Cristobal Province.

The three agents had lived in Cuba, and infiltrated the Dominican Republic via Puerto Rico, where they were assisted in their operation by members of the Puerto Rican Socialist Party—PSP. Three members of this party, John Thomas Sampson Fernandez, trained in Cuba himself; Angel Gandia, a member of its central committee; and Rafael Garcia Zapata, transported guerrilla members Claudio Caamano Grullon, who headed the group, Manfredo Casado Villars, and Toribio Pena Jaquez from Puerto Rico to the Dominican Republic on a motorboat outfitted with two 115-horsepower outboard motors capable of a speed of 30 knots. The Puerto Ricans, headed by Gandia, departed with the Cuban trained agents from a beach in northeastern Puerto Rico.

The three Puerto Ricans were arrested by Dominican authorities after docking

in La Romana sugar mill to refuel the motorboat after landing the three agents. They admitted at a June 24 press conference in Santo Domingo to having transported the agents under orders from the PSP. Sampson said that he met Caamano, the guerrillas' leader, in a San Juan, Puerto Rico, house about 1 month before, and that Caamano told him the part of the Dominican coast where he wanted to land. Sampson also said that he and the other two Puerto Ricans received direct instructions from Nestor Nazario, a member of the political committee of the PSP.

In a June 6 joint communique, the Dominican Armed Forces and National Police stated that the Cuban trained agents clandestinely entered the country in order to carry out acts of sabotage, kidnappings, assassination attempts and destruction of public and private property. The guerrillas wanted to establish a focal point in the Dominican mountains from which to carry out these activities.

This guerrilla warfare tactic is typical of those exported by the present Cuban regime, which has so far failed in Latin American countries including Uruguay, Bolivia, Venezuela, and the Dominican Republic. The Cuban-trained guerrilla group headed by Colonel Francisco Caamano Deñó, which left Cuba and invaded the Dominican Republic in February of 1973 attempted to carry out this same tactic. The three Cuban trained agents who infiltrated the Dominican Republic in June of this year also participated in the 1973 invasion and their leader, Claudio Caamano Grullon, is the nephew of Colonel Francisco Caamano Deñó. After the aborted invasion in 1973, the three eluded capture by Dominican authorities and returned to Cuba where they received training to renew guerrilla warfare activities in the Dominican Republic. This time, however, our commonwealth island of Puerto Rico was used as the base of operations against that country.

A report attributed to the Dominican Foreign Ministry and dated June 6, 1975, describes the involvement of the three Puerto Rican PSP members. According to news stories, the report was handed to the U.S. Ambassador in Santo Domingo, Robert A. Hurwitch, by Dominican Foreign Relations Minister Ramon Emilio Jimenez. The report refers to the June 11 statement of Assistant Secretary of State William Rogers that the United States "is concerned with Cuba's attitude about Puerto Rico." The report states that this remark refers to the belief that Cuba is using Puerto Rico as a "bridgehead" for the exportation of revolution to the surrounding countries, and that the case of the three Puerto Ricans detained in the Dominican Republic may be the first instance of this belief.

In this regard it is interesting to recall that in 1967, the present leader of the PSP, Juan Mari Bras, declared:

> Just as imperialism uses Puerto Rico as a bridgehead for its penetration of Latin America, so will the Movimiento Pro Independentista offer itself as a bridge over which world revolution can penetrate into the United States.

The MPI, of which Mari Bras was chairman at that time, subsequently became the Puerto Rican Socialist Party, which according to the above mentioned Dominican Foreign Ministry report maintains "close and strong relations with Cuba." Puerto Rican Gov. Rafael Hernandez Colon recently declared that many members of the PSP frequently travel to Cuba, where it maintains a delegation which is recognized by the Cuban regime as the legitimate representative of Puerto Rico.

At this time I ask unanimous consent that a letter I sent to State Department Assistant Secretary for Congressional Relations Robert McCloskey concerning this matter be printed in the RECORD accompanied by its reply as well as translations of the report in question and of the joint communique of the Dominican armed forces and national police.

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

JULY 30, 1975.

Hon. WILLIAM D. ROGERS,
*Assistant Secretary for Inter-American Affairs, Department of State, Washington, D.C.*

DEAR MR. ROGERS: I have in my possession a copy of the attached report of the Ministry of Foreign Relations of the Dominican Republic. The report was handed in Santo Domingo by Minister of Foreign Relations Ramon Emilio Jimenez to United States Ambassador Robert A. Hurwitch.

I would like to know to what extent this report may be taken as an indication of the position of the Dominican Republic regarding the militant activities of last month in that country, and what significance it contains in our Cuba policy.

I will appreciate your answering this letter at your earliest convenience.

Warm personal regards.

Most cordially,

RICHARD (DICK) STONE.

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DEPARTMENT OF STATE,
*Washington, D.C., August 29, 1975.*

Hon. RICHARD STONE,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR STONE: Thank you for your letter of July 30 enclosing various documents concerning three Puerto Rican-Americans implicated in a guerrilla landing in the Dominican Republic. These documents are not signed nor is it clear to us to whom they were directed.

The position of the Dominican Armed Forces and National Police was expressed publicly in the joint communique of June 6, a copy of which is enclosed.

Concerning the alleged guerrilla landing, it is our understanding that the three Dominicans said to have entered the Dominican Republic from Puerto Rico have not been located. The three Puerto Ricans charged with transporting them claim that they did not in fact bring any such persons into the Dominican Republic.

The three Puerto Ricans were tried and found guilty on July 31 of three violations of Dominican law: introduction of subversives, attempts against the legally constituted government, and conspiracy. As of this date, appeal procedures have not been exhausted and there are indications that the sentence will be appealed by defense lawyers. The Department is not in a position at this time, to evaluate fully or reconcile the various statements which have been made concerning the alleged invasion. Recently, the Dominican Chief of Police expressed the possibility that the three Dominicans had again left the country.

As you know, Cuba's policies in the Hemisphere are closely watched by the United States Government. We are following developments concerning the alleged guerrilla landing in the Dominican Republic closely in the context of Cuba policy.

Sincerely,

ROBERT J. MCCLOSKEY,
*Assistant Secretary for Congressional Relations.*

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DOMINICAN REPUBLIC JOINT MILITARY-POLICE COMMUNIQUE

(Informal English text)

JUNE 6, 1975.

The armed forces and the national police inform the public that the security measures that were adopted throughout the country on 4 June are due to reports received by the official intelligence services to the effect that Claudio Caamano Grullon, Toribio Pena Jaquez and Manfredo Casado Mejia, as well as others so far not identified, have secretly entered the country from Cuba and plan to stage terrorist acts (kidnappings, sabotage, attempts against public and private property and against certain persons, and so forth) in order to create the necessary conditions for the eventual disruption of public order.

Both the armed forces and the national police will endeavor to the extent of their ability to avoid unnecessary inconvenience to the public with these measures. However, they cannot under any circumstances permit these evil plans by bad Dominicans who—in connivance with international groups—are trying to create uneasiness and unrest among Dominicans.

The cooperation of all persons who appreciate the peace the country is enjoying at the present time will be of great help to the armed forces and the national police in locating and capturing this group of delinquents.

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TRANSLATION OF REPORT ATTRIBUTED TO DOMINICAN FOREIGN MINISTRY AND REPORTEDLY HANDED TO AMBASSADOR ROBERT HURWITCH BY DOMINICAN FOREIGN RELATIONS MINISTER JIMINEZ, MINISTRY OF FOREIGN RELATIONS

YEAR OF THE WOMAN, QUALITY, DEVELOPMENT AND PEACE

a.—The Dominican Government is exercising its sovereignty in the case of the three Puerto Rican citizens who were apprehended on our shores without (being able to show any) real apparent reason (for being there).

The respect for sovereignty is one of the most elemental principles of international law.

b.—In the specific case of these three Puerto Rican citizens, apprehended on the east coast of the Dominican Republic, there exists another aggravating circumstance which is that all of them are members of the Puerto Rican Socialist Party. One of them is, according to the assertions of his own comrades, a member of the central committee of said organization.

It is universally known that the PSP is part of the International Communist movement and that it has close and strong relations with Cuba.

c.—In a recent appearance of the Secretary for Latin American Affairs before a congressional committee of the United States, William Rogers stated that one of the major concerns of his country regarding Cuba was the attitude of the Cubans towards Puerto Rico. The interpretation of this concern is translated in the fact that there exist certain suspicions that Cuba may use its Puerto Rican contacts as a bridgehead between the other countries in the area.

The possibility exists that this may be the first instance of this suspicion, in the case of

the three Puerto Rican citizens apprehended on the Dominican coasts.

SANTO DOMINGO, D.N.,
*June 6, 1975.*

GENERAL AFFAIRS

*Regarding the arrest of three Puerto Rican citizens members of the PSP.* The 23 foot vessel used by the three Puerto Ricans who arrived at La Romana where they were arrested by the National Police is of the MAKO type, and belongs to Luis E. Seda, native of Villa Griasgo, Ponce, about whom no political affiliation is known. Another source points out that this vessel was bought by Carlos Chapel, native of Vega Baja, member of the PSP of Puerto Rico.

On the other hand it appears that the individuals rented the above-mentioned vessel for U.S.$500 to fish for five days in the vicinity of the island of Viequez on the eastern side of Puerto Rico.

The occupants of the above-mentioned launch are: *John Thomas Sampson Fernandez,* born Febrero 15, 1949, in Rio Piedras, Puerto Rico, top leader of the Puerto Rican Socialist Party (PSP), and present director of the Infant Nursery Program, a study center front of the party (PSP).

Sampson Fernandez, who received training in Cuba, is a close collaborator of Juan Mari Bras, and is also director of the National Workers' Union (UNT), an organization of the extreme left of Puerto Rico.

Sampson has been involved in the past in the use of drugs and narcotics. Member of the central committee of the PSP. He has been in Cuba where he also received training. His last trip to that island was last year.

In June 21, 1974 he was involved in the theft of 3,600 pounds of the powerful explosive known as eramite, which was taken from a factory of that locality. Puerto Rican authorities have verified that in the majority of the explosions which are occurring in San Juan, Puerto Rico this explosive has been used.

*Gandia Bonhome* is considered as a most dangerous and degenerate person, even to the degree of maintaining amorous relations with his sister *Sonia Gandia Bonhome,* who also is a militant of the PSP; and lastly *Rafael Enrique Garcia Zapata,* born October 31, 1941 in Cabo Rojo, Puerto Rico, top leader of the PSP in that locality.

Up to now the Puerto Rican authorities do not point out that any other persons were found in said vessel.

Mr. STONE. Mr. President, I call upon the State Department to further clarify its position regarding Communist Cuba's attempts to subvert democratic governments and justify its present policy of pursuing friendlier bilateral relations with the Castro regime. Such justification is called for especially in light of Secretary Kissinger's recent statement regarding the "International Solidarity with Puerto Rican Independence" conference recently held in Havana:

We have pursued a policy with respect to Cuba of moving by reciprocal steps toward an improvement of relations. Our policy has shown some progress and we are prepared to continue this policy. At the same time the meeting in Havana can only be considered by us as a severe setback to this process and as a totally unwarranted interference in our domestic affairs.

Even though Secretary Kissinger is "prepared to continue" efforts to improve relations with the Castro regime, Cuban president Osvaldo Dorticos answered Mr. Kissinger that:

The revolutionary government of Cuba considers Puerto Rico as a Latin American nation under colonial rule and not an internal matter of the United States. Cuba rejects any attempt by the U.S. to use the Puerto Rican issue as an obstacle in bi-lateral discussions between Cuba and the U.S.

In view of these remarks, I seriously question our present policy of rapprochement with the Cuban Communist dictatorship, and further call upon the State Department to reevaluate their position and offer an adequate response to Dorticos' statements.

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## WHO'S ON FIRST: FTC INQUIRY OF AGENCIES URGED

Mr. FANNIN. Mr. President, according to various public opinion polls I have seen, the public is rapidly losing trust and confidence in Government. Judging by my Arizona constituent mail, I believe that the principal reason for this widespread disenchantment is that the agencies of Government are perceived as being too big, too numerous, too bureaucratic, and too remote.

Consumers realize that they are being compelled to pay more Federal taxes, higher prices, and inflated costs for an array of extravagant and unnecessary Government programs they never asked for and do not want. Private citizens and businessmen are constantly bombarded by new Government rulings, regulatory restrictions, and paperwork requirements they resent and do not understand. The Federal Government's scheme of rules and regulations is complicated, confusing, and costly. Its army of regulators and bureaucrats is unaccountable to the people and unresponsive to their concerns, demands, and needs. Yet when the taxpayers try to fight back, when they want a regulation changed or rescinded, when they question the wisdom of a regulatory decision, when they try to bring a complaint or claim against an irresponsible regulator or an agency whose mistake or ruling has caused them irreparable harm or economic injury, they do not know where to turn and they cannot seem to find a quick answer or obtain timely satisfaction.

The fact that the Federal regulatory system is unduly complex accounts for much of the public's frustration with Government. There are a multiplicity of Government agencies, like the CAB, FCC or SEC, which exercise control over single industries, like the airlines, communications, or securities businesses. At the same time there are other agencies, like EPA and OSHA, which regulate specific activities, like health and safety, affecting numerous industries. As the size and scope of Government have expanded, this regulatory process has grown and intensified. Some agencies have acquired new responsibilities in fields and activities previously reserved to other agencies. The confusion created by such overlapping jurisdictions has been compounded by contradictory decisions. Often a businessman finds that, to satisfy the mandates of one Federal agency, he fails to comply with rules promulgated by another. He may even be in violation of regulations issued by the same agency. The situation has gotten out of hand. No one knows for sure what agencies are doing what, which regulators are responsible for which activities, and whether there is some regulation somewhere which is being disobeyed.

To illustrate my point, I call my colleagues' attention to an article by Frank L. McHugh, "Who's On First," which appeared in the July issue of Battle Line. The author discusses specific examples of confusion in the regulatory system which are attributable to blurred lines of responsibility within that system. As Mr. McHugh points out, most people do not realize how many different agencies are involved in matters which are of immediate concern to them.

As my colleagues are aware, the Federal Trade Commission requires industry—currently 450 major companies in manufacturing and sales—to file "line of business" reports to provide the Commission with sufficient information about industry performance and business activities to enable the agency to determine the impact on competition created by mergers and to make well-informed decisions affecting business and the public. Mr. McHugh suggests that—

The FTC should require the same report from our whole agency and executive department structure. It might be interesting to learn just what the bureaucrats are doing. It might also be a step toward elimination of needless duplication.

I heartily agree, and I endorse the Public Monitor's proposal. Accordingly, I have written to FTC Chairman Engman, requesting that the Federal Trade Commission require every major agency of the Federal Government, including the independent regulatory commissions and the various departments within the executive branch, to file with the Commission a written annual report detailing its various functions, activities and areas of regulatory responsibility. As soon as the survey has been completed and the information assembled, the FTC should report its findings to the Congress. I call on the FTC to undertake this study immediately and to set a deadline for agency response.

The Federal Trade Commission finds out what companies produce widgets and obtains sufficient data to know how well the widget industry and other industries are performing and how their activities affect our economy. Should not the Congress and the American people be able to learn what our Federal bureaucrats are doing and make the same qualitative judgments on their regulatory performance?

The people have a right to know what their Government is doing. Since the regulators are not subject to direct public scrutiny or control, it is the responsibility of the Congress to gather this information. It is imperative that we know what the system of agencies we have established is accomplishing and what Government activities are being performed by them "in the public interest." The sooner that the Members of the Senate and House have such information, the sooner that the Congress can take necessary and appropriate measures toward comprehensive regulatory reform. As Mr. McHugh has stated:

In itself, just making the entire behemoth more understandable, might help restore

some of the public confidence missing from government institutions today.

Mr. President, I ask unanimous consent that the text of the Battle Line article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD.

WHO'S ON FIRST

(By Frank L. McHugh)

Everyone thinks they have a pretty good idea of what the government does. After all, we are the best educated people in the world and we all studied the basic civics course in high school. Sure, there have been some new agencies created in the past few years that we may not know too much about, but basically it all fits into place. Right?

Let me ask you a few questions and see if you still feel the same way:

(1) What government agency is concerned with regulation over the issuance of securities? That's easy, the SEC. Yes and no. If you're talking about securities issued by utility companies it is the Federal Power Commission. Oh, that was a trick question. Maybe; how about this one.

(2) Which agency recently commissioned a study on cancer? The National Institute of Health? No. The Department of Health, Education and Welfare? No. It was the Environmental Protection Agency. Keep going.

(3) Which agency reviews schools for compliance with the Civil Rights Act of 1964? The Equal Employment Opportunity Commission? No, it's the Veterans Administration.

(4) Which one sponsored a seminar on junkyards? The EPA? Not this study, which was the effort of the Department of Transportation.

(5) Who makes loans to telephone systems? The Federal Communications Commission? Good guess, but it is the Department of Agriculture.

(6) Which agency just sponsored a fashion show? That a tough one. The Federal Energy Administration.

(7) Which agency requires the labeling of ingredients of alcoholic beverages? Food and Drug Administration? Nope. The Treasury Department.

(8) What agency recently conducted a survey on discrimination in housing? Housing and Urban Development? No, it was the Federal Reserve Board. Now one last one.

(9) Which agency encourages the building or refurbishing of housing for those dislocated by public works projects? The Federal Highway Administration, that's who.

How did you do? If you're like most people, you didn't get very many of the answers. But don't feel that you don't know anything about the government because there are many agencies involved in the activities described. It is meant to illustrate how the lines of responsibility of the various agencies have become blurred. As the government, through all those eager empire-builders, seeks to expand its activities, this is inevitable.

Some time ago, the Federal Trade Commission created a small uproar by proposing that all companies file a "line of business" report. This would require a listing of each kind of business they were engaged in, so that the Commission would be able to judge the competitive effects of mergers, etc. more easily and effectively. Perhaps the FTC should require the same report from our whole agency and executive department structure. It might be very interesting to learn just what the bureaucrats are doing. It might also be a step toward elimination of needless duplication.

In itself, just making the entire behemoth more understandable, might help restore some of the public confidence missing from government institutions today.

## THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, there is no doubt that gross violations of human rights still persist in every corner of the globe. The forms it takes are always ugly, for example, summary execution, torture and denial of due process to political dissidents, apartheid, racial discrimination, and denial of self-determination. Even genocide persists as the tragic events in Biafra demonstrated.

In the early days of the United Nations, it was the U.S. delegates who helped marshall world opinion behind the Universal Declaration of Human Rights. This extraordinary document was intended to establish "a common standard of achievement for all peoples and all nations" and bears forth the entire range of political, economic, social, and cultural rights.

Since its adoption, there have been some 23 conventions and 13 declarations to implement these noble ideals. Yet, almost unbelievably the U.S. Senate has failed to ratify 29 of these 36 documents. Even the alleged inconsistencies I mentioned yesterday between provisions of the conventions and our Constitution would not warrant outright rejection. In the first place, these conventions merely require us to adopt relevent legislation "in accordance with our Constitution." These laws will require the consent of both Houses of Congress, the President's approval and would, of course, be subject to Supreme Court review. In addition, as signatories, we may add understandings or reservations to clarify our interpretation of important passages.

The most obvious and startling example of Senate inaction is the Genocide Convention. This being the first human rights treaty adopted by the U.N., our delegates were instrumental in its drafting and were among its first signatories. Yet this treaty has been stalled before the Senate for over 25 years.

Mr. President, I appeal to my colleagues to join me in the effort to ratify the Genocide Convention.

## WILLIAM A. SMALL

Mr. FANNIN. Mr. President, I was deeply saddened by the death of the former editor and publisher of the Tucson Daily Citizen, William A. Small.

For more than three decades, Mr. Small exerted a strong and constructive influence on the community. Under his leadership the Citizen helped guide Tucson's development from a small town into a major city.

He has left a rich legacy, and we are grateful for his many contributions to Tucson and the State of Arizona.

My condolences are extended to his wife, Elizabeth; to William A. Small, Jr., who is carrying on the service as publisher of the Citizen; and to the other surviving members of the Small family.

Mr. President, I ask unanimous consent to have printed in the RECORD the story which appeared in the Citizen on September 6 regarding Mr. Small's death.

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

WILLIAM A. SMALL DIES IN LA JOLLA

William A. Small, former editor and publisher of the Tucson Daily Citizen, died yesterday in La Jolla, Calif. He was 81.

A native of Chicago, where he went to school and established his own newspaper advertising business, Small bought the Citizen in 1935 in partnership with the late William H. Johnson. He moved to Tucson with his family in 1939 to take over the Citizen's business affairs, while Johnson supervised the news and editorial departments.

With Johnson's retirement in 1960, Small assumed full charge of the newspaper and was both editor and publisher for 15 years until his own retirement in 1966.

The period under his guidance was marked by the Citizen's greatest growth. He made it a strong factor in community affairs, an extension of his own deep concern for Tucson's progress and best interests.

Small sold his interest in the Citizen when he retired and had no connection with the newspaper at the time of his death. He divided his time in recent years between residences in Tucson and La Jolla.

He is survived by his wife, Elizabeth; a son, William A. Small Jr., who succeeded his father as publisher of the Citizen; two daughters, Mrs. John R. Shafer of Yountville, Calif., and Mrs. David F. Hart of Darien, Conn.; and nine grandchildren.

Funeral services will be private.

## MARYLANDERS MOURN THE LOSS OF MILTON A. RECKORD

Mr. MATHIAS. Mr. President, Marylanders mourn the loss of Milton A. Reckord, who for decades personified the Maryland National Guard and served the Guard and our Armed Forces with distinction in both war and peace.

Lieutenant General Reckord, who continued as Maryland's Adjutant General for 45 years, established a unique career which spanned both patrol duty following the Baltimore fire of 1904 and the organizational changes in the Guard to support the war in Vietnam.

His many decorations include the Bronze Star, the Distinguished Service Medal and a brace of honors from other nations. Perhaps his most significant achievement, however, was to remove the Maryland Guard from the political arena, and to remove the taint of politics from the Guard, a vital step in the modernization of the Guard in the decades of his leadership. He did not pursue a political career himself, despite the urgings of many, including those who served under him in World War I. His long career has set a high standard for devotion and patriotism for his own State and the Nation.

General Reckord's accomplishments are detailed in the news accounts of the past few days. I ask unanimous consent that they be printed in the RECORD.

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

[From the Baltimore Sun, Sept. 20, 1975]

GENERAL RECKORD

Milton A. Reckord witnessed the advance of the Twentieth Century as adjutant general of Maryland's National Guard. Given a rigid posture and sense of discipline, he could

not have chosen a better seat. It is still easy to visualize him, attired in boots and jodhpurs, leading Maryland units of the Guard off to World Wars I and II. General Reckord, before retirement at age 85 in 1965, had been the oldest adjutant general in the United States. Maryland and the nation got more than their share of his years.

He not only witnessed history, he added a paragraph or two of his own, especially in his own back yard where military politics easily spilled into party politics, and being a good Democrat sometimes seemed just as important as being a good officer. He was boosted for Governor after his return from Europe in 1919, but he gave way to Albert C. Ritchie, the man eventually nominated and elected, and the Governor who first named General Reckord Maryland's adjutant. The general also nearly ran for United States Senator in 1934, but again he withdrew in favor of another, George A. Radcliffe, who went on to a successful Senate career.

By the time General Reckord was ready to step aside, politics was deemed incompatable with military duty, and he, more than anyone else, was credited with having removed the Guard and guardsmen from its influence. If the Guard's political activities declined, however, General Reckord's opinions grew and in some cases stiffened. A citizen was bound to patriotic duty in the armed services, and no personal or moral rationalization of "good" or "bad" wars could ever change that. A law-abiding citizen also had the right to bear arms, and crimes committed by handguns were the misused instruments of criminals, not arms dealers.

It is not necessary to agree with those judgments to be impressed by the contribution General Reckord, who died this week at age 95, made to Maryland and the nation.

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[From the Baltimore Sun, Sept. 9, 1975]

GENERAL RECKORD DIES AT 95

Lt. Gen. Milton A. Reckord, the former state adjutant general and a commander of Maryland troops in both world wars, died yesterday morning at Fort Howard Veterans Hospital. He was 95 years old.

He was the oldest adjutant general of any state when he retired December 31, 1965, after 64 years of service to his country and to Maryland.

Funeral services will be held at 11.30 A.M. Thursday at the Church of the Good Shepherd in Ruxton.

He retired "to take things quietly and to do just as I please" after serving as Maryland's adjutant general for more than four decades.

He was one of the few senior National Guard officers to hold major commands in the United States Army after the guard was federalized in World War II.

After leading the 29th Division in its first year of federal service, before Pearl Harbor, General Reckord was the first guard officer appointed to a service command.

Later he went overseas, at the age of 64, as provost marshal of the European Theater of Operations.

Although he occasionally participated in political campaigns as a Democrat, General Reckord often was credited with taking the Maryland Guard out of politics.

General Reckord's career with the Maryland National Guard ranged from patrol duty during the Baltimore fire of 1904 to supervising its reorganization after both world wars and shifting it into the Selected Reserve Force organization in support of the war in Vietnam.

He was born in Harford county December 28, 1879.

General Reckord enlisted as a private in Company D of the 1st Infantry in February, 1901. Within five months he was first sergeant of his company and became its commander two years later, on his 24th birthday. In 1906, he was promoted to major.

General Reckord's first federal active service came in the summer of 1916, when his regiment was called up for five months' service on the Mexican border during the hostilities there.

By the end of that year he returned to his civilian flour and feed business in Harford county for a brief respite. In May, 1917, shortly after the country's entry into World War I he was back in federal service.

Two swift promotions in his first year of federal service brought him the command of the 115th Infantry, composed of Maryland guardsmen, six weeks before the regiment was shipped to France in June, 1918.

The regiment arrived in France in time to participate in some of the bitterest fighting in Haute Alsace and in the Meuse-Argonne offensive, during which it was in the trenches for 22 days without relief.

After the regiment returned to the United States in the spring of 1919 and became again the 1st and 5th Maryland regiments, General Reckord returned to active service with the general staff.

But in the interim he found himself thrust into Maryland politics by a group of the men who had served under him in France. They urged his candidacy for the Democratic nomination for governor. Albert C. Ritchie won the nomination, however, and General Reckord campaigned for him in Harford county, the start of a long association between the two men.

While serving with the general staff in Washington, General Reckord helped in the plans for reorganizing the National Guard in what was to prove to be its preparation for another major conflict.

He also helped implement those plans, as he was summoned to Washington several times in the following years to help allocate the National Guard units among the states.

As the Maryland Guard's senior line officer, he was promoted to brigadier general and appointed state adjutant general by Governor Ritchie in 1920.

Reorganization of his service to the guard in war and peace came in 1924, when he was elected president of the National Guard Association of the United States.

Stemming from his guard experience was a strong advocacy of civilian familiarity with weapons.

As president or executive director of the National Rifle Association, posts he held until 1949, he regularly urged that civilians be taught how to handle firearms.

Again in 1934, General Reckord was mentioned as a candidate for the gubernatorial and United States senatorial nominations. He seriously considered seeking the senatorial nomination but withdrew in favor of George L. Radcliffe, who was subsequently elected.

That same year, he was promoted to major general and given command of the 29th Division, the guard outfit that includes units in Maryland and Virginia.

The 29th Division was called back to federal service in February, 1941, and General Reckord commanded it at Fort Meade during the difficult training days of wooden machine guns and stovepipe anti-tank weapons.

Eleven months later he was relieved of that assignment under the policy of relieving over-age officers of combat posts and was placed in command of the 3d Corps Area, which later became the 3d Service Command, covering Maryland, Pennsylvania, Virginia and the District of Columbia.

In the service command, General Reckord, from his headquarters in the Post Office Building here, won renown for slashing much of the red tape hampering supply activities and for clearing able-bodied soldiers out of desk assignments.

His reorganization of the service command was adopted as a pattern for the eight others in the country.

As preparations for the invasion of France entered their last six months, General Reckord was named provost marshal for the European Theater of Operations, where he was in charge of enforcement of military law in the invasion zone.

In Europe his major jobs involved keeping roads across France and Normandy open to supply the American troops in the front lines, caring for German prisoners of war and later, recovering Americans captured by the Germans and returning them to the United States.

After his return home in 1945, General Reckord was named chairman of a committee of 15 generals who drafted the plans for the post-war reorganization of the guard.

Through his later years, General Reckord was in the forefront of the periodic struggles between state military officers and Army officers over reducing guard strength and bringing it under closer federal supervision.

At the same time, he devoted much of his energy to keeping Maryland Guard units as close as possible to fighting trim.

Among his reforms was summer camp training, which became more spartan than it had been in earlier years. When the Army decreed that guard units should reorganize into the streamlined organization of atomic warfare, General Reckord supported the change but resisted cuts in overall guard man-power.

For most of his life, General Reckord was active in sports.

When a syndicate was formed here in 1929 to buy the old Orioles and build a new ball park, he was named its president. During World War II, he won praise in amateur sports circles by working out a policy by which amateur athletes could compete in Army leagues with professionals without endangering their amateur status.

Following the war he became president of the Harford Agriculture and Breeders Association, operators of the old Havre de Grace race track. He later became president of the Maryland Jockey Club, operators of Pimlico race track, and was a director of the Thoroughbred Racing Association.

When Gov. Millard Tawes was elected in 1958, General Reckord announced his retirement as adjutant general. But the Governor asked him to stay and the retirement was put off.

Among the many awards given the general during his career was the Distinguished Service Medal of the National Guard Association of the American Legion.

His military decorations included the Distinguished Service Medal with two Oak Leaf Clusters, two French Croix de Guerre with Palms, the Bronze Star, British Knight Commander of the Order of the Bath and the French Legion of Honor.

In 1968, then Gov. Spiro T. Agnew appointed him as his representative to a legislative subcommittee on gun control. In 1970, he became the first recipient of the Maryland Distinguished Service Medal.

An interview in June, 1974, found the old soldier still alert, with a ready opinion on every current event. He opposed any blanket amnesty for draft evaders but advocated that any punishment given those returning be mild. Detente wtih the Soviet Union, he said during the interview at his Baltimore county home, was paramount in determining U.S. military policy abroad.

General Reckord is survived by a daughter, Mrs. H. Frederick Jones, Jr. His wife, the former Bessie Payne Roe, died in 1942.

[From the Washington Post, Sept. 10, 1975]

PROVOST MARSHAL OF WWII EUROPEAN THEATER; GEN. MILTON RECKORD OF MARYLAND NATIONAL GUARD DIES

Retired Army Maj. Gen. Milton A. Reckord, 95, adjutant general of Maryland for 45 years and a veteran of both World Wars, died Monday at Ft. Howard Hospital in Baltimore County after a long illness.

On his retirement at the end of 1965, he had completed a military career that spanned 64 years. He had commanded Maryland troops in both wars, and later in World II served as provost marshal of the European Theater of Operations.

Gen. Reckord was one of the leading figures in the peacetime reorganization of the National Guard after both wars. He was one of the few senior National Guard officers to hold major commands in the U.S. Army after the Guard was federalized in World War II.

Born in Harford County, Md., Gen Reckord began his military service in 1901 when he enlisted as a private in the old 1st Infantry of the Maryland National Guard. He was commissioned two years later.

He received several promotions and commanded the federally inducted 115th (Maryland) Infantry of the 29th Division in France during World War I. He led this regiment in a number of combat operations.

The division was demobilized after the war. In 1920, Gen. Reckford was named adjutant general of Maryland and commanding general of the Maryland National Guard.

He was made a major general and given command of the 29th Division in 1934. It was inducted into federal service again in February, 1941, and was stationed at Ft. Meade. It was composed of former national guardsmen and selectees from the District, Virginia, Maryland and Pennsylvania.

At Ft. Meade, the division trained with wooden machine guns and stove-pipe anti-tank weapons.

In January, 1942, Gen. Reckord was transferred to command of the 3d Corps Area with headquarters in Baltimore. He was in charge of supply and administration of Army installations in the District, Virginia, Maryland and Pennsylvania.

As the Allies made preparations to invade France, Gen. Reckord was named provost marshal for the European Theater, where he was in charge of enforcement of military law in the invasion zone, serving until the end of the war.

A former president of the National Guard Association, Gen. Reckord was credited with removing the Maryland National Guard from politics, although he occasionally participated as a Democrat in political campaigns.

During his many years as a soldier, he maintained an enthusiastic interest in rifles and rifle matches. He had served in executive positions with the National Rifle Association, and advocated training of civilians in the proper use of guns for "peaceful" shooting.

Gen. Reckord also was a racing enthusiast. He had served as president of the Harford Agriculture and Breeders Association, which operated the old Havre de Grace Race Track, and as president of the Maryland Jockey Club, operators of Pimlico race track. He also had been a director of the Thoroughbred Racing Association.

Gen. Reckord was awarded the Maryland Distinguished Service Medal in 1970.

His military decorations included the Distinguished Service Medal with two Oak Leaf Clusters and the Bronze Star. He was a member of the French Legion of Honor.

Gen. Reckord twice received the French Croix de Guerre with Palm for his service in World War I and then World War II. He also was made a British Knight Commander of the Order of the Bath.

He is survived by a daughter, Mrs. H. Frederick Jones, Jr.; a sister, Elsie Reckord Fitzgerald, and a grandchild.

## ALABAMA LEGISLATURE COMMENDS CRENSHAW CHRISTIAN ACADEMY "COUGARS"

Mr. ALLEN. Mr. President, as a result of the fine efforts of Coach Charles Cook and the Crenshaw Christian Academy Cougars, the Crenshaw Christian Academy, located in Luverne, Ala., won the Alabama Private School Athletic Association State Basketball Tournament in 1975 for the second straight year. This outstanding team has now won 57 of its last 61 games. In recognition of this achievement the Alabama State Senate and the Alabama State House of Representatives each have passed resolutions commending Crenshaw Christian Academy.

Mr. President, I ask unanimous consent that Alabama Senate Resolution 18 and Alabama House of Representatives Resolution 29 be printed in the RECORD.

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

RESOLUTION 18

Commending the Crenshaw Christian Academy basketball team for winning the Alabama Private School Athletic Association State Tournament

Whereas the Crenshaw Christian Academy basketball team, affectionately called the "Cougars," recently won the Alabama Private School Athletic Association State Basketball Tournament for the second straight year; and

Whereas the Crenshaw Christian Academy Cougars earlier won the Division IV Tournament, the Bullock Invitational Tournament, and the Crenshaw Christian Invitational Tournament; and

Whereas Crenshaw Christian Academy won 32 games this season without a single defeat, and has won 36 games in a row, and has won 57 out of their last 61 games; and

Whereas, Jeff Morgan and Tony Williamson of Crensaw Christian Academy were selected to the All-Tournament team and Greg Morgan was selected Most Outstanding Player of the tournament; and

Whereas the Crenshaw Christian Academy Cougars are a reflection on their faculty, parents, and the good citizens of their area; now therefore,

Be it resolved by the Legislature of Alabama, both houses thereof concurring, That we do most heartily commend the Crenshaw Christian Academy for winning the 1975 Alabama Private School Athletic Association State Basketball Tournament.

Be it further resolved, That a copy of this resolution be sent to Coach Charles Clark and to the Crenshaw Christian Academy basketball team.

RESOLUTION H.R. 29

Commending the Crenshaw Christian Academy High School basketball team for winning the Alabama Private School State Championship

Whereas, the Crenshaw Christian Academy High School Basketball Team won the Alabama Private School Basketball Championship by their outstanding ability and hard play; and

Whereas, the team was undefeated throughout the 1975 Basketball season, winning 32 and losing 0 games; and

Whereas, the team has a total winning record of 36–0 extending through the 1974 State play offs to date; and

Whereas, Coach Charles Clark is entitled to great credit for the high degree of technical skill and team play which enabled the team to win; and

Whereas, the esprit de corps of the team, the faculty, the parents and citizens of the community was a vital factor in producing the Championship; now therefore

Be it resolved by the House of Representatives of the State of Alabama. That we do highly commend and heartily congratulate the Crenshaw Christian Academy High School Basketball Team for being 1975 Baskestball Champions of the Alabama Private School Association.

Be it further resolved, That copies of this resolution be sent to the principal, the coach and each team member.

## JACK BELL

Mr. GOLDWATER. Mr. President, I rise this morning to perform the sad duty of paying my final respects to my old friend and neighbor, Jack Bell, who spent many years of his life covering the Senate for the Associated Press.

It is difficult for me to remember a single individual in my nearly 20 years in the Senate who proved more stimulating to my political thinking than did Jack Bell. He was an extremely serious man who knew the politics of this Senate and our Nation like the back of his hand. He could give you the intimate details and background on political situations far removed from the Nation's Capitol and supply you with expert knowledge as to why certain things occurred in a political way.

Mr. President, Jack Bell was the first newsman I met when I arrived in town in January of 1953 to take up my duties as a U.S. Senator. Our friendship continued from that day right up until his death this week. He was my neighbor in the Westchester Apartments on Cathedral Avenue in this city. He also was my partner in countless discussions and arguments over the serious questions of public policy which came before the Senate. And let me make it very clear that we did not always agree on matters of political ideology—in fact, we had very serious differences at times.

Mr. President, I had great respect for Jack Bell and I feel deeply honored that he felt my political career was sufficiently important to draw his attention in a book entitled, "Mr. Conservative: BARRY GOLDWATER." Perhaps because I was the subject, this book of Jack's was not a best-seller. However, I can assure my colleagues that it was one of the fairest accounts ever written about my activities as a Senator and a politican.

Mr. President, Jack Bell was more than just a reporter. In the Senate and wherever national politics were played, he was an institution. The Senate and indeed the entire Nation will miss Jack Bell. They have lost a tireless recorder of the truth, and I have lost a valued friend.

## JULIAN "CANNONBALL" ADDERLEY

Mr. STONE. Mr. President, this summer the world was saddened by the loss of a truly great American, Julian "Cannonball" Adderley. This great humanitarian and musical giant left a world improved by his contributions toward better

relations and understanding among people everywhere. Recognizing his eternal gift to mankind, as well as his status as a native Floridian, Gov. Reubin O'D. Askew proclaimed September 15, 1975, as Julian "Cannonball" Adderley Day in the State of Florida.

Mr. Adderley would have celebrated his 47th birthday on that date. As a tribute to Cannonball Adderley, Mr. President, I ask unanimous consent that the text of the Governor's proclamation be printed in the RECORD.

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

PROCLAMATION

Whereas, music has always been a common bond for bringing people together, and

Whereas, Julian "Cannonball" Adderley's life was his jazz music, and his music promoted better human relations and understanding throughout the world, and

Whereas, his long and illustrious career, which began in Florida, included leader of the 36th Army Dance Band, the Army Band at Fort Knox, alto saxophone player with Oscar Pettiford, Dizzy Gillespie, Miles Davis and George Shearing and appearances with the Cincinnati and St. Louis Symphony Orchestras as well as his own Quintet, and

Whereas, Cannonball has been selected in yearly polls by musicians and critics as outstanding musician by Variety, Downbeat, Ebony and has been the recipient of Grammy, Modern Jazz Society and Disc Jockey Awards, and

Whereas, he has served on many prestigious Arts Councils such as the Institute of Black American Music, the Black Academy of Arts and the Kennedy Center for Performing Arts, and

Whereas, his commitment to music brought him to college campuses not only to perform but to lecture on jazz in conjunction with Black studies and music programs, and

Whereas, on August 8, 1975, the world lost a great musical talent and humanitarian with the untimely death of Cannonball Adderley, and

Whereas, Cannonball would have celebrated his 47th birthday on September 15, 1975;

Now, therefore, I, Reubin O'D. Askew, by virtue of the authority vested in me as Governor of the State of Florida, do hereby proclaim September 15, 1975, as Julian "Cannonball" Adderley Day, in Florida, and urge all Floridians to remember this native Floridian, his contributions to the world of entertainment and his matchless ability to lift the spirits of his fellowman through music.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capital, this 11th day of September in the year of our Lord nineteen-hundred and seventy-five.

REUBIN O'D. ASKEW,
*Governor.*

## GEORGE CRONIN

Mr. CLARK. Mr. President, today I was deeply saddened to learn that George Cronin, a professional staff member of the Senate Committee on Aging, passed away in Denver, Colo., while on vacation.

During the past 2 years, my staff and I worked very closely with George. He was a dedicated and compassionate staff member of the Special Committee on Aging. He had a keen understanding of the problems facing older Americans and devoted his time and efforts to make life better for them. During consideration of the Older Americans Act this year, for example, George's studies of the State and local agencies on aging were crucial in assuring that the Senate adopted the best possible legislation. And his work on transportation problems of the elderly and on architectural barriers confronting older and handicapped Americans was innovative and creative.

George's career in the Senate tragically was cut short. But his work will live on as a model for others to emulate. George was a good friend of ours. He was kind and compassionate, quick-witted and considerate beyond the call of duty. He accomplished in his short lifetime what few others ever can: He left the world a better place to live in. His life and work will not soon be forgotten. We will miss him very, very much.

## LEWIS AND CLARK SALT CAIRN

Mr. HATFIELD. Mr. President, earlier this year I introduced legislation to add the site of the salt cairn utilized by the Lewis and Clark Expedition to the Fort Clatsop National Memorial. This legislation is being cosponsored by Senators PACKWOOD, MAGNUSON, and MCCLURE and it is presently pending in the Parks and Recreation Subcommittee of the Senate Interior Committee.

An article on the significance of the salt cairn appeared in the August 3 issue of the Oregonian. I would like to bring this article to the attention of my colleagues, and I ask unanimous consent that it be printed in the RECORD.

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

SIGNIFICANCE OF LEWIS AND CLARK SALT CAIRN RECALLED

(By Virgil Smith)

Speaking of money, if young bucks would say salt instead of bread they'd be right on. Salary comes from solarium which was the regular ration of salt issued to Roman soldiers.

You don't notice it now because it is so easily obtained, but salt has always been highly valued. In Africa it was once worth twice its weigh in gold.

When Lewis and Clark came out west, the first thing they did after deciding they'd gone far enough was to look for a place to boil sea water for salt.

The party had set out from St. Louis with 750 pounds of it. Some they cached along the way, then ran out. When they decided to stop and spend the winter, they'd been out of salt for 15 days and were hurting.

So while most of the group fell to hewing down trees to build Fort Clatsop, three men set out to find a place for a salt works. It had to be convenient to the sea at high and low tide, but also near fresh water to drink; there had to be stones for a fireplace and a bountiful supply of fuel.

After searching two days, the trio found a suitable place eight miles in a line from Fort Clatsop but 15 miles by swampy trail.

SEA WATER BOILED

Three men spent two months there boiling sea water in copper kettles they had brought along. They also had to hunt and prepare their food. It was midwinter, cold and wet. But they produced from three quarts to a gallon a day, and besides what they and the crew at Fort Clatsop used during the winter, they produced 20 gallons with which to start the long walk back to St. Louis.

In 1963 Congress set up a Lewis and Clark Trail Commission to generate interest in that expedition. The Commission was permitted to lapse in 1969. One of the fruits was the building of a replica of Fort Clatsop and it being made a national monument in custody of the National Park Service.

Another fruit was creation of the Lewis and Clark Heritage Foundation Committee to keep things moving. The committee has tried to get the National Park Service to take on the site of the salt works as part of the Fort Clatsop Memorial. The Park Service wanted to know how the site was found and identified.

The committee replied that "everybody knew" the pile of rocks in what is now Seaside was where Lewis and Clark made salt, just as everybody knew where they had camped, at Fort Clatsop. It didn't have to be found because it never was lost.

Further, the pile of rocks, the salt cairn, had been a landmark for Indians and whites. It appears on all early maps.

Seventy-five years ago digging at the site revealed ashes; the stones are "burned". In that same year, 1900, an Indian, Jenny Michel, identified the place of stones as where she had played as a child, and her mother told her she had seen white men boil water there.

The Heritage Foundation Committee, Dr. E. G. Chuinard, chairman, has turned to Congress for help. Bills backed by Sen. Mark Hatfield and Rep. Les AuCoin are pending; action is expected this session. Letters from interested people would help.

The salt cairn and the lot on which it stands was willed to the historical society by Charlotte Cartwright in 1910. Since then a fence has been built around the rocks to discourage looters and a marker has been set up.

To take over the Salt Cairn would cost the park service very little, virtually nothing at the start. The committee would like to have a nice dedication service during the Bicentennial year. It would like to see two properties fronting on the cairn be acquired when they come on the market, then the small area restored to what it may have been originally.

That the Salt Cairn has not attracted more public attention and curiosity is probably due to the lack of signs and directions, plus scant knowledge of its significance, or nature. What the heck is a cairn?

A cairn is a pile of rocks. The rocks at Seaside are historic ruins of Lewis and Clark salt works.

## MINNEAPOLIS ENJOYING HEYDAY AS UPBEAT METROPOLIS

Mr. MONDALE. Mr. President, yesterday's New York Times carried an excellent article about the city of Minneapolis. Written by William E. Farrell, it explores the many features of Minneapolis that make it a uniquely healthy, and in the author's words, "upbeat" community.

In the past few years a number of books, magazines, and newspapers have pointed to the State of Minnesota and the city of Minneapolis as perhaps our Nation's foremost example of the "successful society." This success is measured not primarily in wealth, but in quality of life including the caliber of our schools, the proximity to parks, rivers, and open spaces, the openness of our political system, and the civic orientation of businesses that are headquartered in the Twin Cities.

In his article, Mr. Farrell discusses these and other aspects of life in Minneapolis. He reports the views of local leaders on the city's recent history and on

the future that citizens are now working to shape. And he concludes:

No one says there are no problems. But no one is saying they are insoluble. Minneapolis is in its heyday.

I thoroughly agree with Mr. Farrell's conclusion, and I commend his article to my colleagues in the Senate.

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

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

[From the New York Times, Sept. 16, 1975]

MINNEAPOLIS ENJOYING HEYDAY AS UP-BEAT METROPOLIS

(By William E. Farrell)

MINNEAPOLIS.—On aging but still elegant Summit Avenue in St. Paul, where F. Scott Fitzgerald once resided at number 599, they still like to call Minneapolis "Mill City."

It is a tart reminder of Minneapolis's modest days as a leading flour miller around the turn of the century when, just across the Mississippi River, St. Paul was flourishing as a railroad hub.

For there is a sibling rivalry between the not always fraternal Twin Cities. Viewing the downtown of both metropolises is a bit like seeing disparate twin sisters at a dance. One, Minneapolis, is cavorting in a ball gown. The other, St. Paul, is a wallflower in rags. One lively; the other quiescent. Mill City vs. Milltown.

Since the nineteen fifties. Minneapolitans (a term residents use although it sounds as if it was concocted by Jonathan Swift) have worked hard to make their city attractive, up-to-date, livable and cultivated.

Their gains have been impressive as residents of Minneapolis are quick to point out in terms that usually convey pride and a minimum of boosterish braggadocio.

While older, multiracial and polyglot Eastern cities, of which New York is the outstanding example, are wrestling with bill collectors, truculent employes, overcrowding, eroding facilities and other urban woes, Minneapolis exemplifies what it is like to be young, Midwestern, uncrowded, solvent, essentially homogenous, and a bit bland—like a bouillabaisse made with only one kind of fish.

The latest population figures for Minneapolis put the total at 416,864. Ninety-four per cent is white, mostly of Swedish, Norwegian, German, Polish and Finnish stock. "It's a pretty good stock for seeing eye to eye," one businessman said. The remaining 6 per cent include blacks, Indians, Spanish-speaking persons and Orientals.

The ethnic and racial tensions that prevail in other cities are not now a major factor in Minneapolis.

Back in the late nineteen-sixties when black discontent erupted in the ghettos of many urban centers there were also disruptions in Minneapolis, mostly along Plymouth Avenue, where many of the city's blacks live.

REACTION TO RIOTING

But viewed against the outburst in a city like Detroit, the rioting was minor. Still it stunned many whites in a place where the normal cacophony and tensions of a big city are minimal. The city's voters deserted the liberal Democratic fold in the 1969 Mayoralty race, electing Charles S. Stenvig, a former burglary detective who campaigned as a champion of law and order and conservation.

Two years ago, as the memories of black unrest and student protest at the university of Minnesota receded, they once again elected a liberal Democrat, Albert J. Hofsteda.

There is a question of whether Minneapolis, the city settled in by Mary Richards, the role played by Mary Tyler Moore on her television show, is a large small town or a small big city.

Probably it is both as it continues to enthusiastically cover up the raw traces of its flour-milling past in a burst of architectural innovation and civic commitment.

For city of its size, it has an unusual array of cultural attraction—a new symphony hall that has been hailed by music critics for its fine acoustics, a well-known symphony orchestra, the Tyrone Guthrie Repertory Theater, a widely acclaimed children's theater, the Walker Art Center, the Minneapolis Institute of Art, the Swedish Art Institute and the University of Minnesota Gallery.

HEADQUARTERS CITY

Curtis L. Carlson, a self-made millionaire and native of Minneapolis, says the main reason for the cultural emphasis is "because we are a headquarters city."

"When you have the executives living in the city, there's more of an inclination to help the higher things in life," Mr. Carlson said in an interview at the Minneapolis Club, a refuge for business and civic leaders amid worn Oriental carpets, dark paneled walls, smiling retainers and large overstuffed chairs to sleep or make deals in.

The city serves as home base for such corporations as Pillsbury; Minnesota Mining and Manufacturing; Investor Diversified Service, a mutual fund conglomerate; and for computer companies such as Honeywell, Control Data and Univac.

Mr. Carlhon who founded the Gold Bond Trading Stamp Company and owns a wide variety of other concerns, is typical of the successful Minneapolis entrepreneur.

He is enthusiastic about the city, avid for continued growth and, like many of his counterparts, feels that the leaders of the business community have an obligation to be involved in civic affairs.

DOWNTOWN RESURGENCE

The resurgence of the downtown area, particularly the shopping district around Nicollet Mall, resulted, in large measure, because city business leaders banded together in the nineteen-fifties when General Mills, a major economic mainstay, decided to move to the suburbs.

New taxes were levied with the businessmen's consent so long as the money was used to transform Nicollet Avenue.

"We willingly voted these things on ourselves, and it's paid off," Mr. Carlson said, adding that he owned large suburban tracts and was convinced that "the strength of the suburb is dependent on the strength of the inner city."

The Nicollet Mall, which has won praise from architecture critics, is one of the city's liveliest areas. It has a system of glass-enclosed skyways that provide all-weather indoor links between large and small stores, restaurants, banks, and a wide variety of specialty shops.

In Minneapolis, weather is a problem. The winters are long and freezing cold. The snow is measured in feet not inches. In the summer, stunning winds can flail pedestrians with the oppressive hot force of a Libyan sirocco.

So the honeycomb of skyways and heated or air-conditioned accesses has proved a boon and eventually it was hoped they will connect 64 blocks downtown.

NEVER FRENETIC

Businessmen, many of them wearing the de rigeur Midwestern attire of maroon slacks and white slip-on shoes, greet each other on luncheon strolls in the mall area. There are crowds but they are not jostling. Their pace is purposeful, but never frenetic.

Downtown St. Paul, the state capital, is a bit dowdy by comparison although efforts are under way to rejuvenate the core of the city and a few skyways, similar to Minneapolis's, have been built.

There is an ambitious redevelopment plan underway that is expected to create a shopping center covering a 12-block area in downtown St. Paul.

Community leaders in St. Paul, population 309,988, appear to move more slowly and cautiously than their counterparts in Minneapolis, perhaps reflecting the city's preference for a more laconic pace.

Residents of St. Paul also have to bear something that those who live in Minneapolis do not—the fusian and bombast that emanate from the handsome state Capitol when the Legislature is in session.

"BIG DIFFERENCE"

Responding recently to a local reporter who was comparing the two cities, Mayor Lawrence Cohen of St. Paul said:

"One of the big differences between the cities is that Minneapolis isn't mentioned in either the Old or the New Testaments."

Not far from the mall area in Minneapolis is Hennepin Avenue, which has a different character from that of the mall. It is glittery, tacky. At night prostitutes work the streets while pimps sit in parked cars. There are fast eating joints, movie houses, porno bookstores, bars both homosexual and straight.

A lot of civic-minded Minneapolitans do not like the area and want to transform it with a new rebuilding plan that is currently stalled. But the others it has a big-city quality bespeaking the existence of exceptions to the straight-laced homogeneity that abounds in other areas.

The city has a tradition of clean politics. There are minor outbreaks of cupidity now and then by public servants, but nothing on the scale of the triflings with the public purse endemic to a city like Chicago.

A 17-member Metropolitan Council, appointed by the Governor, is the coordinating agency of government for the Twin Cities metropolitan area, which encompasses seven counties and contains about 1.8 million people.

REGIONAL LEADERSHIP

Its job is to deal with problems that transcend the boundaries or capabilities of other units of local government. The council has its own tax base and has power of review over Federal aid projects. It also supervises such things as the developments of facilities dealing with sewerage, transit, airports and parks.

One of the city's major attributes is its system of parks and waterways. Within the city limits, there are 23 lakes and 153 parks, which abut on residential areas and in some cases are threaded through these areas by a system by parkways.

There are decent places to eat and drink in the city and a few restaurants that are described as "classy" although the cuisine does not match that of a good expensive New York restaurant.

People tell visitors that the city is fine for rearing families. They say the high school dropout rate is one of the lowest in the country, around 8 per cent. School integration began quietly in 1971 under Federal court order.

The city fathers tell of the enthusiasm and power of citizens' lobbying groups and speak warmly of Minneapolis's triple-A credit rating. Businessmen like Mr. Carlson speak proudly of the plans for the future of downtown; of the new businesses to be lured to the city; of how easy it is to attract executive talent because of the city's amenities.

No one says there are no problems. But no one is saying that they are insoluble. Minneapolis is in its heyday.

## FOSTER GRANDPARENT PROGRAM 10TH ANNIVERSARY CONFERENCE

Mr. CRANSTON. Mr. President, last week nearly 700 participants in the foster grandparent program met in the Nation's Capitol for the Foster Grandparent 10th Anniversary Conference. The 3-day occasion, held September 10, 11, and 12 at the Sheraton Park Hotel, was marked by workshops and recognition award presentations to the 20 original projects and to 20 of the individual foster grandparents who have participated in the program since its inception 10 years ago.

At the conclusion of my remarks, Mr. President, I would like to include in the RECORD the names of these individuals and their sponsoring projects, but at this time I would like to single out a constituent of mine who is among those who were honored, Mrs. Edna Wassace, a 76-year-old foster grandparent who is assigned to the Woodside Terrace project site in San Francisco, Calif. Mrs. Wassace's project sponsor is the Family Services Agency of San Francisco, Inc. In addition to the Woodside Terrace assignments, Family Services has volunteers working with children at the San Francisco General Hospital, the University of California Medical Center, St. Francis Day Home, Holy Family Day Home, Mt. Zion Hospital, the Development Center for Handicapped Minors, and the Hillcrest School.

I am particularly pleased to have the opportunity to tell my colleagues about the family services program, which was recently visited by a member of the staff of the Special Subcommittee on Human Resources, which I chair on the Labor and Public Welfare Committee. We were most impressed by the quality of the staff and volunteers involved in the project.

### HISTORY OF FOSTER GRANDPARENT PROGRAM

Mr. President, the foster grandparent program has indeed made a significant contribution since it began as one of the war on poverty programs in 1965. During that year, under an arrangement between the then Office of Economic Opportunity—now the Community Services Administration—and the Department of Health, Education, and Welfare, HEW's Administration on Aging, using OEO funds, began conducting the foster grandparent effort, a program in which older, low-income individuals could offer supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs.

Four years later, Mr. President, in 1969, this beautiful program was given specific statutory authorization under provision of the Older Americans Act Amendments of 1969 (Public Law 91-69), and was transferred from OEO to the Administration on Aging. In 1971, when the ACTION agency was created by executive reorganization, the Foster Grandparent program, along with other Federal volunteer program efforts, was transferred again, this time from the Administration on Aging in HEW to the new Federal volunteer agency, ACTION.

Mr. President, Public Law 93-113, the Domestic Volunteer Service Act of 1973, which I authored, and which provides statutory authority for the ACTION Agency, included, in title II, provisions for the continued expansion of the Foster Grandparent program, which today has grown to 12,000 participants at over 150 project sites.

### CONTRIBUTIONS

In 1972, Mr. President, a report on Foster Grandparents by Booz-Allen Public Administration Services concluded that—

> In terms of pure economic benefits and costs, total benefits of the FGP exceed its costs.

Based on a Federal cost of $10.2 million, the study found, "A conservative estimate places costs at $1,650,000."

The study described how host institutions and society, as well as children and volunteers, benefit from the program. The benefits identified were as follows:

First. To volunteers—improved health, increased independence, decreased isolation, and concern with financial problems;

Second. To children—improvements in the areas of physical, social, and psychological development; and

Third. To institutions—savings in staff time due to early release of children either from the institutions themselves or from more costly treatment programs.

### OVERSIGHT RESPONSIBILITY

As chairman of the Labor and Public Welfare Committee's Subcommittee on Human Resources, which has oversight responsibility for the domestic volunteer programs of the ACTION agency, it is my privilege to urge support for the foster grandparent program in the Senate, and my responsibility to try to insure that the law authorizing FGP is carried out as my colleagues in the Senate, and the Congress as a whole, intended.

In my role as advocate for the program, Mr. President, it was my pleasure recently to submit testimony to the Senate Appropriations Committee recommending that the foster grandparent program receive the full amount of authorized funding for fiscal year 1976—$32 million—rather than the $25,930,000 recommended by the administration. I would like to set forth at the conclusion of my remarks, Mr. President, the text of my appropriations testimony on title II, Older American Volunteer programs, which includes my remarks on foster grandparents.

And in keeping with my responsibility to see that the law is faithfully implemented, I must point out, Mr. President, that currently we in the Congress are faced with a perplexing problem with regard to the foster grandparent effort. We have learned that as many as 10 percent—perhaps more—of the foster grandparents may have been assigned to work with persons who are not children—for instance mentally retarded adults who are confined to institutions. Such assignments, Mr. President, while they may be enormously beneficial, are contrary to present law, according to the General Counsel of the ACTION agency.

I have asked the ACTION agency to develop a plan to address this problem in as compassionate a way as possible. The last thing we want is for these relationships to be cut off with no alternative arrangements. But we must also see to it that the law, with respect to the assignments of foster grandparent service, be adhered to.

I am hopeful, Mr. President, that the ACTION agency will seek the advice of the project sponsors gathered in Washington last week as to the best way to deal with this sensitive situation, and will seek to find out how such a situation could have developed without the knowledge of ACTION agency officials.

I am hopeful, too, Mr. President, that the ACTION agency will step up its efforts to develop the senior companion program—modeled after the foster grandparent effort but designed to serve those, other than children, having exceptional needs—so that the optimum number of those who could benefit from this type of person-to-person relationship, both children and adults, will have that opportunity.

### ADDRESS BY SENATOR WILLIAMS

Mr. President, in concluding my remarks, I would like to point out that the chairman of the Labor and Public Welfare Committee (Mr. WILLIAMS), long a leader in the Senate in developing programs geared to helping older Americans, addressed the delegates to the foster grandparent conference on Thursday morning, September 11. It was most fitting that PETE WILLIAMS appeared before the conference on the 10th foster grandparent program anniversary, for during that period no one has made a greater contribution in formulating and securing the passage of legislation bettering the lives of older Americans.

Mr. President, I ask unanimous consent that Chairman WILLIAMS' remarks and the other material I referred to be printed in the RECORD.

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

RECIPIENTS OF FOSTER GRANDPARENT PROGRAM 10TH ANNIVERSARY CONFERENCE RECOGNITION PRESENTATIONS

Project site and individual foster grandparent:

Leconia State School, Concord, N.H., Ruth Fox, age 71.

Western Carolina Center, Morganton, N.C., Zela Latts, age 72.

Stenton Child Care Center, Philadelphia, Pa., Pauline Colmer, age 70.

Hillsboro County Foster Grandparent Program, Tampa, Fla., Marie Hartos, age 75.

Grady Memorial Hospital, Altanta, Ga., Daisy Bell Spear, age 82.

Clover Bottom Development Center, Nashville, Tenn., Lenice McEwen, age 70.

Johnny Appleseed Workshop, Ft. Wayne, Ind., Dewey DeHart, age 77.

Henry Ford Hospital, Detroit, Mich., Norville Maddox, age 75.

St. Cloud Children's Home, St. Cloud, Minn., Regina Novotony, age 73.

Model Cities Day Care Center I, Akron, Ohio, Lois Perry, age 88.

Allen House, Cincinnati, Ohio, Daisy Pope, age 71.

Bessie Berner Metzenbaum Children's Cen-

ter, Cleveland, Ohio, Jessalonie Allison, age 72.

No. Wisconsin Colony and Training School, Madison, Wis., Nellie Harvey, age 76.

Denton State School, Denton, Tex., Cornelia Ford, age 79.

Robert B. Green Hospital Newborn Nursery, San Antonio, Tex., Delores J. Herrera.

Colorado General Hospital, Denver, Colo., Mary Ann Hickock, age 78.

Utah State Training School, Provo, Utah, Freda Peterson, age 73.

Woodside Terrace, San Francisco, Calif., Edna Wassace, age 76.

Warmano Training School Hospital, Honolulu, Hawaii, Theresa Raposa, age 77.

Providence Hospital, Portland, Oreg., Opal Greaby, age 75.

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TESTIMONY OF SENATOR ALAN CRANSTON BEFORE SUBCOMMITTEE ON LABOR-HEW APPROPRIATIONS OF COMMITTEE ON APPROPRIATIONS ON FISCAL YEAR 1976 APPROPRIATIONS, H.R. 8069

Mr. Chairman, your strong commitment to placing a high priority in Federal budgetary policy on programs that will serve people's needs is well known. I am confident you and the members of the Subcommittee will fairly and equitably judge the proper allocation of funding for programs in social areas, while taking into account the overall Federal budget and the Congressional desire to maintain Federal spending at a reasonable level.

However, there are a number of areas on which I have placed special legislative emphasis as a member of the Committee on Labor and Public Welfare, and for which I would like to recommend specific appropriations.

ACTION AGENCY

*Introduction*

Mr. Chairman, I appreciate this opportunity to make recommendations to you concerning the ACTION Agency fiscal year 1976 budget. I am privileged to serve as Chairman of the Special Subcommittee on Human Resources of the Labor and Public Welfare Committee. This Subcommittee has oversight responsibility for the domestic volunteer programs of the ACTION Agency. As the author of P.L. 93–113, the Domestic Volunteer Service Act of 1973, which provides the Agency with its statutory authority, I am quite familiar with its programs, its strengths, and its shortcomings.

I have thoroughly reviewed the ACTION Agency's Fiscal Year 1976 budget and transition budget estimate to the Congress. I have requested and received further clarifying information on this submission from the Agency. Based on this information and our on-going oversight of the Agency and its programs, I would like to present to you areas where I believe certain changes should be made by your Subcommittee in marking up the appropriation for the ACTION Agency for fiscal year 1976 and the transition budget period.

*Title II—Older American Volunteer Programs*

Mr. Chairman, the above discussion on the question of expanding experimental programs prior to their receiving completed evaluations takes on added import when viewed in the context of the ACTION Agency's diminished requests for the proven statutorily established programs, especially the highly regarded Older American Volunteer Programs.

*Foster Grandparents (FGP)*

The Foster Grandparent Program derives its statutory authority from Part B of Title II of the Domestic Volunteer Service Act. In its FY 1976 budget submission, the ACTION Agency requested a reduction of $2,357,000 from the estimated fiscal year 1975 level of expenditure—$25,930,000. Such a reduction in funds would reduce enrollment in the program by 700 Foster Grandparents over the course of the year, and several times that number of children would be deprived of the Foster Grandparent's dedicated and compassionate companionship.

Mr. Chairman, I recommend that—at the very least—your Committee restore to FGP the cut of $2,357,000 from the FY 1975 level. In considering the appropriate amount for FGP, Mr. Chairman, I urge you to keep in mind that this program is authorized to receive an appropriation of up to $32 million for fiscal year 1976—$6,070,000 more than the amount requested. For this indisputably cost-effective and beneficial program—providing a small supplemental income to our low-income older Americans and immeasurably valuable services to underprivileged children, full funding, I feel, is entirely reasonable.

Such an increase in funds, Mr. Chairman, could be used to increase the enrollment in the Foster Grandparent Program, or it could be used to increase the stipend earned by the low-income participants in the program. The ACTION Agency has estimated that, based on the current number of Foster Grandparents, it would require $8.2 million annually to increase the FGP stipend from the present $1.60 an hour to the minimum wage level. By raising the Foster Grandparent appropriation to $32,000,000—an increase of $6,070,000 over the Agency request and an increase of $3,713,000 over the House-passed figure—the FY 1975 level—your Committeee could secure a modest increase in stipend for the Foster Grandparents, or provide for an increase in the number of persons enrolled in the program, or provide for a combination of the two. I urge you, Mr. Chairman, to recommend full funding of the very valuable FGP program.

*Retired Senior Volunteer Program (RSVP)*

The ACTION Agency has requested, and the House has approved, $17,500,000 for the Retired Senior Volunteer Program (RSVP), an increase of $1,520,000 over the FY 1975 estimated expenditure level. This increase will provide for an additional 45,000 RSVP volunteers—there currently are approximately 140,000 volunteers enrolled in the program.

Through RSVP, older Americans are provided an opportunity to share their talents and be of service to their communities. They are assigned to tackle a myriad of jobs, from working with shut-in persons, to teaching crafts, to shopping for the home-bound individuals. I support the requested increases for the outstanding RSVP program, Mr. Chairman, and urge you to approve it, as did the House.

*Senior Companions*

Mr. Chairman, the Foster Grandparent model was so successful that, two years ago, in the Domestic Volunteer Service Act of 1973 (P.L. 93–113), Congress provided for a spin-off program called the Senior Companions Program. Again, under this program, low-income older Americans receive an income supplement for working with—in this case—those, other than children, having exceptional needs. The ACTION Agency has requested $1,640,000—a reduction of $920,000 from the amount estimated to be expended during fiscal year 1975. I urge—at a minimum—restoration of this cut. The amount authorized to be appropriated for this program for fiscal year 1976 is $8 million.

Mr. Chairman, I believe your Committee should substantially increase over last year's $2.6 million level the appropriation for this program, for several reasons.

First, modeled as it is after the Foster Grandparent Program, it is a program of proven effectiveness. It deserves, and it should receive, more than token funding.

Second, Mr. Chairman, I have received a great number of requests—and I am sure you have received them as well—from Foster Grandparent sponsors and others who are concerned about what will happen to those children served by Foster Grandparents after they reach the age of eighteen, and who are concerned as well about the great need for companionship for developmentally disabled persons who are chronologically over the age of seventeen, but are children in mind and spirit. My first inclination was to advise these sponsors to work with the ACTION Agency in developing a grant application for a Senior Companions program to complement the Foster Grandparent effort. But what kind of advise is this, Mr. Chairman, when the facts show that the Senior Companion Program is only one-twelfth the size of the Foster Grandparent effort, one-sixth the size it is authorized to be, and when the Agency's current policy requires that 80% of the recipients of senior companionship must be older persons themselves?

In a recent report (No. 94–255) to accompany S. 1425, the Older Americans Act Amendments of 1975, the Labor and Public Welfare Committee directed the Agency to modify its 80% policy so as to give equitable opportunity to all those over the age of seventeen who could benefit by Senior Companions. It also directed that the agency provide for continuation of proven relationships between Foster Parents and children who pass the chronological age of 18 until all efforts have been exhausted to arrange for an appropriate alternative relationship for the individual being served.

These changes will help somewhat, Mr. Chairman. But, in order to enable the Agency to broaden the population of those served by Senior Companions, the Congress needs to provide adequate funding. Toward this end, I urge an appropriation of $4 million for Senior Companions, still only 50% of the amount authorized to be appropriated.

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COMMUNITY SERVICE—AN INVESTMENT IN AMERICA

(An address by Hon. HARRISON A. WILLIAMS, JR., at ACTION Conference, 10th Anniversary of Foster Grandparents Program)

Ten years ago, President Johnson launched the Foster Grandparents program and opened a new front on the War on Poverty.

We in Congress had focused the President's attention on the Older American. This program responded to our recommendations for increased community service involvement.

Today, there are 13,000 Foster Grandparents serving more than 27,000 children in 157 projects in all 50 states.

A good many of us in this room today can remember people growing old 20 or 30 years ago—seeing what old age did to them.

Too often, it meant being alone or dependent on someone else. Too often, it meant being sick, and worst of all, afraid because they just couldn't afford to be sick.

Times have changed since then, largely because of the leadership that people like you have provided in the past decade.

We launched the Medicare and Medicaid programs.

We passed the Older American Act.

We replaced old-age assistance with a new Supplemental Security Income Program (SSI).

We enacted strong federal standards for the private pension system.

We have made great progress these last 10 years, but we have a long way to go.

We lifted millions of Americans out of poverty, but more than 3 million older Americans are still living at poverty levels.

In recent years, we have seen the elderly of this nation rapidly building a new way of life, using the dividends of the retirement revolution.

More than 20 million Americans are over 65 years of age. They comprise 10 percent of the population. By the turn of the century, this figure will increase to 25 percent.

Given the present trend toward longer life spans and earlier retirement, many Amer-

icans may spend up to one-third of their lives in what is now called "retirement".

Quite clearly, our society must adjust to an enormous change in life style.

Our national policy toward retirement is often contradictory. We pay lip serivce to the idealized images of our "senior citizens", "The golden agers" and "the golden years".

But childhood is romanticized, and youth is idolized. Older persons are sometimes forced into a position of sacrifice, the young suggesting that public resources are being mortgaged for the benefit of the old.

This conflict over the rightful share of public resources is being raised with greater frequency.

But the important question is whether one generation must be sacrificed for another. Or can each be a part of the other's enriched life?

There are enormous numbers of neglected children in this country. One out of every four children grows up in poverty. Many of the nation's children receive inadequate medical care.

The Foster Grandparent program taps the human resources of both generations. There is an old adage that: "The great use of life is to spend it for something that will outlast it".

Working in hospitals and institutions where neglected children are deprived of affection, the foster grandparent has given great truth to that statement.

Like the Head Start pre-school effort, loving attention can open for a child a world once denied.

Here is the great remedy for the pernicious effect of neglect—the love and sacrifice of an understanding elder. I know because I have seen the results of your work firsthand.

Many times, I have seen your miracles worked in my visits to the pediatric wards, the institutions for the mentally and physicaly handicapped, and in homes for the dependent and neglected.

Again and again, Congress receives reports of your successes.

In Texas, a child who once spent all of his time cringing in the corner of a room, now plays, goes to the dinner table and sits facing into the room. All of this since his Foster Grandparent started showing him the attention he had seldom known.

In North Carolina, a child who once insisted on being carried everywhere now happily walks with her "Grandma."

In New Jersey, a child with frequent epileptic seizures has been calmed by his Foster Grandparent and now has his affliction in control. And in Cincinnati, an 11 year old girl with brain damage, who once did not move at all, now smiles and turns her head in the direction of her Foster Grandparent's voice.

Obviously, you have bestowed a rich human resource on the young out of empathy and generosity.

The success of this program has encouraged other programs. We now have thousands of older volunteers involved in Vista, the Peace Corps, RSVP, Senior Companions and SCORE. Their knowledge and wisdom is a rare gift to younger generations.

Still, being old in America has become more difficult than ever. In the past year, food prices have risen 15 percent, fuel a monstrous 45 percent, and health care 50 percent with no end in sight.

There is talk of cutting essential social programs. Invariably, the elderly are among the first victims of reduced federal budgets. The Administration even requested cuts in the Foster Grandparent program.

Here my message is rather brief and blunt: the Congress must be exceptionally vigilant in protecting human programs against false budget priorities.

When economy is needed the budget knife may have to be applied, but never at the cost of new hardships for those whose lives are already hard.

To deny the elderly essential social services is false economy. Their ability to maintain active independent lives is reduced and eventually, they are forced into institutions where the cost of care is even greater.

The American dream promised older people that if they worked hard enough all their lives, things would turn out well for them. Today's older Americans were brought up to believe in pride, self-reliance, and independence. Many are tough, determined individuals who managed to survive against adversity.

But there are barriers which even the strong cannot overcome. Older workers begin to face age discrimination as early as age 45. Many are mustered out of the work force at an automatic cut-off age. They are told to "enjoy" a retirement which often locks them into poverty as well as idleness.

Working men and women nearing retirement age are caught in vise of rocketing prices with the prospect of retiring on a fixed income which has little chance of keeping up with the inflationary spiral. These situations demand that our national retirement incomes policy provide a greater freedom of choice regarding retirement.

Not many years ago, we tended to respond to aging problems with band-aid solutions—old-age assistance, a few special housing projects, and modest social services were stopgap measures.

Major reform of social security, private pensions, and health care have provided splints, casts, and bandages to replace the band-aids.

But there is a need for a comprehensive approach on several fronts. The "aging" of our population—coinciding with a rise in retirement income expectation—indicates a clear need for long-range planning.

What is needed, and what would be productive, is a national commitment on aging—a commitment to help those most in need and to lift the nation out of its current economic troubles.

The basic question is what we will choose to invest in. Do we continue to expand our military arsenal, or do we create jobs and spur the economy by investing in the construction of housing and delivery of services that directly benefit people who are struggling to survive?

Building the battleship will create jobs, but that battleship will never buy an automobile or a pound of meat or a bushel of grain.

Yet, if we invest in programs and services that strengthen the independence of people who must purchase food, housing, clothing, fuel and the other necessities of life, we will help rebuild the economy.

Not only would it make economic sense: it makes common sense as well. Older Americans of today contributed to the growth of the society in which younger people live. All of us, whatever our age are now contributing taxes and services to our nation and are collectively preparing for our retirement years.

The economic hardships of older Americans are an integral part of our overall economic condition.

Last year, Congress enacted amendments which I authored to the 1974 Housing Act to revise and expand the Section 202 elderly housing program. Congress made $215 million available for this program in 1975. These funds could have provided 10,000 badly needed housing units.

The housing industry remains in a serious slump. Thousands of construction workers wait in unemployment lines. Older people in need of shelter wait anxiously for this program to be implemented. Yet, the $215 million authorization goes unused.

This year, the number one legislative item for the elderly is the extension of the Older Americans Act. We have moved this legislation through the Senate and the House has passed a similar measure. It is now pending in Conference and a final vote is expected soon. That proposal will provide authorization for up to 130,000 community service jobs for older workers.

Unemployment among persons 55 and older has jumped nearly 70 percent in the last 8 months. Yet, on-going employment programs for workers over 55 such as Operation Mainstream, are being phased out by the Administration.

But Congress has learned the value of community service employment. We saw what community service can accomplish in the 10-year history of the Foster Grandparents.

Community work can recapture and preserve human abilities, utilize manpower, provide satisfying occupation and forestall additions to the mounting welfare load. Ten years of experience has amply demonstrated that its worth is incalculable.

Let me underscore the fact that today's older population has contributed much to the nation's economy. The generation that brought us through the Great Depression can help us to weather this storm.

So to those of you who have manned the ramparts—to those of you who have made the sacrifices in the past—and to those of you who have urged action through your cards and letters, I salute, congratulate and thank you for what you have done for your fellow man.

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## SHOULD WE HAVE A NEW ENGINE?

Mr. DOMENICI. Mr. President, I would like to call to my colleagues' attention an intriguing report recently prepared by the Jet Propulsion Laboratory of the California Institute of Technology. This report, entitled "Should We Have a New Engine? An Automobile Power Systems Evaluation" takes a comprehensive look at potential alternatives to the internal combustion engine.

My reason for endorsing this report is that it identifies two alternative engines, the Stirling and Brayton, that hold the promise of becoming truly fuel efficient, virtually pollution-free engines. The importance of such a development in both protecting the health of citizens in polluted urban areas and in easing the energy crisis can hardly be overestimated. The report states that the successful introduction of either the Stirring or Brayton engine sometime in the mid-1980's would take the automobile off the list of major polluters. Furthermore, the report foresees fuel savings of up to 2 million barrels a day, saving the Nation $10 billion annually, assuming oil prices are at $11 a barrel.

Because of my enthusiasm over the thoroughness and findings of the report, I have written both President Ford and Senator MUSKIE, chairman of the Subcommittee on Environmental Pollution of the Public Works Committee, urging that they initiate a thorough review of the report with an eye toward prompt action.

I ask unanimous consent that a copy of my letters to President Ford and Senator MUSKIE, along with a copy of the report's synopsis and major findings be printed in the RECORD.

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

SHOULD WE HAVE A NEW ENGINE? AN AUTOMOBILE POWER SYSTEMS EVALUATION

ABSTRACT

Alternative automotive powerplants were examined for possible introduction during the 1980–1990 time period. Technical analyses were made of the Stratified-Charge Otto, Diesel, Rankine (steam), Brayton (gas turbine), Stirling, Electric, and Hybrid powerplants as alternatives to the conventional Otto-cycle engine with its likely improvements. These alternatives were evaluated from a societal point of view in terms of energy consumption, urban air quality, cost to the consumer, materials availability, safety, and industry impact.

The results show that goals for emission reduction and energy conservation for the automobile over the next 5–10 years can be met by improvements to the Otto-cycle engine and to the vehicle. This provides time for the necessary development work on the Brayton and Stirling engines, which offer the promise of eliminating the automobile as a significant source of urban air pollution, dramatically reducing fuel consumption, and being saleable at a price differential which can be recovered in fuel savings by the first owner. Specifically, the Brayton and Stirling engines require intensive component, system, and manufacturing process development at a funding level considerably higher than at present.

SYNOPSIS

"What should be done in the near future to improve the automobile, from the standpoint of society's needs and problems? Specifically, should some other type of engine be used to power the automobile in the coming decade, instead of the familiar Otto[1] (spark-ignited internal combustion) engine?" These are the questions that the Jet Propulsion Laboratory was asked to address in this study.

The automobile affects the quality of our lives in many ways. On the positive side is the convenience of a personal car, all-important in providing mobility for business and pleasure. On the negative side are the problems it creates or to which it contributes heavily. The air we breathe is fouled by its exhaust. Increasing use of cars causes congestion in our cities and leads to injuries and deaths on our highways. Demand for imported metals and minerals, needed to manufacture automobiles, is continually growing. Our enormous energy consumption, to which the automobile's demand for gasoline is a major contributor, gives rise to large deficits in our national balance of payments each year and leaves us vulnerable to international embargoes. The group of industries involved in the production and operation of automobiles are strongly linked to our nation's economy and employment. These factors show the importance of the automobile and its infrastructure.

Over a period of about 18 months, the Jet Propulsion Laboratory studied the technologies available for improving the automobile and its powerplant, within the framework of the key issues: the role of the automobile and other transit systems in providing personal mobility, energy and fuels available, material resources, air quality, highway safety, and the changeover capability of the automobile industry. In the course of this study several fundamental realizations—some of them at variance with widely held opinion—emerged:

The automobile will maintain its dominant role in personal transportation through the foreseeable future. Public transit will be able to take a larger share of the burden. However, the time and effort required to build new public transit systems, or to expand existing facilities, together with their limited applicability, preclude more than a 10–15% substitution for automobile driving in the next 10 to 20 years.

The production of over 10 million automobiles per year is the combined, and highly specialized, undertaking of an industrial complex that extends back to the iron ore mines. A major change in the product cannot happen overnight regardless of money available, technology applied, or legislation enacted. There will be an estimated minimum time lag of over three years in beginning to mass-produce a new design, given a fully developed producible model.

Liquid fuels, natural and/or synthetic, will be used in cars through at least the end of this century. World resources are sufficient to permit the introduction of another generation of combustion engines.

The necessary materials of construction can be obtained for the recommended heat-engine-powered automobiles, given adequate planning.

The financial resources required for conversion to vehicles with alternate engines would be readily available in our economy.

Automobile pollutant emissions and—equally important—emissions from other moving and stationary sources must be controlled more stringently than at present, and in a concerted manner, in order to meet the National Primary Ambient Air Quality Standards through the next decade. To conform with this requirement, automobiles powered by any alternate engine considered must meet, or better, a set of emission standards appropriate to the region in which they are driven.

Given some additional development, cars with catalytically controlled Otto engines do not have to give up fuel economy to comply with the strictest legislated emission standards. In fact, some improvement in the efficiency of such engines can be obtained without relaxation of those emission standards.

In the light of these realizations, our answer to the questions originally posed, stated in a few words, is:

Begin immediately the rapid implementation of design changes to the car itself which can significantly reduce fuel consumption, independent of the kind of engine used. Concurrently, accelerate and direct the development of two particularly promising alternate engines—the Brayton and Stirling engines—until one or both can be mass-produced, with introduction in the improved cars targeted for 1985 or sooner. In the interim, press the development of the conventional Otto engine to its limits.

The vehicle design changes referred to are primarily weight reductions, along with some modest improvements attainable in transmissions, power-consuming accessories, and the aerodynamic characteristics of the car. Many of these are relatively easy to achieve and should be put into production in the next five years, since they can reduce normal driving fuel consumption by 14 to 35% over the range of car sizes. The remaining changes, requiring some additional development, should be introduced as soon thereafter as practical and will provide even more impressive fuel savings. A further reduction in national fuel consumption can be obtained if a moderate shift in consumer preference toward smaller cars can be brought about. All of these gains are essentially unrelated to the type of engine in the car and, once achieved, will by-and-large be retained when the alternate engine is introduced.

The Brayton engine is better known as a gas turbine, one form of which is presently used on large commercial aircraft. Braytons have already been employed in some racing cars and experimental automobiles. The Stirling engine, a newcomer to the automobile, utilizes the heat from the burning fuel to make a separate closed gas system do the work. Both types of engines have been in existence for many years, but only recent technical developments have made them suitable for passenger car application. Both offer dramatic savings in fuel usage, adaptability to a wide variety of liquid fuels, and emissions low enough to take the automobile off the list of major polluters. Although both could eventually be produced at acceptable cost, in neither case do engines delivering this attractive performance presently exist in a form that can be economically mass-produced. Therefore, Brayton and Stirling engine development must be greatly accelerated until one or the other reaches the stage where the auto industry can give a production go-ahead. This may not happen if the industry operates in a business-as-usual manner, since development spending in excess of present levels for these alternates is necessary. Government funding and/or incentives will be required to promote a firm industrial commitment.

A small improvement in fuel economy can still be squeezed out of the conventional Otto engine, at no sacrifice in emission control, while the alternate engine is being readied for production. More effective air/fuel mixing and conditioning devices, together with improved exhaust converters, can make the evolving Otto engine a very worthy stopgap powerplant. Developments in this area must also be spurred.

The electric car, in a form that could substantially replace liquid-fueled automobiles, remains a prospect for the more remote future. It is a very alluring long-term option since its supply of electric energy is drawn from generating stations which can use any energy source—chemical, solar, geothermal, or nuclear. However, present technology limits the electric vehicle to very specialized applications, and the electric energy storage system required to make it competitive with liquid-fueled cars for general use has yet to be developed. The mandatory battery research must be intensified now, if a practical, general-purpose electric car is to materialize.

Implementation of the foregoing recommendations will result in major benefits to the nation as a whole in transportation and energy consumption. Enlightened planning now, embodied in a firm national commitment, can put efficient automobiles powered by Brayton/Stirling engines on our streets by 1985 and provide us with the options needed for the century to come.

I. STUDY OBJECTIVES AND APPROACH

*A. Statement of objectives*

The expressed purpose of this study was to provide an independent appraisal of the feasibility of, and the potential societal benefits to be derived from, replacing the conventional automotive Otto engine with one or more alternative powerplants during the next decade. Specific objectives within this general study context were:

(1) To gain an understanding of national needs and problems related to automotive use such as personal mobility requirements, air quality, consumption of energy and nonrenewable resources, and highway safety.

(2) To examine the U.S. automotive industry's production facilities, supporting industries, capital requirements, and production timing for possible constraints in implementing vehicle changes.

(3) To acquire reliable data on the characteristics of vehicles and their conventional Otto engine powerplant and on all production and experimental alternative powerplants which are candidates to supplant it.

(4) To synthesize, analytically, equivalent vehicles containing the alternative powerplants and obtain "equal-footing" comparisons of their performance and cost relative to anan evolving Otto-engined vehicle.

[1] Named after its inventor, Nicholas Otto.

(5) To consider various introduction scenarios for the most promising alternatives and assess their future impact upon the national needs and problems.

(6) To extract from these analyses an automobile improvement strategy, delineating requisite development effort and funding requirements, time phasing, and options.

The pre-eminent question is what *should* be done for the benefit of the nation as a whole, tempered by the realities of what *can* be done, and under what conditions, by industry and government.

*B. Structure of the study*

The Automobile Power Systems Evaluation Study (APSES) was conducted as a group of interrelated parallel substudies by various subsets of the team, culminating in a synthesis of results by the entire team. This structure is illustrated by Fig. 1 which, for clarity, shows only the major elements. Study efforts are represented by rectangular boxes and the products of those efforts by circles. Solid arrows show primary data flow; dashed arrows show secondary data flow. The vehicle technology substudies—vehicle characteristics, powerplant characteristics, and manufacturability/cost analyses—were highly interactive with each other and also with the materials resources effort. The remaining substudies—industry practices and the relevant national issues—were somewhat more independent, providing guidelines and criteria to the vehicle technology work.

The methodology used and the intermediate products will be made clear as this report unfolds. Out of these substudies came a series of specific findings. These were then put together into a coherent picture in the synthesis effort, from which the recommended strategy was formulated.

II. MAJOR FINDINGS

The feasibility and desirability of introducing an alternate automotive engine were assessed in the context of relevant national needs and problems: (1) the demand for mobility; (2) energy consumption, especially as petroleum fuels; (3) availability of raw materials; and (4) urban air quality. Studies of these issues resulted in an automotive outlook for the balance of this century which is probably not surprising: (1) personal automobiles are here to stay, regardless of increased usage of public transit and other changes in vehicle use patterns; (2) liquid fuels, some combination of natural and synthetic hydrocarbons, will be used in cars throughout the time frame of interest; (3) world resources can supply the automobile's expected demand for fuels and materials of construction; and (4) environmental air quality will demand continued attention, necessitating more restrictive emission standards for stationary as well as mobile sources.

Against that backdrop, the APSES study has derived some major findings, the rationale for which is outlined in subsequent sections and supported in detail in Volume II of this report. Briefly, those findings are as follows:

(1) Comparatively simple vehicle design changes—primarily weight-saving, essentially independent of engine type and functionally acceptable to the buyer—can reduce the conventional automobile's fuel consumption by 14 to 35% of present usage. Such changes can be incrementally introduced and all be in production by 1981. Other modifications, requiring some additional development, can further reduce fuel usage. All of the vehicle improvements can and should be incorporated by 1985, since their benefits would largely be retained when an alternate engine is introduced. A modest shift in market preference toward smaller cars would also yield a short-term payoff in fuel saving.

(2) Vehicles powered by Brayton or Stirling engine can reduce national automotive fuel consumption by about one-third from that of equivalent cars with conventional engines (for the same usage) and with emissions below the strictest presently legislated standards. Introduction of either of these alternate engines can be accomplished without significant adverse impact on the nation's economy. One or both should be introduced as soon as these benefits can be realized in economically mass-produced hardware.

(3) The present development status of the Brayton and Stirling engines does not, at this time, permit a decision to begin mass production; hence their introduction cannot be forced by an abrupt change in emission standards or legislation of a fuel economy standard over the next few years. Rather, a more aggressive development program, involving at least a five-fold increase over the present rate of spending, must be pursued. Such a program requires a firm commitment on the part of industry, supported by government funding or incentives. An introduction target date of 1985 (earlier, if possible) should be incorporated in the development schedule.

(4) While the Brayton/Stirling development is proceeding, about 9% reduction in fuel consumption from that of the average 1975 conventional Otto engine can be obtained, without giving ground on emissions control, through improved induction systems and exhaust converters. The combination of such upgraded Otto engines with the improved vehicles discussed in finding (1) constitutes not only a good stopgap automobile configuration, but also a very acceptable "fallback" position if intractable difficulties arise in both alternate engine developments.

(5) Intermittent-combustion alternate engines—the Stratified-Charge Otto and the Diesel—do not offer enough advantage over the improving conventional Otto engine, in vehicles of equivalent performance, to warrant their widespread introduction in general-purpose automobiles. Also, conversion of the entire fleet to such an engine could further delay introduction of a Brayton or Stirling.

(6) Meeting the presently mandated National Primary Ambient Air Quality Standards requires coordinated emission reduction from both automotive and nonautomotive sources. For areas outside the Los Angeles basin, national automotive emission standards of 0.4/3.4/2.0 g/mi (HC/CO/$NO_x$) are adequate through 1990. In addition, evaporative hydrocarbon emissions must be effectively controlled nationwide. The Los Angeles basin should mandate 0.4/3.4/0.4 g/mi emission standards as soon as practicable; even at those levels the photochemical oxidant (smog) standard will not be met, with still stricter hydrocarbon (and posibly $NO_x$) control being ultimately required.

Other sources, especially heavy-duty vehicles and stationary sources must also be aggressively controlled nationwide, or else they will be the major polluters.

Brayton- and Stirling-powered cars can comfortably meet the strict statutory standards, and even the Otto-engined car, with projected improvements, will be equal to that task. Further tightening of the automobile emission standards would eventually rule out the Otto engine, however.

U.S. SENATE,
*Washington, D.C., September 16, 1975.*

Hon. EDMUND S. MUSKIE,
*Chairman, Committee on Public Works, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: A recent report from the California Institute of Technology's Jet Propulsion Laboratory entitled "Should We Have a New Engine" has identified the Stirling and Brayton engines as having the potential of being truly fuel efficient, virtually pollution-free engines.

The importance of such a development can hardly be overestimated. At every turn, our attempts through the Clean Air Act to protect the public health in urban areas have been stymied by the inherent difficulties of cleaning up the internal combustion engine. Attempts to control pollution from the internal combustion engine by catalysts have only spawned a new round of pollutants. Delays granted the automakers have in turn meant the imposition of more draconian transportation control strategies on communities to achieve the public health-related requirements of the Clean Air Act. All the while, continued reliance on the internal combustion engine only serves to exacerbate both the energy crisis and our dependence on foreign oil supplies.

Given the immense social dividends that a new engine would bring, and their integral relationship to our present effort to amend the Clean Air Act, I would urge that you contact the committee's leadership and the subcommittee's ranking minority member about the possibility of holding subcommittee hearings in the near future on this critical topic. In fact, given the broad implications of the report, I suggest that following the subcommittee hearings you may want to ask the Senate leadership to request an in-depth review of the nation's efforts in this area, including the initiation of joint hearings by the Public Works, Commerce, and Interior Committees. I would hope that perhaps such hearings could be scheduled prior to our reassessing the automobile emission standards in full committee markup.

I know you are as intrigued as I am by the Jet Propulsion Laboratory's suggestion that about $1 billion invested in the Brayton and Stirling engines now could result in an annual petroleum cost savings of $10 billion in the future. That, plus the ecological benefits outlined in this report, offers a superb opportunity for timely legislative action.

If there is anything I can do to be of assistance, please do not hesitate to call upon me. Kindest personal regards.

Sincerely,

PETE V. DOMENICI.

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U.S. SENATE,
*Washington, D.C., September 16, 1975.*

The PRESIDENT,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: I am writing to urge you to embark on one of the most important domestic initiatives of the decade: the development of a fuel efficient, virtually pollution-free automobile engine.

As you have repeatedly noted, the tighter emission standards required of the internal combustion engine to protect the public health have come into conflict with our national energy policy of maximizing automobile fuel economy. In fact, difficulty in controlling automotive pollution has led many to consider permanently abandoning the nitrogen of oxides standard presently called for in the Clean Air Act. Such difficulties have even led some to despair whether we can achieve clean air in our cities anytime in the twentieth century.

It has been obvious to those of us working in this area that the ideal solution to our problems lies in developing a new pollution-free engine capable of greater fuel economy. Proposals for such a development, however, have consistently elicited a skeptical response from professionals both within industry and the federal government, on the theory that a quantum breakthrough is required to produce a significantly cleaner engine which uses less fuel.

There is no evidence that such professional skepticism may have been overly pessimistic. A recent report from the California Institute of Technology's respected Jet Propulsion Laboratory indicates that a fuel efficient engine capable of emissions well below the statutory standards is within reach.

The report I refer to is entitled, "Should We Have A New Engine?: An Automobile Power Systems Evaluation." It was produced

as the result of a grant from Ford Motor Co., and presents an independent assessment of the longer term powerplant options available in this highly complex and controversial area of overriding national importance.

I have studied the report and I am convinced that its conclusions fully justify a careful examination of the course of our present efforts to deal with automobile pollution and fuel conservation. I say this because, after carefully sifting through available technical data, the report identifies two engines, the Stirling and Brayton, that possess exciting potential as alternative engines superior to the present internal combustion engine.

The primary recommendation of the report, as I see it, is contained in the following statement taken from page 3:

"Begin immediately the rapid implementation of design changes to the car itself which can significantly reduce fuel consumption, independent of the kind of engine uses. Concurrently, accelerate and direct the development of two particularly promising alternate engines—the Brayton and Stirling engines—until one or both can be mass-produced, with introduction in the improved cars targeted for 1985 or sooner. In the interim, press the development of the conventional Otto engine to its limits."

The developmental price tag for such an alternative engine is estimated to be approximately $1 billion over the next decade; a small price for public health, energy independence, and a livable urban environment. When the potential benefits of the use of one or both of these engines is considered, that developmental cost is put more into its proper perspective. For instance, the report, on page 82, indicates that "introduction of the Stirling engine alone, at a net cost of about $8 billion, will save over 2 million bbl/day by the end of the century. A comparable increase of petroleum supply would require a capital investment of at least $20 billion." As the report further points out on page 86:

"Expenditure of $150 million per year for 5 to 10 years is well within the historical R&D funding capability of the industry (albeit with some changes in priority) and very small compared to contemplated budgets for developing some new sources of energy. It is also a small *total* price to pay, compared to an *annual* petroleum cost saving on the order of $10 billion (at $11 per barrel) which would result after total conversion to the alternate engine. The industry could pay for this development program and, from an analysis of the potential for increased profits, this level of expenditure seems warranted. However, it is not at all obvious that they *will* do so—given sales slumps, reduced budgets, and their historical interest in short-term-payoff R&D. It is in the national interest that these alternate engine development programs be successfully completed. Thus, government should provide incentives and/or share in the funding to ensure that this program *will* be accomplished. Ongoing automotive programs, sponsored by DOT and ERDA, provide ample precedent for governmental involvement. An appropriate government laboratory should monitor progress and participate in program direction at key decision points."

The other obvious offset against developmental costs is the real possibility that, as indicated by the report on page 59, these engines "would relegate the automobile to a secondary place in the list of major polluters." Given the immense social and environmental dividends that such a happy circumstance would bring to a wide range of air pollution related problems, we cannot fail to evaluate, carefully and thoroughly, the opportunities suggested by this report.

For these reasons, and others, Mr. President, I strongly urge you to take the lead and marshal the full resources of the federal government and, acting in concert with private industry, to initiate a sustained effort to develop a new automobile engine. I have communicated these same thoughts to Senator Muskie as Chairman of the Subcommittee on Environmental Pollution of the Senate Public Works Committee in the hope that effective and coordinated Congressional action can be taken.

I recognize that fiscal restraint is essential in face of the innumerable competing demands made on the federal budget. Nevertheless, I can imagine few national initiatives which promise greater social, energy, and environmental dividends than the development of a truly fuel efficient, low pollution automobile. I would respectfully urge your immediate and favorable consideration of such an initiative.

Sincerely,

PETE V. DOMENICI,
*U.S. Senator.*

## ARMS RACE IN LATIN AMERICA

Mr. ABOUREZK. Mr. President, in the August 30 edition of Nation magazine, Mike Klare presents a thoughtful and detailed explanation of the history and current practices of the United States in the "Latin American Weapons Market." In the past we have focused primarily on Europe and Vietnam as the two most important areas. Mr. Klare's article tells us that we can no longer afford to ignore the potential for an arms race in Latin America.

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

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

HOW TO TRIGGER AN ARMS RACE

(By Michael T. Klare)

In January 1975, the first of forty-two Northrup F–SE Tiger–II supersonic jet fighters were delivered to Brazil, the total purchase being the largest transfer of advanced military aircraft to South America since World War II. In a major drive to modernize its armed forces, Brazil has also ordered at least five Lockheed C–130 cargo planes, several dozen UH–1H troop-carrying helicopters, hundreds of Raytheon AIM–9 Sidewinder air-to-air missiles, and millions of dollars worth of our electronic gear. The United States, which previously restricted its military exports to Latin America, has welcomed the Brazilian build-up and is energetically promoting sales of U.S. weapons elsewhere on the continent. And, while miltary spending in Latin America is generally lower than in other areas, the combination of U.S. pressure and Brazil's militiary push may well ignite a major arms race in the region.

Although State Department officials scoff at the danger of such an arms race, an analysis of regional military procurement patterns suggests that the danger is real. For decades the "Big Six" continental powers—Argentina, Brazil, Chile, Colombia, Peru, Venezuela—have sought to maintain a rough balance of power and have tended therefore to match the arms acquisitions of their principal rivals. (Thus when Peru ordered a squadron of French Mirage jets in the mid-1960s, most of the other hemispheric powers ordered squadrons of their own.) Moreover, the American arms merchants expect a boom: according to *Aviation Week & Space Technology*, the leading industry journal, "Northrop's recent sales of its F–5 series . . . are the opening wedges in what should be a substantial U.S. penetration of the Latin American market."

Increased U.S. arms sales to Latin America have been a major White House goal since June 5, 1973, when President Nixon invoked an obscure provision of the Foreign Military Sales Act to permit F-5E sales to Argentina, Brazil, Chile, Colombia, and Peru. Such exports had been blocked by a Congressional ban on sales of "sophisticated weapons systems" to less developed countries, but by citing an imminent threat to U.S. national security interests Nixon overrode the restriction. State and Defense Department officials have testified that important political, military and economic interests are at stake and that the decision to sell jet fighters to these countries represented a "major policy decision."

Prior to Nixon's 1973 decision, U.S. arms policy on Latin America had been based on the premise that, in a period of revolutionary ferment, the top priority for the area was the promotion of rapid economic development, and that arms acquisitions should be confined to essential items. Major purchases of external defense hardware (such as tanks, supersonic aircraft and large warships) were considered militarily unnecessary and economically harmful, since they retarded development by consuming an excessive share of scarce national resources.

While the logic and goals of this policy have been hotly debated, there is general agreement that it did not curb major arms purchases by the larger and more prosperous hemispheric powers. When their access to the U.S. armaments industry was restricted, several South American governments turned to European suppliers for advanced equipment. (Between 1967 and 1972, Latin America spent $1.2 billion on European military hardware and only $335 million on U.S. equipment.)

Following the announcement of the Mirage deals, U.S. government and industry leaders formed a loose alliance to lobby for the repeal of all restrictions on high-technology military exports to Latin America. The Nixon administration, which was being forced by the debacle in Vietnam to reassess *all* U.S. foreign policy objectives, eagerly embraced the anti-restriction position. Indeed, the new policy meshed nicely with Nixon's goal of transferring local defense responsibilities to America's allies in the Third World.

The new green-light policy on arms exports to Latin America has already produced significant results: in mid-1973 Brazil completed its purchase of the forty-two F-5Es, and in June 1974, Chile announced plans to acquire eighteen F–5Es and sixteen Cessna A–37 Dragonfly counterinsurgency planes. Peru and Ecuador have recently made substantial purchases of A–37s, and several other advanced U.S. aircraft. These orders have boosted U.S. arms exports to the region from an average of $30 million per year in 1966–70 to $113 million in 1973 and an estimated $191 million in 1974. Total U.S. Government sales during the past three years (fiscal 1972–74) stood at $414 million, four times the figure for the preceding three-year period and nearly twice the total for the entire fifteen-year period ending in 1965.

These data raise several important questions about U.S.-Latin American relations and about the effect of such sales on political, economic and military developments within the hemisphere. At the same time, they lead one to consider the grounds on which U.S. arms policies are based, and the role Congress and the public can play in shaping them.

Before proceeding to these questions, however, it is necessary to review the history of U.S. arms policy in the region and particularly the various factors which precipitated the policy reversal of June 5, 1973.

Up to World War II, Latin America obtained the bulk of its armaments from Europe, and most continental armies were trained and advised by French, British or German officers. These ties led the major South American powers to calculate their

weapons needs on the basis of European military doctrine, which stressed defense against attack by rival powers. "This originally meant," the State Department noted in 1973, "that qualitatively their standards of weapons acquisitions were comparable to those of major powers, although quantitatively much more limited."

When the World War broke out, Europe could not spare arms for marginal allies, and only the United States had sufficient industrial capacity to produce weapons for export. Under the Lend-Lease Act of 1941, Latin American armies were supplied with U.S. arms and equipment in return for access to certain bases and strategic raw materials.

After 1945, the United States continued to dominate the arms market in Latin America. Europe was fully occupied with domestic economic recovery, while the United States had large stocks of surplus military equipment which it was willing to sell at a considerable discount. Moreover, wartime cooperation had left a legacy of partnership that was further strengthened by the Rio Treaty of 1947 and later by the bilateral mutual defense pacts signed with most countries in the early 1950s. According to a 1973 Rand study prepared by Luigi Einaudi (now Henry Kissinger's chief adviser on Latin American affairs), "These pacts typically granted the United States a monopoly on military advisory missions, and thus symbolized de facto U.S. predominance." And, while some countries continued to acquire their new high-performance arms from Western Europe, "the United States came to be seen as the predominant supplier of arms and training to Latin America, with World War II and Korean War stocks of materiel a source of inexpensive but reliable arms and equipment."

During most of the cold-war period, the main purpose of U.S. arms programs in Latin America was to strengthen the hemisphere's defenses against external (presumably Soviet) attack. After the Cuban Revolution, however, the objective was reversed; as Prof. Edwin Lieuwen of the University of New Mexico has noted, "The basis of military aid to Latin America abruptly shifted from hemispheric defense to internal security, from the protection of coastlines and from anti-submarine warfare to defense against Castro-Communist guerrilla warfare."

In a discussion of the revised arms program Robert S. McNamara, then Defense Secretary, told Congress in 1967 that "our primary objective in Latin America is to aid, where necessary, in the continued development of indigenous military and paramilitary forces capable of providing, in conjunction with the police and other security forces, the needed domestic security."

In the new counterinsurgency strategies devised by Kennedy's military advisers, underdevelopment and stagnation were seen as the principal causes of revolution, and thus economic modernization was considered essential. Latin American armies were expected to assist in this development by lending their managerial and technical skills to civilian projects, by participating in military civic action programs, and by refraining from excessive purchases of military hardware (other than those required for counter-guerrilla operations). The official U.S. view of that time was summarized by Raymond J. Barrett, a Foreign Service officer attached to U.S. Air Force Headquarters:

"The need for expensive arms by Latin American countries does not appear great. They are protected against conventional military threats by the effective Inter-American peace-keeping machinery, by the Rio Treaty security guarantees, and by wide oceans. . . .

"The principal threat to Latin American nations is internal. It is the danger of Fidel Castro-sponsored subversion. The fundamental response to this threat is quicker and better economic development, but strengthening internal security is also important."

To the dismay of U.S. policy makers, most Latin American military leaders did not fully accept Washington's strategic outlook. While the Pentagon was generally successful in mobilizing indigenous armies for U.S.-sponsored counter-guerrilla operations in the countryside (such as the 1967 campaign against Che Guevara in Bolivia), Washington never succeeded in erasing the traditional view that defense against external attack is the primary mission of Latin American military forces. In line with this outlook, Peru in 1965 decided to replace its aging F-86 interceptors, preferably with the supersonic F-5A Freedom Fighter. U.S. policy makers saw the Peruvian request "as a prime example of wasteful military expenditures for unnecessarily sophisticated equipment at a time when generous U.S. credits were being extended for economic development," and rejected the deal.

When rebuffed by Washington, the Peruvians turned to France and the Dassault-Breguet Mirage V fighter. Other Latin American countries acquired Mirage jets of their own. U.S. resistance to these purchases—at one time Washington threatened to turn off economic aid to Peru—led some countries to adopt a policy of diversifying their arms purchases among several countries, while others began to build up their own arms industries, thus further eroding U.S. dominance in the arms trade.

The response to these events in the United States was manifold. The aerospace industry began an intensive lobbying campaign to reserve U.S. policy on sales of high-technology armaments. And some government officials, concluding that Latin America's "turn toward Europe" would undermine U.S. ties with the region's military leaders, joined forces with industry lobbyists. The opening salvo in this campaign was fired by Nelson Rockefeller (then Governor of New York) who told Nixon upon his return from Latin America in 1969:

"The United States must face more forthrightly the fact that, while the military in the other American nations are alert to the problems of internal security, they do not feel that this is their only role in responsibility. They are conscious of the more traditional role of the military establishment to defend the nation's territory, and they possess understandable professional pride which creates equally understandable desires for modern arms. . . ."

Rockefeller's recommendation that Washington permit sales of "aircraft, ships and other major military equipment without aid-cut penalties to the more developed nations of the hemisphere" helped legitimize the export campaign.

Although the White House proved receptive to Rockefeller's argument, the Congress was not so accommodating. Angered by the Mirage purchases (which seemed to nullify the intent of U.S. economic aid programs), and in response to growing opposition to U.S. military policy (then exemplified by an unpopular war in Asia), Congress adopted several new restrictions on arms exports to Latin America. Section 4 of the Foreign Military Sales Act of 1968, as amended, prohibits sales of "sophisticated weapons systems" to underdeveloped countries (except to the "forward defense countries" on the borders of China and the USSR) and Section 620 of the Foreign Assistance Act of 1971 (Symington-Conte amendment) requires that the Executive reduce aid to any country which diverts excessive funds to purchase of sophisticated military hardware. Other amendments to these and related statutes placed further restrictions on arms sales to Latin America.

To overcome these obstacles to a more flexible export program, government and industry spokesmen have conducted a vociferous campaign for repeal of all statutory restraints. In their attempt to influence Congress, export lobbyists have fabricated a bogus analysis of Latin America's turn toward Europe which tends to dominate public discussion of the issue.

Most criticism of arms restrictions hinges on two main points: (1) the United States "lost" a normally secure arms market to Europe because of misguided export policies; (2) U.S. restrictions on the export of high-technology hardware were the product of a paternalistic, humanitarian attempt on the part of Congress to speed economic development in Latin America. While both of these statements contain some elements of truth, they also hide or distort other, more important truths:

(1) *The "lost" arms market:* U.S. arms sales to Latin American during 1968–72 totaled only $335 million; European sales exceeded $1.2 billion. Industry sources insist that these "third country" sales would have gone to the United States had it not been for the restrictions. According to Cecil Brownlow, executive editor of *Aviation Week*, Congress' "high-handed paternalistic approach to Latin America . . . provided a driving wedge for France and Great Britain into wider areas of the aerospace market there and generated at least a temporary turn away from American military hardware." But a review of Latin American arms acquisition patterns since 1945 suggests that the conventional analysis is deficient: while Washington provided most of the arms acquired by Latin America in the postwar era, it did not provide (except for a few warships) any of the new high-performance weapons purchased during this period. A Rand survey of postwar arms transfers shows that Latin American countries almost invariably bought their new-construction hardware in Europe. Thus Great Britain supplied most first-generation jet fighters and almost all new-construction warships acquired by Latin America after World War II. Recent Latin American purchases of British guided-missile destroyers and aircraft can be seen then as a continuation of past policy and not just a response to U.S. policy.

This finding is further confirmed by the fact that in the fields where the United States has traditionally been the principal supplier—e.g., transport aircraft, trainers and helicopters—there has been no pronounced loss of market.

(2) *Congressional "humanitarianism":* According to Brownlow, Latin America's turn toward Europe occurred when "a 'father-knows-best' Congress refused to sell advanced military aircraft" in the belief that Latin America "should spend its money for more worthwhile projects such as raising the standard of living of its lower classes." While it is undoubtedly true that many in Congress held such beliefs, this analysis distorts reality in two important respects: first, the restrictive policy did not originate in the Congress but in the executive branch; and second, it was not primarily motivated by a desire to eradicate poverty but rather to advance U.S. counterinsurgency programs. Thus Washington's opposition to F-5A sales to Peru did not arise from a humanitarian impulse but from a consistent counterrevolutionary outlook; indeed, the concomitant U.S. policy of supplying large quantities of counterinsurgency weapons to Latin America has probably led to far more violence and suffering than can be attributed to purchases of the Mirage or other high-performance systems from Europe.

The charge of "paternalism" is further refuted by another consideration: Washington's desire to delay Latin American weapons purchases while U.S. arms firms were busy with Vietnam war production. In 1965, when the original ban on high-performance air-

craft was imposed, U.S. aerospace companies were fully occupied; by stressing the need for restraint, U.S. policy makers evidently hoped that Latin America could be persuaded to defer major acquisitions for a few years—or until U.S. producers had slack capacity. Thus the Johnson administration's 1967 recommendation to Latin American governments that "aircraft on hand be maintained as long as possible and that newer models not be introduced into the area until the 1967–70 time frame"—when the F–5A would be available for sale to the region—can be interpreted as an attempt to preclude third-country purchases until the U.S. aerospace industry was equipped to handle non-Vietnam orders.

The conventional analysis of U.S. export policies is clearly deficient in many respects, but it raises several key issues of U.S.-Latin American power relationships. If, as we have seen, the Johnson administration's original 1965 decision to limit high-technology military sales to Latin America was based on strategic considerations, what new factors compelled Nixon to reverse course a few years later? By now it should be obvious that arms policies cannot be considered in isolation from the political and economic fundamentals of foreign policy, and that leads to a discussion of America's post-Vietnam strategy.

Although it is still too early to calculate all the effects of America's failure in Southeast Asia, it has long been clear that the United States would emerge from the war with a substantial reduction in global power and prestige. More than 500,000 U.S. troops are committed to Vietnam, along with the full technological resources of the world's most advanced industrial power. And, although the U.S. war machine never seriously threatened the survival of the revolutionary army, three Presidents staked the credibility of U.S. power on a futile and costly intervention. Thus the failure of the U.S. counterinsurgency mission diminished the world's assessment of U.S. military prowess. Economically, moreover, the war exacerbated U.S. balance-of-payments problems and helped diminish the value of the dollar in foreign markets.

These developments, which greatly reduced Washington's leverage in the world political arena, have encouraged other nations to adopt a more independent stance in international affairs. Examples and this trend include the Arab oil embargo and the OPEC price rises, Europe's refusal to support the emergency U.S. airlift to Israel during the October war, and Thailand's recent call for the withdrawal of U.S. troops. In Latin America, too, there are similar signs: Venezuela's nationalization of U.S. oil and steel companies, Peru's "nationalist revolution," the repeal of OAS sanctions against Cuba, and Panama's campaign to recover sovereignty over the Panama Canal Zone. Simultaneously, the Administration's foreign policy maneuverability has been reduced by an assortment of Congressional restrictions on U.S. military and economic aid programs.

To improve U.S. leverage abroad while conserving U.S. resources at home, the Nixon-Ford tactic has been to replace obsolete cold-war policies with more realistic, "cost-effective" ones. The rapprochement with China, the SALT agreements, Kissinger's "shuttle diplomacy" in the Middle East and the "new dialogue" with Latin America—all represent attempts to increase U.S. leverage without sacrificing paramount objectives. These moves are designed to bolster America's position as the world's leading superpower while permitting a greater role for secondary powers.

In its search for new options, the Administration has seized upon arms sales as a flexible tool for acquiring added prestige abroad while conserving resources at home. Unlike military assistance, the sales program is not financed by the U.S. taxpayer and thus does not provoke the grass-roots opposition faced by most grant programs.

At the same time, such exports help beef up the armed forces of pro-U.S. governments abroad while providing U.S. personnel with increased access to the military leaders of these countries. These and other factors which stimulate U.S. arms sales to Latin America are summarized below:

(1) *Economic Factors:* In October 1971 America's foreign trade balance showed a net deficit for the first time since 1893, and foreign military sales are increasingly seen as an important source of export revenues. The Pentagon has been ordered to step up its marketing activities abroad and, since the arms market in the developed countries is already saturated, the salesmen have increasingly concentrated on Third World countries. (According to the U.S. Arms Control and Disarmament Agency, arms transfers among the developed countries held relatively steady at a rate of about $1.6 billion annually during 1961–71, while arms imports by underdeveloped countries rose from $1.2 billion in 1961 to $4.5 billion in 1971.)

Military sales are also considered essential to a continuing high rate of productivity and employment in the aerospace industry. When Pentagon spending on war operations in Vietnam began to decline in the early 1970s, many U.S. aerospace firms faced significant cutbacks. In order to keep their production lines alive, Washington turned to the Third World as the only possible outlet for such equipment, and now many weapons originally designed for the conflict in Vietnam are being exported to Latin America. Already, Rockwell International has sold sixteen of its once-doomed OV–10 Bronco counterinsurgency aircraft to Venezuela, and Cessna is busy filling orders for its A–37 Dragonfly close-support planes (Peru has bought twenty-four, Chile sixteen, and Ecuador twelve). Latin American sales have also figured prominently in the continued prosperity of Northrop, producer of the F–5E; it is not surprising, therefore, that Northrop paid $2.3 million to close associates of a high-ranking Brazilian Air Force officer to help expedite the F–5E sale. (The Brazilian transaction came to light in a recent Senate investigation of Northrop's payments to agents and other middlemen involved in arms deals abroad.)

(2) *Politico-Military Factors:* Since most modern armaments require spare parts, training aids and maintenance services that can be obtained only from the producer, arms sales are a source of considerable political influence. The more sophisticated the weapon, moreover, the more dependent the buyer becomes on technical services furnished by the supplier. And, since such services are required throughout the lifetime of the product (fifteen to twenty years for most aircraft), an arms agreement normally "tends to tie the recipient politically to the donor for this period of time if any continuity [in military effectiveness] is to be maintained." William Perreault, vice president of Lockheed (which has sold dozens of its C–130 Hercules transports in Latin America) told me: "When you buy an airplane, you also buy a supplier and a supply line—in other words, *you buy a political partner.*"

Arms sales enhance the political presence of a supplier in another important respect by providing access to foreign military leaders who in most Latin American countries play a decisive role in national politics. The contacts begin with the sales negotiations themselves (which are normally conducted by a country's top military officers) and follow with training programs, maintenance contracts, technical assistance, etc. If handled diplomatically, such associations can lead to a close working relationship with host country military personnel and result in significant political advantages as well as further military sales. According to Secretary of Defense Schlesinger, "The degree of influence of the supplier is potentially substantial, and typically, those relationships are long enduring." This linkage between military sales and U.S. national security objectives is clearly brought out in the case of Chile: although Washington limited economic aid to $3 million during Allende's Presidency and blocked all forms of credit in a carefully orchestrated campaign to undermine the Popular Unity government, the Pentagon gave Chile more than $25 million in arms credits and held frequent sales meetings with Chilean officers—thus providing U.S. officials with "legitimate" access to these officers while they were conspiring to overthrow Allende.

Military exports are also used by Washington to strengthen certain countries within each region in order to establish an overall balance of power favorable to U.S. interests. With the collapse of the J.S. counterinsurgency mission in Vietnam and the corresponding rise of anti-interventionist sentiments at home. Washington has been obliged to shift the burden of local policing to client regimes and selected local powers in the Third World. This redistribution of military roles forms the core of the Nixon doctrine and has resulted in a rapid acceleration of arms deliveries to favored powers. At the same time, Washington has delayed or prohibited sales to certain countries when it was felt that such transfers would shift the military balance in an unfavorable direction. Thus Washington has expedited F-5E sales to Chile and Brazil (both of whose governments follow U.S. guidelines on most strategic issues), but has refused to respond to a similar purchase offer from Peru (whose military rulers have instituted a brand of radical nationalism considered inimical to U.S. interests).

It is clear from the above that arms sales policies are shaped by the interaction of multiple economic, political and military factors. When these factors are in opposition, as they were in the mid-1960s, military sales will be restricted; when they are in conjunction, as they are today, such sales will be accelerated. It follows that U.S. arms sales to Latin America will continue to expand until a new alignment of politico-economic objectives precipitates a change of policy.

"Our goal," a top Latin American affairs officer at the State Department told me recently, "is to be the principal arms supplier to the region." In its drive to increase U.S. weapons exports, the Administration will naturally concentrate its marketing efforts in the larger and more prosperous countries (especially those with new oil revenues), but it will not neglect the smaller and poorer countries. Recently, in fact, the Pentagon has arranged sales of military aircraft to several Central American and Caribbean countries which had previously received all their equipment gratis under the Military Assistance Program.

Even Haiti, the poorest country in the Western Hemisphere, has stepped up its purchases of U.S. arms. Washington has also proved accommodating to some of the more nationalistic countries; thus when Brazil tightened its controls on imports of aerospace products (to stimulate domestic manufacturing), major U.S. defense contractors, including Northrop, were encouraged to subcontract some of their work to Brazilian firms.

Its domestic production schemes notwithstanding, Brazil is now and will continue to be Washington's major arms customer in Latin America. In line with the shift in Brazilian military doctrine from an emphasis on counterinsurgency to preparation for conventional interstate war, "a long-term program is underway to strengthen all branches of the armed forces." Brazil spent about $200 million on U.S. military hardware over the past few years, and new orders (including the $120-million F–5E deal) will boost this figure considerably. In addition to the aircraft,

Brazil has made substantial purchases of surplus U.S. warships and modern naval armaments. And, if the military junta goes through with its plans to form a 7,000-man parachute brigade, Brazil will need an additional forty-eight C–130s at a cost of more than $5 million each. (According to the London-based *Latin America* newsletter, "the idea is that this force will be able to operate anywhere in Latin America within twelve hours.")

Brazil has made no secret of the fact that it seeks a dominant position within Latin America, and thus the current military build-up there is certain to generate considerable anxiety in neighboring countries—particularly Argentina, Peru and Venezuela. Argentina, the number-two power in South America, has always felt threatened by the giant to the north and has sought to match Brazilian military capabilities on an item-by-item basis. In Peru, the ruling military council has watched with growing alarm the steady influx of Brazilian weapons into neighboring Bolivia and Chile. And Venezuela, which has recently assumed a leading role in hemispheric affairs, fears a Brazilian invasion of Surinam and French Guiana following the withdrawal of the Dutch and the French.

If traditional patterns hold, these countries will now build up their own defenses. And, while the State Department insists that U.S. arms policies will not provoke an arms race, it is clear that top Administration officials are aware that the F–5E deal is likely to stimulate a new round of arms buying in the hemisphere. Indeed, the State Department's Bureau of Intelligence and Research recently reported that 'institutional pressures to acquire arms always rise . . . when peer military establishments are buying conspicuous equipment—particularly new principal combatant vessels, *high-performance combat aircraft* and modern tanks" (emphasis added). Thus the F–5E deal can be seen as a calculated act to stimulate arms purchases. For surely Brazil's aspiration to become a hegemonic power coupled with attempts by its neighbors to achieve rough military parity, could precipitate an upward spiral of weapons spending that would prove highly lucrative for U.S. arms producers.

The danger of a major arms race in Latin America calls for a policy of restraint on the part of the major suppliers, particularly the United States. However, despite its occasional calls for the adoption of regional arms-control measures, the Administration does not appear disposed to such limitations. Indeed, Washington's goal of becoming "the principal arms supplier in the region" is obviously incompatible with any strategy for the development of controls.

With the executive branch unwilling to exercise restraint, it is up to Congress to assert leadership. Congress has not paid much attention to this issue in the past and last year voted to eliminate the ceiling on arms credits to Latin America. However, recent publicity concerning the growing weapons trade may have stiffened Congressional resistance to the Administration's policy. Sen. Gaylord Nelson (D., Wis.) has just introduced a bill to impose Congressional control over all major arms agreements (i.e., sales totaling $25 million or more), and chances for its passage seem good. The Nelson bill would not immediately affect the arms trade with Latin America (which rarely involves single sales of greater than $25 million), but it will establish the machinery for Congressional oversight of all foreign sales.

## DISCLOSURE OF RETAIL UNIT PRICES OF CONSUMER COMMODITIES

Mr. HUGH SCOTT. Mr. President, I am happy to be added as a cosponsor today to Senator Moss' bill S. 997 which would amend the Fair Packaging and Labeling Act to require disclosure by retail distributors of retail unit prices of consumer commodities.

Many supermarkets are installing the universal product code—UPC—pricing system which is a display found on most grocery products. When pulled across an optical scanner, the UPC indicates the exact contents of the package and the computer rings up the price of the item. When this automated checkstand system is implemented many supermarkets intend to discontinue their present practice of individually marking all grocery items; however, shelf price markers will be maintained.

One of the most common ways of comparative shopping is to examine the price of new items with the price of similar items which the purchaser may have at home. Unless the price is clearly and conveniently marked on each item in the supermarket, the consumer will be unable to tell if he or she is paying more or less for a product. Under this system, it will be difficult to compare not only prices of various brands, but prices between different markets.

I feel the consumer is entitled to see the price of an item being purchased in order to do comparison shopping effectively. Therefore, I urge my colleagues to join me in this effort to contribute significantly to the consumer's welfare.

## SENATOR NELSON AND ARMS SALES

Mr. CRANSTON. Mr. President, the Washington Post on September 2 carried a column by Clayton Fritchey of the Los Angeles Times which highly compliments our distinguished colleague from Wisconsin, Senator GAYLORD NELSON. In that article Mr. Fritchey notes that it was due to the leadership of Senator NELSON last year that Congress plays any role at all in arms transfers carried out under the terms of the Foreign Military Sales Act. Under section 36(b) of that act—the Nelson amendment—Congress has 20 calendar days within which to disapprove any proposed foreign military sale in excess of $25 million.

The recent controversy over the proposed sale of Hawk and Redeye missiles to Jordan demonstrated both the strengths and weaknesses of that procedure. Twenty calendar days is a very short time for both Houses of Congress to hold hearings and report a resolution of disapproval to the floor. More significantly, it is simply inadequate to bring Congress into the policy picture at the very last stage of the game, with no choice but to accept or reject in toto any proposed sale. Congress should have a voice in the formulation of policy governing foreign military sales. Under terms of legislation introduced by Senator NELSON in February—S. 854—also introduced as amendment No. 583 to the Foreign Assistance Act, S. 1816—Congress would gain that important policy voice. Mr. Fritchey, in his article "Overseeing Foreign Arms Sales," spells out the procedures of this important legislation. As a cosponsor of S. 854, I ask unanimous consent that the article be printed in the RECORD, and I urge that it receive the careful attention of my colleagues.

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

[From the Washington Post, Sept. 2, 1975]

OVERSEEING FOREIGN ARMS SALE

(By Clayton Fritchey)

On Capitol Hill, one of the mysteries is how a senator can be as outstanding as Gaylord Nelson (D-Wis.) without being a presidential prospect. The answer is surprisingly simple: He long ago decided he would never allow himself to be tempted by the presidential bug, nor, for that matter, by the vice-presidential bug.

The upshot is that, to a notable degree, he is his own man. Time and again he has taken lonely positions, although by nature he is not a loner. Indeed, he gets along so well with conservative colleagues who differ with him ideologically that they often support the kind of pioneering legislation that Nelson regularly introduces.

Interest is currently focused on him because of the controversy over the dubious sale of American arms to Jordan, a White House proposal that would have gone through without a hitch had it not been for a bill quietly and successfully sponsored by Sen. Nelson last December.

The new law gave Congress, for the first time in history, a voice in foreign military sales. It requires the administration to submit to Congress for possible veto any proposed arms sale exceeding $25 million. Congress then has 20 days in which to reject the sale.

Thus, the White House was required to inform Congress last month of its intention to sell 14 Hawk antiaircraft missile batteries, along with 500 missiles, to Jordan, supposedly for defense purposes. The deal was derailed when congressional challenge showed that such a large order, costing $350 million, would have given Jordan offensive capability against Israel.

The Nelson law made possible an inquiry by the Senate Foreign Relations Committee which discovered that the Joint Chiefs of Staff had unanimously held that Jordan could safely defend itself with only six Hawk batteries. That destroyed the administration's claim that 14 were needed.

Faced with certain defeat, the administration withdrew its proposal, although, under pressure from Jordan's King Hussein, it will probably soon be back with a much reduced plan when Congress reconvenes.

Meanwhile, Sen. Nelson, encouraged by the success of the Jordan action, is preparing to push additional legislation he has introduced that would give Congress an opportunity to evaluate in advance and set guidelines for U.S. foreign military sales on an annual basis.

The bill which now has 14 senatorial cosponsors, would require the President to submit to Congress an annual report containing a forecast of the dollar amounts of foreign military sales contemplated for each country, as well as data on major weapons systems and major defense services to be transferred.

An explanation would also be required as to how proposed sales would be justified in terms of supporting U.S. foreign policy objectives, strengthening U.S. security and promoting world peace. In addition, the administration would have to show the impact of proposed sales on regional power balances, arms control negotiations, U.S. defense production capacity and war reserve stocks.

All this is the culmination of a decade's effort on Nelson's part to curb presidential war-making abuses and restore the constitutional powers of Congress in that area. Nelson was one of the first senators to oppose the Vietnamese war and former President

Lyndon Johnson's effort to legitimatize the conflict through the infamous Tonkin Gulf Resolution.

Suspecting that Johnson might later construe the resolution as giving him a blank check to step up the war, Nelson, acting alone, tried to amend the legislation to guard against that eventuality.

He yielded, however, to former Sen. J. W. Fulbright, when the then-chairman of the Foreign Relations Committee assured him that LBJ had no such intention. Fulbright later acknowledged that he had been deceived, which led to a break in his relations with the former President.

Nelson was one of the strongest backers of the War Powers Act of 1973, which was intended to prevent the man in the White House from involving the armed forces in foreign conflicts without the advice and consent of Congress.

And Nelson was the only member of the Senate to protest when President Ford ordered the Navy, the Air Force and the Marines into action against Cambodia, without first getting the formal approval of Congress, at the time of Mayaguez hijacking last May.

There are a number of other senators who now wish they, too, had raised their voices over the Mayaguez episode, which finally cost more lives than it saved. Today there are a growing number of Americans who share the view Nelson had the courage to express at the height of the action. He said, "I don't think we gave the negotiating process a fair trial."

## DELAWARE FARM DAY SPEECH

Mr. ROTH. Mr. President, it was my pleasure to deliver remarks to members of the agricultural community in Delaware on Farm and Home Field Day at the University of Delaware's Agricultural Substation near Georgetown, Del., on August 13. Farm Day provides a special opportunity to salute farmers and their families.

In my remarks I note that farm production and the export of agricultural products is an important factor in maintaining our American standard of living.

It troubles me that the farmer is blamed at the first hint of higher food prices. If there is a culprit it is after the farm product leaves the farm. If the farmer were the culprit, why doesn't the price of bread go down when wheat prices drop?

I also note that American farmers have gone all out this year to produce a record 2.14 billion bushel wheat crop. This includes over 1.3 billion bushels of surplus wheat which is available for export. Let us not penalize the farmer for responding to the world demand for American wheat. It is necessary for us to export to pay for the oil to heat our homes and fuel our cars.

My speech also covers my legislative proposal to ease the burden of the present tax system on family farms. This will make it easier for our family farms to be preserved from one generation to the next.

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

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

SPEECH OF WILLIAM V. ROTH, JR.

I'm delighted to be here today on Farm Day, a day of recognition for the outstanding job the Delaware farmer and his family is doing not only for the people of Delaware, but the nation as a whole.

August is the month to eat. Fresh corn, tomatoes, watermelon and fried chicken. You can't beat it. That's the reason I always look forward to Farm Day and the good food served us.

America is the best food nation in the world. Thanks to you, the farmer. America has a favorable balance of trade, despite the outrageous price of Arab oil. Thanks to you, the farmer.

I, for one, think it's about time the politicians thank the farmer for the good job he is doing, rather than use him as a whipping boy.

Much has been said about the selling of grain abroad. In deciding what is in the best interest of America and our people, including the consumer, it's important that we put this into proper perspective. Unfortunately, the issue has been the subject of demagoguery, exaggeration, and propaganda.

In the first place, it is important to recognize the importance of exports, whether it be wheat, corn, coal or chemical products. This country must export to survive. It is a basic fact of life, which you and I must recognize. Whether we like it or not, we must import oil and the raw materials to help our economy and to provide jobs for our people. Without foreign oil—fuel to heat our homes, propane for our farms, and feedstocks to produce fertilizer and synthetic fibers—our economy and jobs would come to a devastating stop.

Last year, we imported $25 billion in oil. This nation, you and I, have to pay for that oil. And how did we do it? Primarily farm exports. This past fiscal year we exported $21.6 billion worth of agricultural products, $12 billion more than we imported. The surplus in agricultural trade more than offset a $10 billion deficit in non-agricultural trade to give us an overall favorable trade balance. These farm sales plus the export of industrial goods and services enable us to buy imported goods and services which we must have if we are to maintain a high standard of living, a growing economy and jobs for our expanding population.

Well, what about the other side of the coin. What does the sale of American farm products and other goods mean to the domestic market and the American consumer. Certainly, foreign sales of any product tends to push up, or at least maintain, domestic prices. The more we sell, the more the impact. The big question is how much of an impact is this going to have on domestic prices and it is here that things have gotten completely out of perspective, at least insofar as the farmer is concerned. Wild stories have been circulating that if the U.S. sells wheat to Russia, the price will go up roughly 30%. If prices do go up that much, it is *not*, and I emphasize the word not, because of what the farmer is getting.

Let us look at the facts. Delaware farmers were receiving between $1.35 and $3.00 for their winter wheat while wheat was selling for $3.58 a bushel on the Kansas City market. A bushel of wheat makes roughly 70 loaves of bread. So if you divide 70 into $3.58 you get 5 cents worth of wheat in a loaf of bread. If you pay 39 cents for that loaf of bread, that means the farmer is only responsible for 5 cents or less than one-seventh of its cost. Okay, so the price of wheat goes up a dollar per bushel because of foreign sales. What does that mean to the consumer. It would increase the cost of that bread by 1⅓ cents, not by 30% as some demagogues are claiming. If the cost of bread goes up 30%, the culprit or culprits appear after the wheat leaves the farm—not while it's on the farm.

Likewise, the impact of higher feed grain prices is transmitted through the livestock, poultry, and dairy sectors and is subject to adjustment lags of differing duration. Overall, it is estimated that a 30c per bushel (15%) increase in corn prices would result in a 1.5% increase in retail prices of livestock products as a whole. Individual product impacts of the price increase would be—beef 1.5%, pork 2.1%, poultry 3.3%, eggs 2.8%, and milk 0.2%. This is significant, but not nearly the impact depicted by the demagogues.

Now much of the debate on exports has been brought on by the sale of wheat to the Russians. Frankly, I don't like helping the Russians either, especially when they do not appear to be dealing in good faith. But let us at least be consistent. If we are not going to sell them goods, we should not sell them our latest industrial technologies either or permit them to make industrial purchases on credit terms unavailable to the American people. I am for detente so long as it is a two-way street. I am opposed to industrial sales that appear to build communist military might, which they did not hesitate to use against us in Vietnam.

The Russians haven't been cooperative in the food area. For example their practice of sharp trading, taking advantge of stealthy dealing. A second practice is their movement in and out of commodity markets erratically without warning. They have refused to cooperate in supplying advance information as to their needs, a factor which has unnecessarily disrupted our markets and could be avoided if they were not so secretive in their dealings.

Despite these circumstances, the whole situation must be put into perspective. Historically, we export a very large proportion of our farm produce. In fiscal year 1975, we exported 1 out of every 3½ acres harvested in sponded. As a result, it is estimated our farmer to go all out in production which they did. They went all out—they bought equipment, they bought fertilizer, they really responded. As a result, it is estimated our wheat crop this year will be 2.14 billion bushels; the largest wheat crop in history.

This is 350 million more bushels than last year's record crop. Domestically, we will use about 800 million bushels so that means we will need to sell about 1.3 billion bushels. If we don't the U.S. will have to take it over and store it at taxpayers expense. In that event, prices will undoubtedly fall, the farmers will plant less next year, and the U.S. will be faced in future years with less supply at higher prices. Less wheat will make less bread.

One reason pork prices are up this year is because farmers cut back in pork products as a result of a very short corn crop last year. I think most Americans remember how the beef supply dried up a few years ago when the price of beef did not cover farm costs. The farmer does respond to the market and he does, like all Americans, face higher prices during these inflationary days. The farmer pays 2 times as much for fertilizer and 20% more for equipment than he paid a year ago.

In any event, I do not believe America has any real choice—its agricultural policy is to expand production so we must expand foreign sales. That is the only way we can earn the foreign exchange to pay for the oil we must obtain to keep the economy moving. Otherwise, plants will be closed, jobs will be lost, and homes will be cold. As I said earlier, U.S. agricultural exports in fiscal 1975 produced a $12 billion surplus to help pay for the $25 billion we imported in oil. Around ⅔ of our wheat and rice output, over half of the soybean and cattlehides, around 2/5 of the tobacco, over ⅓ of the cattle and about ¼ of the feed grains went to overseas markets in 1975.

Without continued large export, farm acreage will be reduced. This will invite disaster. We must keep products and exports high, if we as a nation are to survive. If we are to sell to the Russians, be it wheat or industrial products, let's then recognize it

as a two-way street. We are not going to help them out of their difficulties, if they use our goods and supplies to create difficulties elsewhere. Why should we supply them any goods, be it wheat or oil rigs, if they violate understandings, such as they did in Vietnam. Let us see their good faith in Portugal or the Middle East if they want us to supply them with badly needed goods. In any event, let us in the U.S. treat sales of farm products, fertilizer and industrial equipment in a reasonable manner and not discriminate against the farmer in favor of the large multinationals.

In closing this afternoon, I would like to briefly mention a second area of major concern to me. Over the past year, I have become increasingly aware of the amount of high grade farm land being lost every year to developers and others who take advantage of the high Federal estate tax laws that farm families face upon the death of a spouse. Several bills have been introduced in the House of Representatives, the most notable being the Burleson bill. I have studied these bills and want to report to you that I have introduced similar legislation to relieve the tremendous tax burden imposed on the family farm. On Friday, August 1, I introduced the Family Farm Estate Tax Reform Bill.

I needn't tell you, of all people, the effect inflation has had on the value of your land, your equipment, and the cost of your operations. And I don't have to tell you how the excessive estate taxes are forcing young people out of farming, and forcing farms into the hands of corporate investors and realtors.

The high estate taxes are making it almost impossible for the family farm to stay in existence, forcing wives and young farmers to sell or mortgage their farms to pay off the taxes. Once this land is lost to development it can never be recovered. And I believe we must take corrective action.

As a member of the Senate Finance Committee, I pledge to work with this legislation in Committee and to bring about these significant changes to protect the family farm.

## REGISTRATION BY MAIL

Mr. McGEE. Mr. President, on Saturday, September 13, Gov. Jerry Brown informed me that he had just signed assembly bill No. 822, providing for voter registration by mail for the State of California.

It is my understanding that in addition to the State of California, the States of Iowa, Kentucky, Maryland, Minnesota, Montana, New Jersey, New York, Oregon, Texas, and Utah each now have some form of registration by mail. It is also my understanding that Mayor Walter Washington is about to sign into law registration by mail for the District of Columbia.

In addition, the States of Colorado and Pennsylvania have similar legislative proposals under consideration. What is more, when the Secretaries of State Association met in Las Vegas last month, they adopted a resolution in support of the concept of registration by mail. It is clear that registration officials throughout the country have taken our lead and are beginning to move toward breaking down registration barriers that now confront our citizenry.

This makes it even more imperative that the Congress adopt S. 1177, to provide for registration by mail on a nationwide basis. Only by adoption of a Federal statute can we avoid a hodgepodge of registration procedures throughout the country.

Earlier this year, I renewed my efforts that date back to the 92d Congress by reintroducing my bill, S. 1177, which is identical to that which passed the Senate in the 93d Congress. There is one significant difference this time. A majority of my colleagues have joined with me as cosponsors of the bill. Included amongst those cosponsors are a majority of the members of the Committee on Post Office and Civil Service, which I chair. With that kind of support and Senate passage assured, it would have been simple to ram the bill through the Senate. Instead, it is the desire of both myself and the distinguished chairman of the House Administration Committee, WAYNE L. HAYS, to assemble constructive suggestions in order to fine tune our combined legislative efforts. This is particularly necessary because it is obvious that this time the Congress will enact voter registration by mail for Federal elections.

As a result, both my committee and Mr. HAYS' committee have now held hearings on our respective legislative proposals. The House Subcommittee on Elections has favorably reported out Mr. HAYS' bill, H.R. 1686, to the full Committee for its consideration.

In the Senate, my committee called approximately 30 witnesses with diverse points of view who made suggestions that will be of great assistance as we seek to improve our efforts. Individuals were scheduled who are experienced at all levels of government—Members of the House and Senate, secretaries of State, county clerks and local registrars—because what the sponsors of this proposal want is to forge the best possible piece of legislation we can, one that will both gain immediate positive results and stand the test of time.

It is my hope and belief that by the time we celebrate the Bicentennial, this legislation shall have become the law of the land, and that as a result, the first and foremost barrier to full participation in Federal elections will have fallen.

Quite simply, our purpose in sponsoring this proposal is to do away with the need for a private citizen to personally stand in front of an election official in order to become registered. Neither Federal nor State tax returns have to be filed in person, so what magic we ask is there in making someone find an election official in order to get registered? If a tax return can readily be accepted through the mail under penalty of perjury so can a simple registration form. It is important to emphasize that this proposed legislation is intended to make it easier for millions of Americans to get started along the road toward exercising their franchise.

There are many reasons why people do not vote but our responsibility is to make certain that one of those reasons is not that it is too difficult to register. This is an issue that cuts across party lines and obviously, the fact that the list of cosponsors is a bipartisan one, is clear evidence that registration barriers now affect all of our citizens regardless of party affiliation.

In addition to the 51 other Senators who have joined with me as cosponsors of my bill, numerous others have indicated that they intend to vote for it when it reaches the Senate floor for consideration. I call upon those others to join with us now so that their presence may be felt early on. There is a long legislative record that has been made on this proposal that dates back to the 92d Congress. What sweeter gift can we give the American citizenry in the year of the Bicentennial than to guarantee the right every American who qualifies the right to have his name on the election rolls when accountability time arrives next November.

## LIBERTY AND JUSTICE FOR ALL

Mr. MONDALE. Mr. President, I wish to take this opportunity to congratulate the U.S. Catholic Conference, under the leadership of the National Conference of Catholic Bishops, for its remarkable effort to establish a broad-based 5-year program of social action.

At hearings held throughout the country, the bishops of the national conference set an example which we in the Congress would do well to follow. These hearings touch on the topics of our deepest concerns in this country today—from the problems faced by American families, to the family farm, from the problems of Spanish-speaking citizens to our relationship with the developing countries of the world. I was privileged to testify at a hearing held in St. Paul on June 13 on justice for native Americans.

These national hearings will be followed by discussion among clergy and laity at the local level, and capped by a national conference of clergy and laity to be held October 20–23, 1976, in Detroit, Mich.

This is a magnificent undertaking, and a celebration of our Bicentennial in the finest possible way. I wish to call the activities of the conference to the attention of my colleagues, and ask that an excellent article describing these activities which appeared in the New York Times on August 26 be printed in the RECORD.

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

RELIGIOUS GROUPS STUDYING BASIC U.S. VALUES

(By Kenneth A. Briggs)

TIDY CREEK CAMP GROUNDS, Ga.—Gustav Rhodes settled his beefy, 6-foot frame into a straight-back chair, folded his calloused hands on a small table, and spoke deliberately into a microphone.

"Mr. Chairman," he said, "I love the land. I am proud of my work. But I am mighty ashamed of what people think me and my work is worth."

He proceeded to tell of the lot of the sugar cane workers in Louisiana, where he has worked since his boyhood, particularly their efforts to escape squalor and exploitation.

The bishops, priests and lay professionals on the panel listened attentively, as they had to a succession of men and women from many parts of the South.

Their testimony, given under a spacious green revival tent here in a remote wooded section of northwestern Georgia, followed an ambitious plan by the United States Catholic Conference to learn more about the nation's problems.

By choosing such a project as its main Bicentennial focus, the Roman Catholic

Church became part of a wider movement among many religious groups to study American values during the nation's observance of its 200th birthday.

Through a variety of methods—conferences, films, television and radio broadcasts and printed matter—Christians and Jews are raising disturbing questions as to whether the nation has defaulted on the pledges made in its founding documents.

SPIRIT OF DISSENT

Projects are local and regional as well as national in scope. The Pittsburgh chapter of the National Conference of Christians and Jews, for instance, will sponsor a special convocation Sept. 29 on the First Amendment. On the list of topics are such items as medical ethics and credibility in public life.

In the spirit of dissent that drove many of their Catholic, Protestant and Jewish forebears to these shores, these efforts are concerned with such issues as religious liberty, the quality of morality, the role of religion in history, gaps between social ideals and reality and the nature of civil religion.

On a more strictly academic level, the Bicentennial Conference on Religious Liberty, an interfaith project scheduled for next April 25 to 30 in Philadelphia, will range over these and a number of related issues, including the rights of the aging and of privacy and conscience and disobedience.

"While the Bicentennial is a time for celebration," says Nancy Nolde, the conference director, "we should remember that the promises of America have been merely promises for large segments of the population."

Meanwhile, the American Broadcasting Company, guided by Protestant, Catholic and Jewish representatives, is producing a "Conscience of America" series that will explore such topics as the effect of the bombing of Hiroshima on America's spiritual climate and the history of protest in America, from Thoreau to the recent antiwar movement.

OTHER PROJECTS

In addition, the National Broadcasting Company will start a four-part special entitled "One Nation Under God," the Religious Education Association is planning a major colloquy on civil religion from Nov. 23 to 25, and Project Forward '76, the most inclusive ecumenical venture, is preparing conferences on the religious aspects of the American Issues Forum.

No endeavor of this kind has required more time and energy than the Catholic concept. Originating three years ago with an advisory group to the Conference of Bishops, the idea calls for six sets of hearings at as many places across the country.

Hearings in Atlanta, which included one day at Tidy Creek, 90 miles away, were the fourth in the series. Prior to that, hearings were held in Washington, San Antonio, Tex., and Minneapolis. The final two sites are Sacramento, Calif., and Newark.

The Catholic project, styled after Congressional hearings and adopting the theme "Liberty and Justice for All," is designed to put the Roman Catholic Church in better touch with what the Most Rev. James Rausch, secretary of the Catholic Conference, calls "society's lingering hurts."

When the hearings are completed, the Council of Bishops will put together a summary of its findings and start a five-year program to combat injustice.

At each hearing, certain social problems have been underscored. In San Antonio, for example, the hearing reflected the concerns of Mexican-Americans, and in Minneapolis, problems of native Americans.

A SOUNDING BOARD

Tidy Creek, like the other settings, became a sounding board. Among other things, the bishops heard victims of black lung and brown lung diseases describe hazardous working conditions in coal mines and textile factories, small-land holders speak of threatened loss of farms, migrant laborers describe continuing hardships and strip-mining opponents decry the lack of stiffer legislation.

Panelists, headed by the Most Rev. Peter J. Gerety, Archibishop of Newark, and including a woman judge, a graduate student and a history professor, were visibly moved by much of the testimony.

The Rev. Vincent O'Connell, pastor of Holy Cross Church of Lafayette, La., said sugar cane workers earned an average of $3,200 a year while working 1,500 to 1,700 hours, and were constantly in debt to the growers. He called them "practically indentured servants."

BROWN LUNG DISEASE

Hub Spires, a rangy South Carolinian with hollow cheeks and sunken eyes, labored to catch his breath as he told how, after 34 years as a mill hand, "something got wrong with me." He described it as brown lung disease—something he said the medical profession in South Carolina was reluctant to identify as an occupationally related sickness—and he said he had been forced to retire 10 years prematurely on an $8-a-month pension from the mill.

At the hearing in Atlanta, Mrs. Ruth Tippins of Jacksonville, Fla., told of her survey of the need for food stamps among elderly people. The most common complaint, she said, was the stamps were too expensive. One woman saved the money by eating her food raw. Another ate every other day. Hundreds, including a 98-year-old man living alone, did not know they were eligible.

Some of the frustration was vented at the church—allegedly for helping to perpetuate injustice and poverty. The bishops accepted the criticism with apparent equinimity.

MINGLED WITH WORKERS

At Tidy Creek, the bishops mingled with the workers, admired the quilts, cornhusk dolls and other handcrafted articles that were on display, munched on hot dogs and Southern barbecue, and appeared relaxed and buoyant.

Whatever the final results of the hearings, Bishop Rausch said that what has happened to the participants "is so worthwhile that it has set something of great significance in motion."

"The church needs to broadly consult people," he added, "to educate itself to the questions that relate directly to their lives."

Other strategies are also aimed at underscoring problems in American life. Often they revive lagging ecumenical efforts. "This affords an opportunity to bring groups together," says the Rev. Dr. R. H. Edwin Espy, chairman of '76, "who can't always get together."

Religion in American Life, a promotional campaign by 43 Christian groups, will introduce a series of radio, television, newspaper and magazine advertisements next month designed to make people more aware of such social problems as hunger, poverty and racial discrimination.

OUTSIDE THE SYSTEM

Among the campaign's goals, says Jerald Hatfield, director of the agency's project, is to show "how people have been cut out of our system."

Another direction has been taken by the Ecumenical Task Force on the Religious Observance of the Bicentennial, a coalition of Christians at the National Council of Churches. The group, according to its secretary, the Rev. Dr. Dean Kelley of the United Methodist Church, has produced a film, "Echoes of Revolution," which Dr. Kelley said portrayed how "rights and freedoms are available to anyone who can afford them."

The group has also published a far-ranging critique of social and religious issues. Called "Bicentennial Broadsides," it enlists several authorities to evaluate such topics as religious liberty and the role of women and blacks in national life.

## PROPOSED ARMS SALE

Mr. SPARKMAN. Mr. President, section 36(b) of the Foreign Military Sales Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million. Upon such notification, the Congress has 20 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is immediately available to the full Senate, I ask unanimous consent to have printed in the RECORD at this point the notification I have just received.

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

OFFICE OF THE DIRECTOR DEFENSE SECURITY ASSISTANCE AGENCY AND DEPUTY ASSISTANT SECRETARY (SECURITY ASSISTANCE), OASA/ISA,
*Washington, D.C., September 1, 1975.*

Hon. JOHN J. SPARKMAN,
*Chairman, Committee on Foreign Relations, U.S. Senate,*
*Washington, D.C.*

DEAR MR. CHAIRMAN: Pursuant to the reporting requirement of Section 36(b) of the Foreign Military Sales Act, as amended, we are forwarding herewith Transmittal No. 76-4, concerning the Department of the Air Force's proposed Letter of Offer to Thailand for thirteen (13) F-5E aircraft, three (3) F-5F aircraft, eight (8) spare engines, standard ground support equipment and spare parts estimated to cost $64.9 million. Shortly after this is delivered to your office, we plan to notify the news media.

Sincerely,

H. M. FISH,
*Lieutenant General, USAF, Director, Defense Security Assistance Agency and Deputy Assistant Secretary (ISA), Security Assistance.*

TRANSMITTAL NO. 76-4

(Notice of proposed issuance of letter of offer pursuant to section 36(b) of the Foreign Military Sales Act, as amended.)

a. Prospective Purchaser: Thailand
b. Total Estimated Value: $64.9 million
c. Description of Articles or Services Offered: Thirteen (13) F-5E aircraft, three (3) F-5F aircraft, eight (8) spare engines, standard ground support equipment and spare parts.
d. Military Department: Air Force
e. Date Report Delivered to Congress:

## SOUTH DAKOTA'S LITTLE MOREAU; A CASE OF COOPERATION

Mr. ABOUREZK. Mr. President, in a time when we are despoiling our natural resources at an alarming rate and floundering in our efforts to reverse this process, it is a pleasure to learn about the successful efforts of Federal and State conservationists to protect and improve the beauty of even a small public recreation and wildlife area in the northwest of South Dakota; in this semiarid cattle country where erosion is the major en-

vironmental problem, a Conservation officer for the South Dakota Department of Game, Fish and Parks and a district conservationist of the USDA Soil Conservation Service with the help of a SCS technician have won impressive successes in their struggle against erosion caused by weather, animals and man in the lovely Little Moreau Recreation Area. Thanks to their constant vigilance, their close partnership, their wise use of Federal programs and the cooperation of the local community they have won over to their conservation efforts, the 3,740 acres of State-owned land acquired in 1962 by the South Dakota Game, Fish and Parks Commission have become a source of enjoyment and pride for the inhabitants of Dewey County and South Dakota in general; west of the Missouri River, where public land is rare, the Little Moreau Recreation Area has a great educational value for the school population of the Timber Lake area and a great recreational value for the 15,000 visitors who come every year to discover its wildlife and scenic beauty. It is an outstanding example of what a coordinated and coherent conservationist policy can do to protect our environment and this is why I ask unanimous consent that the article in the South Dakota Conservation Digest describing the joint effort of Federal and State personnel be printed in the RECORD.

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

LITTLE MOREAU RECREATION AREA: GEM OF THE PRAIRIE—CONSERVATIONISTS JOIN FORCE TO NURTURE ITS NATURAL BEAUTY

(By Kent Alverson)

"Just look at that. I'll have to start driving through here every day to watch for porkies!"

It was Conservation Officer Art Rehn speaking, and the occasion was an inspection trip to check pine plantings in the Little Moreau Recreation Area near Timber Lake. His companion in his 2-way radio-equipped state vehicle was Les Labahn from the local office of the USDA Soil Conservation Service.

Their attention was directed to a 6-inch vertical white scar on the trunk of an 82-year-old ponderosa pine. As their gaze wandered down the rows of planted trees, even more serious scars were noted. Art was disturbed, and rightly so, as it's no mean accomplishment to get a tree to grow in these rugged hills. Deer browsing along the higher side of the slope had already left many trees badly clipped and out of balance. To lose them now to porcupines would be adding insult to injury. So, to prevent the "porkies" from girdling the young trees and killing them, Art was engaged in an all-out war.

The inspection trip continued along little-used trails past occasional signs marked "No vehicles beyond this point." The erosive soils just couldn't take repeated crushing and grinding from automobile wheels. Even footpaths turned into small gullies when the rain and wind hit them. The men stopped suddenly when they came to a small lake created by damming a steep draw. The water was deep, and the resultant pressure posed a continuing threat to a small well-constructed dam. But the reason for the stop was an unexpectedly high level of water in the lake.

"It's those beavers," declared Art. "I carry on a small battle with them. They're getting too plentiful. I don't mind them cutting some trees, but they go too far. They use the trees to plug up the trickle tube, and the water is forced out over the earth spillway. Pretty soon we have a gully started. It's a lot of work to undo their plugs."

These are typical problems encountered by Art and Les in a routine inspection trip. Seedling trees and shrubs "scalped" into naturally vegetated slopes were "making it" thus far, but would face many dangers and hardships in their struggle to survive. Weather, animals, disease, and insects would take their toll. In picnic areas and other places getting heavier recreational use, man himself adds to the threats. Constant vigilance and maintenance are required.

All of which points up one thing. Preservation of "natural" beauty on public lands is not simple, and it can't be accomplished by just allowing nature to take its course. It takes management to maintain that dynamic balance that retains all the exciting elements of diversity in plants, animals, and scenic views. Such diversity provides satisfying recreational and educational experiences, but it also requires all kinds of practical skills and judgment about soils, plants, wildlife, and people.

In this situation, what could be better than a year-round working partnership of soil conservation specialists with a state conservation officer? And that's the way it is. The partners are Art Rehn, conservation officer for the South Dakota Department of Game, Fish, and Parks; Les Labahn, district conservationist; and Matt Schweitzer, conservation technician for the Soil Conservation Service. Together they treat 3,760 acres of state-owned land as their "baby." About 3,040 acres are in the Little Moreau area; 520 acres surrounding Lake Isabel which furnishes water to the town of Isabel, and 72 acres adjoin another 8-acre lake.

Art Rehn is a veteran wildlife conservationist, former game warden, and one-time chief of police in his hometown of Milbank. His rich Swedish accent and friendly disposition bring immediate acceptance and respect. When he talks about the deer, grouse, "porkies," and other birds and animals on the wildlife area, you get the impression he knows them all by their first names. Certainly he knows their habits, their rivalries, and where you are most likely to find them at any given time of day.

Les Labahn is a younger man, a SDSU graduate who specialized in agronomy and range. He, too, has an outgoing personality and likes to help people make the best possible use of their resources in this semi-arid cattle country where getting water in the right place at the right time takes precedence over almost everything else. With his small staff and the option of calling for additional technical help from SCS area specialists at Mobridge or state specialists at Huron, Les can handle just about any problem that comes his way.

Labahn's overall responsibility is to provide technical conservation assistance to all ranchers and other landowners in Dewey County who are conservation minded. His assistance is given following requests to the Dewey County Conservation District. Working closely with him is Matt Schweitzer, conservation technician. Matt has lived most of his life in Dewey County and farmed near Trail City before coming to SCS in 1957. He and his wife didn't really leave the farm, though. They live on a quarter section which they have made a model of good conservation practices. Matt has become well respected locally as an expert tree man and dam designer.

The Little Moreau Recreation Area has an interesting history. It derives its name from Little Moreau River that runs through it. In the early 1930's, a quarter section of it was owned by the Little Moreau Golf Club whose members built a recreational lake with funds and labor provided under the old national WPA program. In 1936 this quarter was sold to the U.S. government for recreation and a game reserve.

At the same time, the government bought another quarter from Peter Shadduck. It contained the Shadduck grove and picnic area along the river. Other purchases by the government brought the total to the present 3,040 acres. The land was designed a game refuge and placed in control of the Bureau of Land Management.

Before its sale to the government, the WPA dam was enlarged, using horses and slip scrapers. Roads were improved and playground equipment, picnic tables, fireplaces, and toilets were added to the picnic area in Shadduck grove. A 48-inch woven-wire fence with added barbed wire was erected around the perimeter of the refuge. The refuge was then stocked with antelope, buffalo, and many local wild animals.

In the spring of 1937, high waters almost destroyed the large dam. Area residents rallied to the call for help. They piled sandbags into breaches in the dam and spillway. After 24 hours of back-breaking effort, they won their battle.

For many years the Little Moreau area was leased to the town of Timber Lake. In the late 1950's residents became concerned with the many land sales by the Bureau of Land Management. They feared they might lose this "gem of the prairie."

In 1957, the South Dakota Game, Fish and Parks Commission was searching South Dakota for a site to establish a conifer tree nursery. Local people felt that areas of the Little Moreau might be suitable. The Little Moreau Sportsmen's Club was organized as a local group to attempt to interest the commission in utilizing this area. Herb Lippert, extension county agent, was elected chairman and Reuben Hoffman, SCS district conservationist, as secretary. A committee led by Lippert, Hoffman, and Emil Ostrom met with the commission. They examined aerial photos, soil tests and water tests presented by the committee.

The commission had a very real interest in the area and even went to the expense of drilling test wells for checking water quantity and quality for irrigation. Because of a questionable water supply and high frequency of hail storms, it was not selected for a conifer nursery. The committee was able to interest the commission in making this area a state park or recreation area, however.

In 1962, the commission was able to trade land with Bureau of Land Management, and the Little Moreau became a state recreation area. In recent years, the Department of Game, Fish and Parks with the cooperation of Little Moreau Sportsmen's Club has made many improvements in the area.

The spillway on one dam was rebuilt. A second dam was enlarged and a third was rebuilt. The picnic ground has been enlarged with new tables and fireplaces added. A camping area has been enlarged, and a boat ramp installed at one dam. Many acres of trees were planted in the area. It is planned that several more acres will be planted for winter cover, escape cover, and food for wildlife. Wild turkeys were introduced, and the waters are being managed for better fishing. The road through the park area has been hard-surfaced. The county commissioners are being encouraged to improve the 5 miles of county road from S.D. Highway 20 at Timber Lake to the recreation area.

The topography is gently rolling to steep sloping land. Soils are mostly shallow with deep, fine sandy loam on the flatter areas. Vegetation on the high lands is predominantly native grasses common to the area. Wooded draws and creeks are full of several common tree and shrub species. Native wildlife thrive. Since about 1962, only light grazing by livestock has been allowed, and beginning in 1972 no livestock has been permitted. The approximately 175 acres of cropland on the recreation area is leased to a local farmer each year with the department's share left standing for wildlife food.

Conservation practices already established on this land are impressive. They include 3½ miles of terraces on land still being cropped. Hiking and riding trails are planned. A new shelter is being built in a picnic area. Tree planting is going on continuously. Eastern red cedar and ponderosa pine have been "scalped in." Newer plantings include fruit-bearing trees and shrubs such as Russian olive, Hansen hedge rose, and wild plum. There are multirow windbreaks in two separates units. In the next 5 years, there will be several more acres of scalp plantings and multirow windbreaks. A new trout dam also is planned.

Conservation Officer Rehn takes some half-serious kidding about his strict policy of no grazing. Ranchers ask him, "Why can't you lease it to us? We can turn our cattle in, and we'll both make some money." Not everyone accepts preservation as a legitimate use of land.

Actually, there are many returns from this land in Art's view. He figures a reserve of public land gives everyone a share in America. "We're going to be short on public lands in West River, South Dakota," he asserts. "If we don't start buying more pretty soon, we're not going to get it. East of the river (the Missouri) we're in good shape, but in the west we ought to be getting quite a bit more." (Recently Labahn and Soil Scientist John Kalvels assisted the department with an inventory and evaluation of soils on "school lands" to determine their potential for wildlife production and recreational development.)

One big bonus is the liberal education available to young people who live around Timber Lake. An "outdoor classroom" has been established on the recreation areas about 5 miles from the town. Timber Lake has a population of 625, and school officials there are delighted with the opportunities for children to study native species of grass, trees, and wildlife in a natural environment.

Grasses such as little bluestem, needle and thread, western wheatgrass, and prairie sandreed still flourish. Forbs include leadplant amorpha, Maximillam sunflower, and buckbrush. Trees are native ash, elm, buffaloberry, native plum, chokeberry, cottonwood, box elder, hackberry, hawthorn, and willow.

Other local resource people provide much appreciated help. County Extension Agent Herb Lippert has been "carrying the ball" for the outdoor classroom, but he has had good support from Labahn, Rehn, towspeople, and others. Lippert is particularly interested in the nature trail. Gordon Quinn, county executive director of the Agricultural Stabilization and Conservation Service, has talked up the tree planting and wildlife practices, calling attention to cost-sharing and other help available through the federal Rural Environmental Assistance Program (REAP) and the state Wildlife Habitat Improvement Program (WHIP).

Meanwhile, Art Rehn is managing the wildlife. It's a big job. "Everybody likes to hunt," he said. "People come from other states to camp, boat, and fish. This is good. When we had a refuge here, we got overpopulation—particularly deer. Now we have a good variety of deer, wild turkey, all kinds of grouse, partridge, ducks, and pheasants. There are fur-bearing animals such as bobcats, mink, weasels, muskrats, skunks, beaver, fox, and coyote. There are also lots of songbirds. And, of course, there's "old porkie" porcupine.

"We hope to increase public use by providing more recreation of all kinds. All of it requires management of trees, land, and dam sites. I grew up in hard times, and most things I know I learned the hard way. The technical assistance I get from the Soil Conservation Service is really valuable."

Some special attractions Art has encouraged for the public are three grouse "dancing grounds," as he calls them, and a small prairie dog town transplanted by G.F. & P. Trapper Ron Hoffman, now a conservation officer at Presho.

An example of the excellent cooperation between agency people and the local community was a sediment survey conducted last winter on Lake Moreau and Lake Isabel for the Game, Fish and Parks Department. Says Labahn, "We knew there had been silting, but we didn't know how bad. We have only one man, Jim Monaghan, on the watershed planning staff at Huron, who gives help with this kind of thing, so we needed people and equipment to get the job done.

"Art got on the horn and got some special equipment and an extra man from the department to help us chart the lake bottoms. He also got a snowmobile. The town of Isabel sent 2 men to help where they could. Everything worked out fine. It's easier to work on the ice than to use a boat as you know exactly where you are."

A poet of long ago, in an ode to a remote, seldom seen, desert flower, philosophized that "beauty is its own excuse for being." Perhaps this is true, but Art Rehn and Les Labahn, along with many good friends and co-workers in the Timber Lake area, have a higher goal. They want to capture and nurture "natural beauty" so they can share it with people.

The public has shown their appreciation. Recent traffic counts and observation show that around 15,000 persons use this area each year. It enjoys one of the lowest incidences of vandalism in the state, a special tribute to the friendly community of Timber Lake.

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## THE ECONOMICS OF AGING: TOWARD 2001

Mr. MONDALE. Mr. President, last month's Institute of Gerontology Conference, conducted jointly by the University of Michigan and Wayne State University, focused on "The Economics of Aging: Toward 2001."

Several leading authorities in the field of aging attended and exchanged ideas about future developments for income maintenance programs.

The year 2001 may seem quite distant and remote to many persons today. But numerous important decisions made now and in the near future will dramatically affect the workers and retirees of the 21st century.

This is a very important reason that the Senate Committee on Aging's Subcommittee on Retirement and the Individual—of which I am chairman—is collecting data to provide a solid foundation for making these decisions.

The Institute of Gerontology Conference provided a very useful forum for expanding this body of information.

One excellent example was the keynote address at the opening of the conference by Prof. William Haber, chairman of the economics department of the University of Michigan.

His statement, it seems to me, merits the attention of members of the Senate.

Mr. President, I ask unanimous consent that Professor Haber's speech—entitled "The Economics of Aging: Toward 2001"—be printed in the RECORD.

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

THE ECONOMICS OF AGING: TOWARD 2001

(By William Haber)

SUMMARY OF REMARKS

1. Tomorrow is the 40th anniversary of the Social Security system in the United States. It is a significant birthday. August 14, 1935 when President Roosevelt affixed his signature to that document is a memorable date. I consider it a proud moment in American social and political history. It is perhaps the most significant single piece of legislation ever adopted by the American Congress. I recall an observation I made to my class in Social Security in the fall of that year to the effect that "the Social Security Act will never be repealed" and that it would be changed more frequently than any other legislative enactment in the history of our country. And such has been its experience. It has been subjected to significant modifications on at least fifteen occasions during the past 40 years.

2. Its significance can be measured by the simple fact that nearly every American has a personal stake in the Social Security system—nearly one out of seven. Monthly cash benefits are being paid to 31,130,000 persons exceeding 5.1 billion dollars. On an annual basis these payments amount to over 60 billion dollars and it is going to more than 20 million retired workers and to 12 million others who are survivors, dependents or disabled persons. We are referring only to OASDHI. It touches the lives of nearly every American family since well over 100 million have at one time or another worked in insured employment and thus created an entitlement to benefits for themselves and their families.

3. We tend to overlook the critically important aspect of Social Security. The "S" in the OASDHI program provides family security. 80% of all men and women 21 to 64 years of age are protected in the event the family breadwinner becomes disabled. 95% of all mothers and dependent children are eligible for monthly payments when the father in the family dies. This is the economic mainstay of a vast majority of older Americans and these monthly payments represent more than one half of the income of two thirds of aged single beneficiaries and of 50% of the elderly couples.

4. The passage of the Social Security Act 40 years ago marked a dramatic shift in government responsibility. All social legislation had a tardy development under the American political system. The objections were in part constitutional and in large part philosophical. The individualists, and most of us are just that, were always concerned with the degree of intervention by the government in dealing with the economic needs of the individual and his family. The depression of the 1930's, the most devastating economic cataclysm in our history, enabled the country to overcome its long standing inhibitions against compulsory protection in the social and economic life of the American people in the interest of their economic security. I endorsed the title of the current book, *The Good Old Days—They were Terrible* (Otto Bettman). It is an accurate description and I make this observation on the basis of my experience as State Emergency Welfare Relief Administrator in Michigan during the early 1930's. You may have difficulty imagining how old people got along before the Social Security Act began to make payments. We have relatively little information and none of the scientific sampling upon which we depend so much today had been developed. From my personal experience and observation, however, I remember the coaster-wagons headed for the county com-

missary to pick up a bag of potatoes and flour; I remember the State Pension Law of $1.00 a day and never adequately funded; I remember what a revolution it was when the humiliating experience of going to the county commissary for staple groceries was abolished and a grocery order or cash payments to the indigent were instituted.

And finally came the dramatic reversal in 1935, when the Social Security Act was passed and in 1939, when it was converted from individual to family security and in 1950, when it was extended to cover nearly all families and self-employed and in 1965, when Medicare was introduced. It is an exciting story and those who had a part in it and are marking this anniversary have knowledge that they participated in changing America to a more human, decent and proud country.

5. How much can we rely on "promises to pay" pensions to which we are entitled in the year 2001? It is risky to project developments in so complex an area and I undertake it only because it is so far in the future. I have a principle never to forecast for a period shorter than the balance of my life expectancy. What kind of an America will we be living in when the 21st century is born? Only one thing is certain, it will be as different from the America of 1975 as today is different from 1945. Then we could certainly not have anticipated the newness which faces us everywhere we look. The moon, the jet, the eye bank, the kidney bank, heart transplants. The year 1950 was a breaking point in a sense which has been referred to as a great divide in human history. We spend 28 billion dollars a year for Research and Development—to make today's methods obsolete tomorrow. There has been an unbelievable revolution in today's jobs compared to 30 years ago. More than two out of three in our 90 million work force are engaged in service and white-collar and so-called "unproductive" activities, that is to day, they are not "making" anything. The year 2000 is just around the corner and it is likely to be a different world. How is one to predict OASDHI at the beginning of the 21st century? The population will be much larger and the experts are not in agreement as to whether it will be 240 million or 280 million. Much depends on the fertility rates. The labor force will be in excess of 125 million. The number of aged will have doubled. More than 60% of all adult women, married or unmarried, will hold a job. Life expectancy will have increased. The number of children will have declined. Three persons now working support one beneficiary, in the year 2000 two workers will have to do that—if current trends continue.

These are both traumatic and dramatic changes and we must learn to accommodate and adapt to a world whose changes we do not even recognize while we participate in it.

6. Is our present Social Security system "safe and sound?" It has been charged with being on "shaky financial grounds;" that it "may soon be in the red;" that its unfunded liabilities exceed a fantastic two trillion dollars and that it "is, therefore, bankrupt;" that "the reserve is a myth," it does not exist; that it is a poor investment—. These are serious charges. Some are malicious, others are made up of half truths, still others are based on a false analogy between private and social insurance. The Social Security System (OASDHI) has problems. There is clearly an increase in the number of aged and there is also an increase in life expectancy. Moreover, the automatic increase in benefits when cost-of-living goes up also creates problems. To call attention to these problems is appropriate and expected in any dynamtic system functioning in a growing and changing economy. To say, however, that that the Social Security system is "a hoax" and "a fraud," that the reserve is "a fiction," that the system is "bankrupt," is to create the impression that the millions of American wage earners may reach 65 and find the till empty. This is malicious and cruel as well as untrue.

The facts, as I see them, are clear. The Social Security system is in pretty good shape. It is honest, it has the support of the American people and has had the support of every President and Congress since 1935. Every Advisory Council since the first one of 1938, have endorsed its principles and financing. And so have all the experts and actuaries who understand the difference between social insurance and private insurance.

7. Can we meet the cost of Social Security—of OASDHI—in the year 2001? I am sure we will! I am sure we can. However, if you asked me to prove it, I must rely on many variables, on factors which will change much between now and the next 26 years and which are almost unpredictable. This is certainly true about the annual rate of inflation or the average annual increase in man-hour-output, or in the labor force participation rate, or in the fertility rate, or in the participation rate of women in the labor force, or in early retirement, or in the number of hours we use for education.

With all these uncertainties I am, nevertheless, bold to observe that, our current economic problems, such as the recession aside, the American economic system will continue to grow and that the Real Gross National Product will increase from 2½% to 4¼% per year and that the cost of OASDHI will represent no larger a proportion of the GNP in the year 2001 than it represents now.

8. The 1974 Advisory Council on Social Security—taking into account the variables and making reasonable assumptions concerning the annual increase in earnings and inflation as well as on the other factors—has concluded (a) that there will be no overall deficit in the short-range, that is, for the next few years and (b) over the long run, on the basis of its seven assumptions, average costs will represent a somewhat larger proportion of the payroll than is at present contemplated—approximately 13.9% instead of 11.9% of payroll. This is not a great disaster, even if it materializes. It will require some adjustment in financing and this should occur in any event, even assuming it were not required. And such changes will be required, for Social Security must be improved in the future as it has in the past. Several reasons for doing so suggest themselves immediately. We must increase the minimum benefit; we must agree to a definite limit on the payroll tax; while we should keep the "retirement test," we should increase the amount one can earn without losing his benefit; the average benefit must be increased as living standards for the rest of the population rise; we should seriously consider whether to include household employment as part of coverage. There are many others, I suggest these as the most obvious.

This is what one means by saying that the system is not static but dynamic. We need not wring our hands in despair because costs are likely to increase. We can easily change the earnings base upon which the Social Security tax is imposed. Nor should we shy away from paying part of the costs from general revenues. This has been a recommendation of several Advisory Councils on Social Security and when adopted, as I predict it will in time take place, we can reduce the payroll tax for lower income workers. The payroll tax played an important role in winning the acceptance of the comprehensive Social Security system but it leaves much to be desired as the only source of financing.

9. What have we learned? To my mind, we have learned that the system is sound; that it has kept millions out of poverty; that it has enabled people to plan ahead; that it has, in fact, encouraged private pension plans, private annuities and private savings.

10. The life expectancy tables lead me to conclude (regretfully) that I will not be here in the year 2001. I will, therefore, miss the pleasure or pain to see how right or wrong my confident expectations turn out to be. I am grateful to whatever fates there be for the opportunity to have lived in these times, to have been a small part in this great achievement and to see solid evidence of our society's increasing concern for the dignity of human life. The good old days—they were terrible, tomorrow's should be more decent.

## NATURAL GAS DEBATE

Mr. BENTSEN. Mr. President, today's Wall Street Journal contains an editorial on the pending natural gas debate which should be of interest to my colleagues. I ask unanimous consent that the editorial be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BENTSEN. Mr. President, the editorial points out, quite correctly, that now is the time for full debate of the so-called long-term solution to the natural gas situation. It makes no sense to go from winter to winter, crisis to crisis, without taking up the more realistic decision of natural gas wellhead price deregulation.

This is not a question we can afford to avoid by promoting emotional, piecemeal and short-term measures under the guise of "emergency" legislation. Of course, that approach does give us something to talk to our constituents about, but it solves no problems. It creates no new gas. It lengthens the uncertainty over our domestic energy supplies.

Mr. President, I pledge to my colleagues that they will have the opportunity to consider the realistic, feasible approach to the natural gas shortage to which this Wall Street Journal editorial speaks.

There is an answer to the current shortage conditions. We must recognize it and forego hastily conceived attempts at creating a short-term panacea. These attempts only create uncertainty for those who must go about the business of generating increased supplies of natural gas. We must get about the task of achieving greater supplies of natural gas for our consumers, and end the policies of partial solution by rhetoric and regulation.

EXHIBIT 1

THE GAS ATTACK

Now that cool breezes are blowing, we offer the reminder that the natural gas "shortage" is getting worse, with several sections of the country facing serious curtailments this winter. Congress, which could dispatch much of the trouble with a few deft strokes of a pen, is instead following its usual habit of trying to lasso it with red tape.

The way to dispatch the problem would be to push through a bill, sponsored by Senators Bentsen and Pearson, that would simply deregulate the price of natural gas from onshore sources and start a phaseout of controls on offshore gas. Those customers who are dependent on gas that moves in interstate commerce would pay higher prices in many cases. But they wouldn't have to shut down power plants and factories.

Moreover, the country would be on its way, finally, to a rational energy policy where

the price of competing sources of energy would be determined by the market, not by politics. The market will provide sufficient incentive to discover and develop new energy sources. And we would have less of this business of artificial "shortages" caused by regulation, which is in turn the product of attempts by large consumers and their Congressmen to get price advantages.

Unfortunately, however, the Bentsen-Pearson bill is not the only "emergency" gas bill that is being offered in Congress. There is also a bill, pushed primarily by Senator Hollings of South Carolina, which would quite possibly *tighten* price regulation. We say "quite possibly" because it more than likely will take all winter for the courts and armies of lawyers to decide what the Hollings bill's regulations require. While the lawyers are working on that problem, there are going to be some cold boilers on the East Coast.

There is a strong supposition that the Hollings bill would be even more restrictive because it would extend price ceilings to intrastate sales of natural gas. Currently, only interstate sales are regulated. The new ceilings would vary in various producing areas, based on the average of prices actually charged to interstate and intrastate customers in August. Moreover, the bill would set up a gas allocation system, in which federal regulators would attempt to designate "priority" purchasers of interstate gas.

In other words, the government would take away gas supplies from the foresighted and provident to bestow them on customers who are caught short because they made inadequate provision for the future. Aside from the fundamental immorality of that, however, is the spectacle of a government dealing with an emergency situation by expanding the regulatory bureaucracy that created the problem.

The seriousness of the emergency has been assessed by the Federal Energy Administration. It predicts that, given present conditions, curtailments this winter could total 1.3 trillion cubic feet, up 30% from last year. If the winter is especially severe, they could total 1.45 trillion cubic feet. The shortages will be most acute in some 10 or 15 states, mainly along the East Coast, that depend on interstate gas.

Even the Federal Power Commission, which seldom has demonstrated an eagerness to put itself out of business, has recognized the necessity for limited decontrol. Its commissioners voted 2–1 early this month to allow curtailed users to buy gas at free market prices and move it in interestate pipelines. But it is widely believed that something approximating the Bentsen-Pearson bill will be needed if the FPC ruling is not to be tied up with litigation charging that it exceeds FPC powers under present law.

It should not be surprising that the forces fighting in Congress for broader price controls, allocation and the like are from user, rather than producer, states. As with so many battles in Congress, this one is between forces representing what are essentially narrow interests, rather than the broad public interest.

But even some consumers who once thought they would benefit from price controls have seen the light. The American Gas Association, which represents local gas utilities, is lobbying for decontrol. Brooklyn Union Gas Co., one of the instigators of the famous Phillips case which legalized wellhead price controls in 1954, now concedes that controls were a mistake.

Just so there won't be any mistake about it, there is no natural gas "shortage" in the real sense, particularly when vast, untapped offshore and onshore reserves are considered. There is only a shortage of producers willing to sell gas in interstate commerce at federally mandated bargain prices. With a few strokes of the pen Congress can make a historic decision to opt for market solutions to a critical problem. Or it can go the other way and lead the country further into a general despair over the failure of its leaders to perform.

## INFLATION AND THE PAY RAISE

Mr. MOSS. Mr. President, during the past several years, I have supported legislation to provide cost-of-living increases for Federal employees when inflation drives up prices. This year I continue to support a cost-of-living increase for Federal employees but I believe the Federal Pay Board recommendation of 8.66-percent increase is too high. The economic conditions of our country require me to support the President's recommendation of only 5 percent. I realize that many employees are in need of a salary increase and I sympathize with workers who see their salary erode. However, this is a time of crisis and for sacrifice.

Presently, there are more than 8 million Americans unemployed. Our Federal budget is in deficit of $60 or $70 billion this year. The Congress has an obligation to avoid any action which would prolong unemployment and to hold down the Federal deficit.

In my view, an 8.66-percent cost-of-living increase is inflationary and could stall our economic recovery and prolong unemployment.

Such action would increase the Federal deficit by an additional $1.6 billion, cause serious competitive problems for many private employers, and tend to push the wage rates of the 12 million State and local employees to inflationary levels, as they demand pay comparable to Federal employees. Inflation and a sluggish economic recovery are likely by-products of an 8.66-percent increase.

It is also important to emphasize that only 10 million workers in the labor force of over 90 million are covered by annual cost-of-living increases. Most workers have no protection against inflation. It should be remembered that any cost-of-living increase for Federal employees is paid for, in large part, by taxing those without cost-of-living protection.

We are in the middle of our worst recession in 35 years. This troubled economic condition places limitations on all of us. We must all tighten our belts. This is not a particularly agreeable policy, but we simply have no alternative.

## REGULATORY REFORM

Mr. KENNEDY. Mr. President, last month in Chicago President Ford spoke about reform of Government regulatory agencies and emphasized his conviction that—

> Competition, when freed of Government regulation and supported by antitrust laws, is the driving force of our economy.

I agree wholeheartedly with these sentiments. This is the lesson I learned especially sharply as a member of the Antitrust Subcommittee and as chairman of a lengthy set of hearings this year on the Civil Aeronautics Board. Earlier this year I introduced S. 2028, a bill to require all Federal agencies to promote competition to the maximum feasible extent and to inform Congress of the competitive impact of any legislative proposals; hearings will be held on this bill this winter.

Mr. President, the fostering of inefficiency and the stifling of competition caused by excessive Federal regulation was the subject of an excellent article recently by Mr. Peter Schuck, a director of the Washington Office of Consumers Union, who has appeared as a witness before congressional committees many times. Mr. Schuck's article lucidly explodes the myths which have watered and fertilized the soil from which the regulatory jungle has sprung up. He graphically portrays how difficult it is for our citizens today to build up their businesses through open competition in the face of endless vines of regulatory procedures and regulatory delays. I commend this excellent article to my colleagues and I ask unanimous consent that it be printed in the RECORD.

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

### WHY REGULATION FAILS

(By Peter H. Schuck)

Mr. Engman's critique of government regulations bids fair to become the conventional wisdom of the late 1970s. Caustic social critics, such as Ralph Nader, and fierce defenders of existing institutions, such as Gerald Ford and Barry Goldwater, have come together to render a joint indictment against the government's regulation of American business. To a surprising extent they agree upon the central elements of the regulatory crimes: inflation of costs to consumers; encouragement of inefficiency in critical sectors of the economy; the stifling of innovation; the corruption of the political and administrative processes by the regulated interests; the enervating of competitive forces in the economy. Elsewhere in the country, other voices raise the same cry. Academics fill professional journals with studies documenting regulatory misadventures. Congressional committees investigate the costs and benefits of particular regulatory regimes. The President of the United States urges Congress to establish a National Commission on Regulatory Reform.

Government regulation has so steadily and noiselessly insinuated itself into the corpus of American life that one must step back and ponder its significance. Like a marriage or a friendship that one usually takes for granted, the routine, stable quality of regulation has assured its survival; only when the system is widely perceived to be in crisis does it begin to intrude upon the public consciousness. The double-digit inflation of 1974 and 1975 has managed to create this sense of urgency about regulatory reform.

Federal regulation of business is typically implemented by an agency or commission appointed by the President, usually with the approval of the Senate. Buttressed by the law, the agency's rules seek to obtain conformity by creating both positive incentives (a subsidy, the right to operate in a particular market, immunity from the antitrust laws) and negative incentives (monetary penalties, the threat of loss of operating rights, criminal sanctions) for the regulated businesses. Congress prescribes the regulatory objectives of the agency by statute, usually in very general terms. The Natural Gas Act of 1938, for example, directs the Federal Power Commission to establish rates for natural gas which are "just and reasonable"; other statutory standards do little more than exhort the agency to regulate "in the public interest." The agency and its bureaucracy, however, ultimately determine what the "public interest" requires.

Congress will occasionally discipline an agency, or even reverse one of its decisions, and the courts may restrain an agency that ventures beyond its statutory boundaries. There are other checks as well: limited resources, the professional norms of agency bureaucrats, the limits imposed by politically powerful groups interested in the regulatory scheme, and public opinion (in extreme cases). But to an astonishing degree the agencies regulate as they see fit.

The regulation of business activity is as old as the communal life of human societies. The Old Testament regulated aspects of economic life, and the Code of Hammurabi established uniform weights and measures and limited interest rates. Regulation was often intended to separate the sacred and the secular spheres of life: religious as well as civil sanctions were imposed upon violators. During the late Middle Ages, Thomistic notions of "just price" and usury were reflected in regulation of commerce by Catholic sovereigns. England under the "heretic" Tudors practiced mercantilism—government regulation so extensive and detailed as to arouse the envy of the most zealous ICC functionary. In the same year that the Declaration of Independence was signed, Adam Smith, a Scottish economist, published his Wealth of Nations, a fundamental attack on the centralized direction of economic endeavor. Smith urged that the mercantilist system be dismantled, to be replaced by a regime of "laissez-faire." In Smith's system the state would limit its regulatory activity to those areas in which an unregulated market might work against the interest of the consumer. The debate over government regulation has raged for the past 200 years between the antipodes of the mercantilist system of extensive state regulation and the free market system with which Adam Smith hoped to replace it.

In America the debate has evolved within somewhat narrower limits. The issue has never been controlled economy versus laissez-faire, but the more limited and pragmatic issue of how much government regulation was justified in a given instance or industry. The result has been a distinctively "mixed" economy, in which an estimated 10 percent of the gross national product is subject to federal regulation. The regulated sectors, however, include much of the most critical activity in a modern economy—transportation, communications, energy, banking, utilities, and, increasingly, health care. Until the latter part of the nineteenth century, federal intervention in the economy was primarily confined to subsidization of canals, turnpikes, and railroads, enactment of tariff legislation, promotion of Western land development, and creation of a national banking system designed to maintain an inflationary money supply. Regulation by the states was quite limited, due to political forces and to Supreme Court decisions restricting the right of the states to regulate economic activity within their borders.

The first federal regulatory agency, the Interstate Commerce Commission, was created in 1887 under circumstances which continue to be controversial. In the traditional view, the ICC was established as a result of political agitation by Western farmers and other shippers who complained bitterly of abuses by railroads—monopolistic practices, free passes and rebates to the largest shippers, discriminatory rates between locations shipping to the same markets. Several revisionist historians, however, argue that the ICC—along with many subsequent regulatory agencies—was created at the behest of the railroads themselves, the larger ones being eager to fashion a regulatory umbrella under which they could stabilize and dominate the industry.

Whatever its origin, the ICC was, according to Thomas Gale Moore, a leading student of the ICC, "designed to encourage cartel activities." In subsequent years, the act was amended to augment the ICC's authority to suppress competitive behavior and to protect the railroads from unfavorable state regulation. By the 1920's, according to Moore, "the total cartelization of the railroad industry" had been accomplished. Already, the ICC displayed the tendencies which have come to characterize almost all regulatory agencies—a hostility to competition within, and a solicitude for the stability and profits of, the regulated industry. During the depression, however, not even the ICC could sustain the profits of the railroad industry. The highly competitive trucking industry, in which low capital requirements made entry into and exit from the industry quite easy, had begun to attract much business from the railroads. The ICC and the railroads pressed vigorously for protection from this competition, and in 1935 Congress extended the ICC's regulatory power to include motor carriers. In 1940 the railroads and truckers persuaded Congress to permit the ICC to regulate certain water carriers as well, since they, too, were competing successfully for freight business.

In succeeding years the ICC has regulated these three transportation modes—rail, truck, and water—in a manner calculated to prevent the competition between them that could benefit shippers and consumers. It has done so through a variety of methods. It allocates traffic among these modes, often preventing the low-cost mode from carrying the freight. By granting or withholding certificates of public convenience and necessity—the authority that every carrier must possess in order to do business—the ICC controls entry into the industry. It does its job well—new entry into interstate trucking or rails is almost nonexistent.

Besides limiting entry into the industry, the ICC prohibits competition between certificated carriers by prescribing the routes that each may travel and the commodities that each may carry. Consider the ICC's infamous "gateway" rule, which prohibits many trucks from traveling the shortest and most direct route between two points in order to reduce competition on those routes. Instead, it requires them to reach their destinations by traveling through an often distant "gateway" city. Only slightly liberalized in 1974, the gateway rule has wasted as much as 460 million gallons of fuel a year and creates as much as 150,000 tons of pollutants, according to one estimate. When the Department of Transportation recently requested the elimination of these restrictions for trucks carrying hazardous materials, the ICC refused, citing only the dangers of increased competition. But if the ICC's route restrictions seem perverse, consider the Alice in Wonderland quality of some of its *commodity* restrictions, as described by the commission itself:

"It has been held that carburetors, distributors, generators, electric motors, and similar commodities are not embraced in the description "machinery"; that electric regulators are not "machinery"; that the term "building materials" relates to materials intended to be used for the erection and repair of buildings and not for building operations generally, and that, as a consequence, materials for the erection of a bridge are not included since a bridge is not a building; that the commodity description "food products" embraces only such products as are fit for human consumption and does not include canned animal food; that the word "canned" in the description "canned goods" refers to the process of canning and not to the receptacle in which the goods are placed, which may be metal or glass; that "groceries" are defined as articles for human consumption which are customarily served as food, or which are used in the preparation of food, except "fresh meats" . . . that only rough or unfinished articles are embraced by the commodity description "iron and steel articles"; that engines and machinery are not included in the term "iron and steel articles"; that the commodity description "paper and paper products" does not include newspapers, magazines, circulars, and other publications; that the commodity description "fruit and vegetable juices" does not include frozen juices; that gasoline is not a "liquid chemical"; and that the commodity description "glassware" does not include sheet glass or rough rolled glass or glass rods."

This definitional creativity is not simply lawyers' fun and games. Each of these restrictions means less competition, trucks running backhauls without cargo, and higher costs to consumers.

These anticompetitive rules, perverse as they are, are only the beginning. The ICC, by law, countenances price-fixing by "rate bureaus," which are carrier-dominated cartels. In 1974 the ICC investigated only 5 percent of the rate increases filed by the bureaus, disapproving less than a third of these. Each year the ICC refuses to approve rate decreases proposed by railroads. When the courts ruled that frozen fruits and vegetables were in fact "agricultural commodities," and therefore exempt from ICC regulation, rates for transportation of fruits and vegetables declined by an average of 19 percent; when fresh dressed poultry and frozen poultry were held to be exempt, rates declined by an average of 33 percent. The cost of wasteful regulation adds up; three years ago, well before the onset of double-digit inflation, a leading study concluded that "it would not be unreasonable to expect that elimination of [ICC] regulation would result in a saving to the economy, in terms of resources, as high as $10 billion a year."

Many of the patterns associated with the ICC also characterize other regulatory agencies. Since the creation of the ICC in 1887, there have been four major waves of federal regulatory legislation. Regulation of meat, food, and drugs began in 1906. The Wilson Administration launched the Federal Reserve System and the Federal Trade Commission. Two decades later the economic havoc wreaked by the depression led to the creation of a plethora of new federal agencies to regulate, among other industries, investment banking and securities, airlines, natural gas and electric utilities, communications, agricultural production, and housing. During the last few years, economic regulation per se—the regulation of rates, entry, and standards of service—has been extended to the petroleum and petroleum products industry. Indeed, during the period of economic controls from 1971 to 1974, virtually the entire economy was subject to price regulation. Even more significant, however, was the dramatic expansion during the 1960s and 1970s of health and safety regulation in the fields of environmental protection, occupational conditions, intrastate meat and poultry inspection, food and drugs, radiation, and product safety, particularly auto safety. The economic distress of 1974 and 1975 has generated desperate calls for regulation of credit allocation and a restoration of wage and price controls. A system of national health insurance will require extensive regulation of health-care providers. Yet, just as the nation is preparing for a new spasm of regulation of enterprises previously governed largely by market forces, governed largely by market forces, government is being urged—often by former advocates of regulation—to dismantle many of the existing regulatory systems. Because the outcome of these efforts will have profound implications for our politics and our economic life, it is important to understand what is at stake and what are the likely consequences of both approaches.

Much Government regulation of business is widely accepted as necesary. Some businesses permitting dramatic economies of scale—generation of electricity is an example—supposedly require regulation be-

cause competition is not feasible. Yet when economist George Stigler tested this hypothesis by comparing rates and profits for regulated and unregulated electric utilities, he concluded that regulation made little difference. Stigler's explanation was twofold: even a monopoly utility faces competition from other energy sources, and what entrepreneurs do is simply beyond the control of even the most assiduous regulator. Another reason for regulation is "externality"—the effect of a transaction upon "innocent bystanders" or society as a whole (air pollution, for example). Many externalities, however, could be limited or eliminated with minimal regulation if effective compensation or cost-shifting mechanisms could be implemented—for example, effluent fees are imposed on polluters on the Ruhr River. Regulation may also be justified if serious market imperfections exist, such as monopolistic conditions, intractable consumer ignorance, or ineffective compensation mechanisms. Much health and safety regulation falls into this category. Even here, however, nonregulatory innovations, such as no-fault liability insurance, class actions, and cooperative purchasing by consumer aggregations, could reduce the need for much regulation. And some market imperfections, even when they persist, may be less inefficient or inequitable in their effects than the distortions inherent in the political regulatory system.

The burden of justification lies heavy on the regulator. For government regulation is fundamentally at variance with the philosophical assumptions underlying the American political system. We are a liberal society, rooted in utilitarian ideas about the relation between citizen and state. The primary notion holds that the individual is the sole judge of his own interest and welfare and that individual satisfactions, be they "altruistic" or "selfish," are society's raison d'être. In this view, voluntary exchanges of value between individuals, as in a market transaction, are socially beneficial; by definition, such exchanges increase the welfare of both contracting individuals (else they would not engage in them), and, unless third parties are adversely affected, the welfare of society is thereby increased.

In addition to vindicating the liberal notion of equity, such voluntary exchanges between individuals promote economic efficiency. For all of these voluntary exchanges, when taken together, will tend to allocate the society's resources in ways that will maximize the satisfactions of the individuals in the society and thus put the resources to their best use.

Given these assumptions, government regulation will—except in the case of natural monopoly, externalities, or other market failure—always yield an inferior social result to free, voluntary exchanges between individuals. By specifying and limiting the terms under which transactions between individuals may take place, a regulation supplants their evaluations of their own interests and substitutes for these the judgment of the regulator. Individual and social welfare will be diminished thereby, particularly in the case of economic (i.e., rate and entry) regulation.

First. Certain transactions which both parties deem to be in their interests cannot be consummated because the regulation prohibits them. (When an agency sets a rate, it prohibits all sales at a lower rate, even if both parties would gain by such a sale.)

Second. Certain transactions which one or both parties deem to be contrary to their interests will nevertheless have to be consummated at the behest of the regulator, thus requiring either government coercion or a subsidy (whose cost will have to be borne by someone else). (Companies are compelled by the Jones Act to engage high-cost American ships to carry cargo between American ports; consumers and shippers pay the compulsory surcharge.)

Third. Regulation, by prescribing minimum standards which all must meet, will tend to limit entry and reduce diversity and consumer choice while increasing the costs of some, and perhaps all, sellers. (Requiring that all television repair shops be licensed, for example, seems to have the effect of increasing repair costs and limiting competition, without apparent effect on the level of consumer fraud.) Regulators have little use for the part-time electronics whiz who repairs TV sets in his garage during his spare time at low prices. If he does not obtain a license—either because obtaining one would be too costly or because he cannot meet the licensing requirements—he will either be driven out of business or will have to operate illegally; his customers will either be denied low-cost service or will have to pay some premium to compensate him for running the risk of detection. Similarly, regulation of taxicabs may assure consumers that no drug addict or alcoholic will drive a licensed cab and that such cabs are inspected three times a year. It will assure them of little else, however, other than fewer cabs on the streets and inflated fares. Even those who are fortunate enough to be picked up by gypsy cabs will be paying more than the free market price would be.

Fourth. Where it does not eliminate competition, regulation will tend to distort it, often in grotesque ways. The Federal Aviation Act frowns on price competition among the interstate airlines, and the CAB quickly pounces on any sign of rate-cutting. This results into "booze wars," "lounge wars," and fuselage decoration, with the passengers compelled to pay the bill.

Fifth. Where regulation appears to benefit one economic group, it usually does so by exacting a subsidy—often a hidden one—from other groups. Product safety regulation subsidizes those people who would have been injured by negligent manufacturers and would not have received compensation for their injuries. This subsidy occurs at the expense of the far larger number who would have been compensated for injury or escaped it entirely. Regulation of auto emission primarily benefits residents of congested cities, whether or not they own cars, and the pollution-control industry; the costs are borne by all car owners, rich and poor, in Durango, Colorado, as well as in Los Angeles. Such regulatory cross-subsidies may or may not be justified on other non-economic grounds, and they often reflect the will of Congress. Since regulation is necessarily a political process, it is not surprising that the groups exacting the subsidies are often those with the most political clout and that efficiency and equity considerations are usually ignored. Politically well-connected maritime interests, for example, extract vast sums annually from consumers because of federally authorized price fixing and other subsidies.

Sixth. Regulatory standards will tend to be either too high or too low to maximize social welfare; rarely will an agency strike the right balance or maintain it amid changing conditions. With regard to regulated rates, "too high" means that some or all producers will enjoy excessive profits, particularly if the regulated rates are floors or the agency prevents new competition from entering the industry. "Too low" means that incentives to producers will be insufficient to sustain adequate production. The Phase II price freeze in 1973, for example, caught the cattle industry in a squeeze between feed costs that were at a record high and moderate wholesale prices. Consumers paid dearly for the shortages that the freeze induced.

Seventh. The regulatory agency will rarely command the resources necessary to scrutinize the costs or behavior of each producer or firm that it regulates. Several years ago, the FCC, with an annual budget of $31 million, publicly acknowledged its inability to evaluate a proposed rate increase by ATT, with more than $31 billion in assets. Because of this chronic disparity and the costly "regulatory lag" that accompanies delay in agency decisions (the ICC took twelve years to approve the Chicago, Rock Island, and Pacific merger and before the decision could be made final, the line went bankrupt), regulators must take shortcuts which, while making their tasks manageable, also suppress the enormous variety and differentials between firms. When the Federal Power Commission in 1954 undertook regulation of producer rates for natural gas, it began by determining "just and reasonable" rates for each of the more than 3,000 individual producers. By 1960 the sheer number of backed-up rate proceedings had swamped the commission, and it was compelled to simplify the process drastically by lumping all producers together into fewer than a dozen "areas." Each producer in a given area was required to sell gas at or below the same "area rate," no matter what the cost-and-profit profile of the particular producer. Because even area data were difficult and expensive to compile, "area rates" were themselves determined by the commission on the basis of area or nationwide averages. The relationship between an area rate and the economic profile of any particular firm became further attenuated.

Even area-rate regulation, however, proved too complex for the commission; the Southern Louisiana area rate was not affirmed by the Supreme Court until 1974. In June 1974, the commission took the inevitable final step in this unhappy history, issuing a single "national rate" applicable to all but the smaller producers. Within six months, this "single" rate had been increased by almost 20 percent, had been repeatedly encumbered with exceptions, exclusions, and amendments, and had begun its long journey to the never-never land of judicial review. To an even greater extent than its predecessors, the national rate was an artificial construct, bearing about as much resemblance to the economic profiles of the individual producers as the "average American" does to the diverse society that he is said to exemplify.

The Federal Power Commission suggests another dilemma of regulation. In order to rationally regulate a market, one must regulate the entire market; if part of the market is unregulated, exchanges not permitted by the regulator will tend to flow into the unregulated sector, eluding control. Because only interstate sales are price-regulated by the FPC, an increasing quantity of natural gas has been sold and consumed in the states where the gas was produced, often for "inferior" uses and at prices four and fives times the regulated prices. Similarly the Federal Reserve System has seen its control over the nation's money supply—and thus its regulatory influence—dwindle as more banks relinquish their membership for the more permissive environment of state regulation.

The obvious remedy for this regulatory impotence—expansion of the agency's authority to embrace the unregulated sector—only thrusts more intractable difficulties upon the regulator. As the number and diversity of transactions to be regulated grow arithmetically, the regulator's informational, coordinating, and political needs expand geometrically. The difference between the resources (staff, information, political influence) required by the ICC when it regulated only railroads and those that it requires today, when it must regulate motor carriers, water carriers, and freight forwarders as well, is a qualitative difference, a quantum leap in regulatory inadequacy. The ineluctable tendency of agencies to expand their activities spawns an equally immutable regulatory failure. The more it may regulate,

the less it can regulate, relative to its responsibilities.

Regulation tends to reduce the incentives for technological or marketing innovation; often, it snuffs them out altogether. In 1974 the CAB flatly rejected a proposal by London-based Laker Airways to fly regular "no-frills" flights between New York and London for $125 each way. Professional licensing authorities have long used state regulatory power to maintain the status quo. Just as some medical societies, led by the AMA, stifled the development of innovative group health organizations, state bar associations have followed the lead of the American Bar Association, using their authority to thwart "closed panel" prepaid group legal service plans.

But for regulatory antediluvianism, the ICC leads the pack—backward. When the Southern Railway, a particularly well-managed and dynamic company, developed a larger and far more efficient freight car—the "Big John"—and sought to use it for the carriage of grain at vastly reduced rates, the ICC quickly stepped in to protect those carriers and shippers who would lose business to Southern. Only after four years and a successful appeal to the Supreme Court did Southern manage to introduce the innovation. In 1974 a major motor carrier, Pacific Intermountain Express Company, announced a stunning innovation. In an industry with adamantine resistance to change and an aversion to punctuality, PIE proposed to guarantee on-time delivery in exchange for a 10 percent premium; if PIE was late, *all* freight charges would be refunded. Over the vigorous protest of the Department of Transportation, the ICC ruled that this plan amounted to an offer of "free" transportation and was illegal.

Other agencies share the ICC's hostility to change. The FCC has stunted, perhaps irrevocably, the development of cable TV. The CAB labored long and mightily to arrest the growth of charter carriers offering low-cost transportation. The Forest Service has resisted multiple-use management and wilderness protection. The Federal Reserve Board has moved to squelch banking innovations which threatened to upset the existing competitive equilibrium.

While there is considerable agreement on the pernicious effects of government regulation, critics disagree about the root causes of regulatory failure and thus about appropriate remedies. One group, led by Ralph Nader, stresses the "capture" of regulatory agencies by the regulated industry, arguing that this process hopelessly compromises the integrity and independence of regulatory decisions. The "capture" hypothesis is particularly compelling at the state level, where the law often *requires* regulatory agencies, such as pollution-control authorities or pharmacy licensing boards, to be controlled by representatives of the regulated industry. Numerous federal agencies, from the Food and Drug Administration to the Federal Power Commission, have also been staffed at the highest levels with former and future industry members. Overt conflicts of interest occasionally surface. In 1974 the public learned that Robert C. Bowen, a former Phillips Petroleum executive, had helped write an obscure Federal Energy Office regulation that allowed crude oil producers, including Phillips, to count certain crude oil costs twice and to pass these extra costs—amounting to more than $300 million—on to consumers. At Congressional hearings called to investigate this "double dipping," it was revealed that then FEO head William Simon had repeatedly but unsuccessfully been urged to remove Bowen, but that Simon had demurred, feeling that Bowen was acting only in a technical "advisory" role.

Even as these events were unfolding, the Ford Administration was attempting—unsuccessfully, as it turned out—to confirm Andrew Gibson as the new head of the same agency. Yet Gibson was then the president of a company deriving its revenues entirely from the oil and utilities industries, which was itself controlled by a major oil company and would be paying Gibson almost $1 million after his departure from the firm.

The "capture" of regulatory agencies often proceeds in subtler, less personalized ways. Industry-dominated advisory committees, such as the National Petroleum Council, channel ideas, data, priorities, and political support to regulators desperate for these resources, often behind closed doors. Typically, the agency cannot perform its regulatory duties without obtaining much economic and technical information, almost all of which must come from the regulated industry. Perhaps the most extreme case of agency dependence upon industry information is the Federal Power Commission's use of American Gas Association estimates of natural gas reserves to support its entire regulatory program. Although the AGA statistics had been demonstrated to be unreliable, self-serving, and compiled in possible violation of the antitrust laws, the FPC consistently failed to conduct an effective audit of natural gas reserves. When the Federal Trade Commission investigated the matter, the AGA estimatse often turned out to be wildly inaccurate—understated by as much as 1,000 percent—and AGA reporting procedures were "tantamount to collusive price-rigging," according to the FTC staff study.

Certain reforms have commended themselves to those who see "capture" as the predominant obstacle to effective regulation: more rigorous conflict-of-interest laws; recruitment of consumer-oriented regulatory officials from sectors other than private industry; freedom-of-information reforms and "sunshine" laws; laws protecting whistleblowers inside government agencies; financial assistance to consumer and environmental groups seeking to participate in the regulatory process; and the creation of a nonregulatory, federal-level Agency for Consumer Advocacy, empowered to represent consumer interests before regulatory agencies. These are essentially procedural reforms (although likely to have important policy consequences), and their efficacy presupposes that the problem with regulations is its pro-industry bias.

To the Ash Council on Executive Organization, however, the difficulty of regulation lay elsewhere—in its lack of accountability, its glacial pace, and its rigid approach to problem solving. Those deficiencies, it believed, inhered in the formal "independence" of many regulatory agencies, their insulation from conventional political forces, particularly those emanating from the White House. To remedy this structural problem, the council proposed structural solutions. Most regulatory agencies would come under the direct control of the President (much as the Department of Transportation is now): an administrative court would be established to review agency decisions, and the organizational structure of the agencies would be streamlined.

Yet a third group of critics, led by economist Milton Friedman, regards these procedural and organizational reforms as essentially innocuous and of only marginal significance. To this group, the fundamental problem is the vast complexity and interrelationship of the economic system and the inability of even the most well-intentioned, well-informed regulator to make even minimally "rational" decisions in the face of this complexity. This view holds that the regulatory actions of even a benign government will invariably produce unintended and unforeseen consequences which will dwarf the problem that regulation was designed to solve.

Such critics concede, as they must, that market imperfections often exist. They stress, however, that government intervention inevitably carries with it far more serious distortions of a political and bureaucratic nature. The political system is based upon majority rule and will tend to ignore the wishes of small minorities with special tastes; the economic market, however, usually enables even a tiny group—for example, those who wish to read pornographic literature or those who want to smoke low-nicotine cigarettes—to satisfy their desires if they are willing to pay for them. People tend to be far better informed about the products and services available in the economic market than about the issues and politicians available to them as voters in the political market; the selling of political candidates is at least as deceptive and banal as the selling of antiperspirants, and consumers know even less about the bureaucrats who will actually do the regulating.

Moreover, the degree of concentration in economic markets is far less than the concentration of political power in the Democratic and Republican parties, and there is no Antitrust Division to police the political sphere. No seller of goods or services, except perhaps the rare monopolist, can long ignore the desires of its customers and still remain in business. The bureaucrat, however, in his own regulatory sphere has no competitor. Having no profit motive to guide his decisions, and no competitors to threaten him, he will respond to other motives, such as empire-building or buck-passing, which have nothing to do with consumer needs. He usually cannot be sued, cannot be fired, cannot even be identified.

Finally, regulation of private decisions by government inevitably increases the power of the state and reduces the autonomy of individual citizens. The centralization of power—the power to decide what products will or will not be produced and consumed, the power to prosecute for violations of innumerable regulations, the power to prescribe how people must treat one another in the most delicate human relationships—carries with it serious dangers to a democratic society: abuse of power, the sapping of private initiative and energy, the creation of a dependent and insecure citizenry.

To critics across the ideological spectrum from Milton Friedman to Ralph Nader, the remedy for these evils is to deregulate large sectors of the American economy. Abolition of rate regulation by the ICC, the CAB, and the Federal Maritime Commission are at the top of many reform agendas, while a substantial number would extend deregulation to the Federal Communications Commission, the oil and gas industry, and agricultural production as well. A few critics of regulation would even abolish the Food and Drug Administration, on the theory that it has retarded the introduction of drugs which would benefit consumers.

No Congress would go so far. But more limited regulatory reforms probably have far more public support than ever before. Certain political realities, however, remain inescapable—chiefly, the superior organization and political influence of those economic and bureaucratic interests served by regulation, compared to the diffuse and unorganized consumer interests wtih a stake in its reform. Which rural Congressman will be so suicidal as to advocate abandonment of subsidized rail, air, or trucking service to his district? Which Senator will be willing to say no to the politically hyperactive maritime unions and carriers seeking ever more generous subsidies in order to maintain jobs and profits? On the evidence so far, precious few.

## CHAIRMAN WILEY SEES THE LIGHT

Mr. PROXMIRE. Mr. President, according to a press account, Chairman Richard E. Wiley of the Federal Communications Commission proposed on Tuesday relaxation of the equal time rule and exemption from the fairness doctrine for radio stations in the largest markets.

I have not seen the text of Mr. Wiley's speech to the International Radio and Television Society in New York. But, according to a dispatch in the Washington Star, he will ask the FCC to take a big step toward recognizing what the first amendment is all about.

Mr. President, I ask unanimous consent that the Star story be printed in the RECORD at this point.

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

FCC CHAIRMAN TO SUPPORT TELEVISED POLITICAL DEBATES

By Stephen M. Aug

Chairman Richard E. Wiley of the Federal Communications Commission today proposed far-reaching changes that would allow televised political debates and free possibly hundreds of radio stations from the commission's so-called "fairness doctrine."

In a speech some commission insiders consider the most important in his year and a half as chairman, Wiley proposed to reverse several FCC decisions taken in the 1960s that currently subject presidential press conferences and debates between political candidates to provisions of the equal time law.

That law requires that whenever a bona fide political candidate appears on television—except for "spot news" events—all of his opponents are entitled to equal time. Wiley pointed out that as a result the public does not get to watch presidential press conferences during election years, nor can the public watch a televised debate occurring outside a TV studio.

Wiley, a Republican, conceded that repeal of the equal time provision requires congressional action, but he said in a speech to the International Radio and Television Society in New York that the commission can accomplish some good by simply overturning its interpretations of the law handed down in the 1960s.

He said he would present such a proposal to his six fellow commissioners this week. The proposal would exempt not just presidential candidates but other candidates and officeholders as well.

In justifying his proposal, Wiley said that "as a consequence of this line of cases (the rulings during the 1960s), debates and presidential conferences with the press simply are not broadcast during American election campaigns.

"If the law expressly prohibited these journalistic endeavors, it unquestionably would be held unconstitutional. But the effect of the equal time provision in chilling political discussion is every bit as certain and as devastating to the welfare of our democracy."

The FCC chairman, who said his speech was dealing with regulatory reform—a favorite subject of President Ford—said that he also would present to the commission a proposal to exempt radio stations in the largest metropolitan areas from the "fairness doctrine."

Under this doctrine, broadcasters are required to air all sides of important controversial public issues. The doctrine was based on the idea that because there are relatively few broadcast stations—the number is limited—broadcasters would have to air all viewpoints.

But the number of radio stations in metropolitan areas has proliferated. There are 65 commercial radio stations in the Chicago metropolitan area—the largest number in any of the metropolitan areas. Los Angeles has 59, New York 43 and Washington is fourth with 41 stations.

Wiley pointed out the numbers in Chicago, Los Angeles and New York, and said, "Considering the totality of coverage in each of these markets, and others with numerous radio outlets, one might reasonably expect that an extensive range of viewpoints would be presented even with no governmental oversight."

As a result, Wiley said he will propose an experiment in which the FCC would discontinue enforcement of the "fairness doctrine" in the larger radio markets. The precise scope of the experiment, including the areas to be covered, he said, would be determined after a public inquiry.

Mr. PROXMIRE. Mr. President, I shall have more to say upon reading Mr. Wiley's text. Still, it would seem that he is acknowledging that governmental controls on broadcast newsmen do chill what should be robust electronic journalism.

His proposals do not go far enough. They do not represent complete first amendments freedoms as I have suggested in my bill, S. 2.

It is heartening that Mr. Wiley would knock out the equal time rule for all political offices, not just for the Presidency and Vice Presidency as has been suggested by some.

His proposals on exempting radio stations in large metropolitan areas because of their great numbers recognizes that the argument about the "scarcity" of spectrum space is questionable.

I am not so naive as to overlook the political overtones to Mr. Wiley's proposals. The equal time rule is fraught with partisan politics; but it need never have been that way if the first amendment had been adhered to from the beginning of broadcast regulation. It is not too late to make up for past mistakes.

Hearings on S. 2 and similar bills are not yet complete. For that reason, the report has not yet been printed.

Because I believe it is relevant in discussing this subject, Mr. President, I ask unanimous consent that my statement on S. 2 placed in the record of the Senate Subcommittee on Communications on April 28, 1975, be printed in the RECORD.

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

STATEMENT OF SENATOR WILLIAM PROXMIRE

Mr. Chairman, you are to be commended for holding these hearings on the subject of the Federal Communication Commission's fairness doctrine and section 315 of the Communications Act of 1934.

These hearings are timely, for they follow by but four weeks a revelation by Professor Fred W. Friendly that the landmark Red Lion Broadcasting case was tainted.

The previously undisclosed events that led to that Supreme Court decision are so blatant that subtleties are inappropriate to describe them. Since 1969, the Red Lion banner has been waved at the head of the column leading the attack on the first amendment, which was designed to protect citizens from their government. Yet, officials of their government used the fairness doctrine to attack those who were using their first amendment protected free speech through a medium of the free press.

The irony is staggering.

I trust that this Communications Subcommittee will give much attention to the disclosures made by Mr. Friendly. Equally important to those transgressions by the Kennedy and Johnson administrations, abetted by the Democratic National Committee, are the machinations of the Nixon administration in examining governmental control of program content of broadcasting.

My contention is this: broadcasting is entitled to the same constitutional protection as is publishing. Both are—or should be—the free press.

The primary purpose of a free press is to protect the citizens of a country against their government. But there are other reasons, too.

Perhaps one of the great summations of the purposes of a free press is contained in the Journals of the Continental Congress.

In 1774, after duly debating its contents paragraph by paragraph, the Continental Congress dispatched from Philadelphia a letter "To the Inhabitants of the Province of Quebec" reminding them of the rights they were promised by the Crown after losing the French and Indian War. But, the letter reminded, those rights were withheld: the rights of representative government, trial by jury, habeas corpus, holding land, and a fifth right. To quote the letter:

"The last right we shall mention, regards the freedom of the press. The importance of this consists, besides the advancement of truth, science, morality, and arts in general, in its diffusion of liberal sentiments on the administration of Government, its ready communication of thoughts between subjects, and its consequential promotion of union among them, whereby oppressive officers are shamed or intimidated, into more honourable and just modes of conducting affairs."

That statement of the Continental Congress was paraphrased by Mr. Justice Brennan in 1957 this way: "The protection given speech and press was fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people."

So these freedoms of speech and of press are for the benefit of the people, and they go beyond the poliitcal sphere into other facets of human life.

But it is the political or governmental area that generally gets the most attention in connection with these basic freedoms. They are so basic, so unquestionable that to spell them out invites legislating exceptions.

Indeed, it was for that reason that Alexander Hamilton in Federalist Paper No. 84 argued that there should be no Bill of Rights. It was not that he did not support those rights. Rather, he thought them so fundamental that it would be dangerous to enumerate them. These are his words about bills of rights (which date back to the Magna Charta):

"They would contain various exceptions to powers not granted; and, on this very account, would afford a colorable pretext to claim more than were granted. For why declare that things shall not be done which there is no power to do? Why, for instance, should it be said that the liberty of the press shall not be restrained, when no power is given by which restrictions may be imposed? I will not contend that such a provision would confer a regulating power; but it is evident that it would furnish, to men disposed to usurp, a plausible pretence for claiming that power. They might urge with a semblance of reason, that the Constitution ought not to be charged with the absurdity of providing against the abuse of an authority which was not given, and that the provision against restraining the liberty of

the press afforded a clear implication, that a power to prescribe proper regulations concerning it was intended to be vested in the national government. . . ."

Mr. Chairman, it was as though Alexander Hamilton had some sort of clairvoyance, and prescience of the Federal Communications Commission.

Has the Bill of Rights with its first amendment guaranteeing free speech and a free press been used as "a plausible pretence for claiming . . . power" not granted?

In the next paragraph of paper No. 84, Hamilton asks:

"What signifies a declaration, that 'the liberty of the press shall be inviolably preserved'? What is the liberty of the press? Who can give it any definition which would leave the utmost latitude of evasion? I hold it to be impracticable; and from this I infer, that its security, whatever fine declarations may be inserted in any constitution respecting it, must altogether depend on public opinion, and on the general spirit of the people and of the government. . . ."

Hamilton makes clear that to say that Congress shall pass no law abridging the freedom of speech or of the press is to invite just such a law, such a usurpation of power.

As he said earlier in paper No. 84, ". . . the people surrender nothing; and as they retain every thing they have no need of particular reservations. 'WE, THE PEOPLE of the United States, to secure the blessings of liberty to ourselves and our posterity, do *ordain* and *establish* this Constitution for the United States of America.' . . ."

Hamilton emphasized the words "ordain" and "establish" in quoting from the preamble to our Constitution. And it *is* the people that ordain and establish.

Now, I am not condemning our Bill of Rights and the First Amendment. For Hamilton lost that fight. But I do wish to point out that Hamilton was warning us of just such a situation as we face now. It is a situation in which the government, through the FCC using powers ostensibly granted it by the Congress and seemingly upheld by the Supreme Court in a case brought about under questionable circumstances, is saying, We know better than the people.

In another of the Federalist Papers, No. 10, James Madison, writing about representative government, warns of trying to make everyone think alike. Factions, he tells us, are part of the nature of man.

One way of doing away with factions, Madison wrote, is "by giving every citizen the same opinions, the same passions, and the same interests."

But he says, "As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed."

Mr. Chairman, I contend that the FCC ignores that wisdom when it sets itself up to decide what is fair and unfair on the airwaves. When it examines programming, even after the fact, it is trying to form opinions although it says that it wants opposing opinions to be heard.

The FCC's authority to declare that air time must be given to particular persons or ideas and at the same time having authority to levy penalties for failure to follow orders, defies the nature of man.

Madison again:

"No man is allowed to be judge in his own case, because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity. With equal, nay with greater reason, a body of men are unfit to be both judges and parties at the same time; yet what are many of the most important acts of legislation, but so many judicial determinations, not indeed concerning the rights of single persons, but concerning the rights of large bodies of citizens?"

The FCC does act as a judge in its own cases. Yes, its decisions are subject to review in the courts, but it possesses tremendous power, especially so when two of the greatest freedoms guaranteed us—freedom of speech and of press—are at stake.

With that background, Mr. Chairman, it is time for me to get to the central theme of these hearings.

I doubt if anyone in this room or in this Congress would seriously challenge the citizen's right to a free press. The question then is this: should broadcasting have the first amendment guarantee of the free press?

Is there something intrinsically different about broadcasting as compared with the print press?

I say there is not.

I contend that broadcasting uses the electromagnetic spectrum to deliver essentially the same product that is delivered by publishers with paper and ink.

Others contend that because the spectrum is limited, that only a finite number of broadcasters can use that portion set aside for public information and entertainment, that gives the government a right to determine ultimately who should use the airwaves and what messages should be sent.

Granted, space on the spectrum is limited. Someone has to decide who may use it. The broadcasters tried policing themselves in the pioneering days of their industry and failed. The Radio Act of 1927 cured that problem. In addition, there are many ways the spectrum can be allocated among broadcasters. The FCC decided to adopt a doctrine of localism, that is providing many local stations rather than regional ones. To be sure, there are policy decisions involved in allocation. But there are many engineering questions as well. In advocating passage of S. 2, I need not get into those technological considerations.

I believe that the number of radio and television channels available under present allocations are numerous enough to counter any argument about scarcity of broadcast spectrum space. Radio and television stations outnumber daily newspapers by roughly 4 to 1.

Broadcasting and daily journalism both, by necessity, appeal to mass audiences. They are roughly analogous. Both provide news and information; both provide entertainment. The proportions, in general, are different, of course. But they need not be

The key fact is that the number of competing metropolitan daily newspapers is at an all-time low, although the number of dailies has been growing slightly. In 1973 there were 1,774 daily newspapers in the United States. Only 13 new papers were added between 1972 and 1973, mostly in suburan areas.

As of last November, there were 8,575 radio and TV stations, of which 7,670 were commercial.

As of June 30, 1973, there were 305 authorized broadcast stations not in use. And I have subtracted the 165 translators and boosters not in use. I doubt that there are 305 persons of wealth in this country who could start successful daily newspapers.

But to make my point, by comparing television cities with daily newspaper cities we find 136 cities with three or more television stations and only five with three or more daily papers.

If diversity of voices is necessary in a democracy—and I believe that it is—obviously we have a potential for such diversity.

But only a potential, because the fairness doctrine and the equal time rule vitiate the freedom of the electronic press.

Abolishing the fairness doctrine and the equal time rule—which are restraints on the full exercise of that freedom—would give the citizens of this country the kind of diversity of voices they need and are entitled to have.

In terms of economics, broadcasters are able to compete with newspapers. VHF television stations are quite strong. UHF stations as a group are weak. AM radio is not as strong as it was. FM radio is a mixed bag. Newspapers are doing quite well.

Newspapers, however, have less and less competition among themselves. Some metropolitan papers have died off and others are in economic danger.

Advertising revenue is vital to any medium of mass communication. In general, that revenue is holding up well. It is how it is shared that is important. (An appendix to this testimony is a comparison of broadcasting and newspaper numbers and advertising revenues and profitability.)

Under today's economic conditions, I suspect that we are near a saturation point in the number of competing media of mass communication. With the number of daily newspapers in competition with other newspapers dwindling—despite higher total circulation—I believe it is necessary to get greater diversity of ideas for the public. One way of accomplishing that, is to free broadcasters of governmental controls.

Even supporters of continued governmental controls over broadcasting programming, admit that the future of broadband distribution systems—coaxial cable the best known—presents a potential diversity so great as to obviate the need for governmental control of content. But that future is still cloudy.

Nevertheless, I contend that we have enough diversity today to abolish governmental control of programming content.

The extreme of governmental control is the revocation of broadcast licenses. There are lesser penalties, including fines of thousands of dollars for violating rules and regulations. Admittedly, the statistics show that the penalties are seldom used.

From information submitted to me last September by the FCC, I summarized this information to show that since 1934 the FCC had kept off or put off the air a total of 105 broadcasters. Between 1970 and last September, there had been 511 fines totaling some $638,000, mostly for violations of engineering rules and only a handful for political candidate editorials and for personal attack.

The numbers and amounts of these governmental penalties are not as significant as the fact that they exist at all.

Such penalties would be unthinkable if levied against newspapers. The courts would not allow it under the First Amendment.

To prove that, I need cite only the Miami Herald case in which the Supreme Court last year held unconstitutional a Florida law requiring newspapers to open their pages to political candidates attacked personally.

Yet, that same personal attack corollary to the fairness doctrine was enforced against broadcasters by the Supreme Court in that now tainted Red Lion Broadcasting case.

Again, we come back to the basic question of whether there is an inherent, an intrinsic difference between broadcasting and publishing.

We cannot blame the courts for their contradictory rulings between publishing and broadcasting on the subject of the First Amendment. For one thing, the Congress passed the Communications Act, which says in section 326 that there shall be no censorship by the FCC nor shall it interfere with freedom of speech. For another, a clear-cut First Amendment case involving a broadcaster has never reached the Supreme Court. Courts always take the easy route, being, for the most part, reluctant to legislate.

Yet, Section 326 is honored in the breach. And when it is honored through outright support of free speech the FCC works a hardship on challenged broadcasters.

Let me give an example of the latter from Henry Geller's study of the fairness doctrine published in December, 1973.

In this case, the broadcaster won before the FCC. He beat a complaint. (For a fuller explanation, I refer you to page 40 of Mr. Geller's Rand study.) The station was KREM–TV in Spokane, Washington. The controversial issue of public importance was a

bond issue for Expo 74. The complaint was that there was not enough air time devoted to the anti-bond viewpoints.

What did it cost the broadcaster to win? Some 480 hours of executive and supervisory time, not including secretarial and clerical time. About $20,000 in legal expenses, not counting travel. And Mr. Geller points out that the $20,000 should be compared with total profits of $494,000 for all three Spokane TV stations in 1972.

What would it cost a Spokane newspaper to take the same stand as KREM–TV? The prorated salary of the editorial writer for the time spent researching and writing an editorial or series of editorials. And that cost would be paid regardless of the subject matter.

No doubt about the importance of this issue to the taxpayers of Spokane. The bond issue should be discussed. I don't know what stands the Spokane newspapers took, nor the stands of the other two TV stations or the radio stations. I do know that Expo '74 was held. I don't know what impact the KREM–TV editorials had on that situation.

But it does not matter. For obviously, the voters took a stand at the referendum.

It is interesting to note that in its Fairness Report adopted last summer, the FCC treats referenda or ballot questions differently from candidates. Candidates are covered by the equal time rule and ballot questions are treated under the fairness doctrine. Yet, candidates are chosen and referendum questions are decided at elections. But persons other than candidates appearing on broadcast stations in behalf of their choices are treated under the equal time rule. That is the Zapple ruling, which is treated as a corollary to the fairness doctrine, and which in turn is based on the equal time rule of section 315.

Now, I submit that this is a good example of the inconsistencies and complexities that occur when government places itself between the First Amendment and the exercise of its freedoms.

The complexities combined with the possible cost in time and money of defending oneself, puts broadcasters in the unenviable position of being damned whichever way they turn.

The national result of the fairness doctrine and the equal time rule is to do as little as possible.

It's safer that way.

Another term for that is the chilling effect.

Why do anything if you are going to get into trouble? That is the question that broadcasters must always ask themselves.

Big broadcasters, be they successful stations or networks, can afford to take some chances. Legal and other expenses, after all, can be written off. But what of the small broadcaster in a small town? He just can't afford to be as crusading as some editors of small weekly and daily newspapers have been. The editors don't have the sword of the FCC dangling over their heads. They only have their readers to deal with.

Broadcasters have their listeners and viewers to deal with plus Big Brother in Washington.

Let me quote a few remarks on the chilling effect.

Mr. Justice White in the Cox Broadcasting Company case this year, dealing with the use of public court records—

"We are reluctant to embark on a course that would make public records generally available to the media but forbid their publication if offensive to the sensibilities of the supposed reasonable man. Such a rule would make it very difficult for the press to inform their readers about the public business and yet stay within the law. The rule would invite timidity and the self-censorship and very likely lead to the suppression of many items that would otherwise be put into print and that should be made available to the public."

Please note, that these remarks about self-censorship although couched in terms of publishing were made in a Supreme Court case involving broadcasting.

Mr. Lee Loevinger, former FCC commissioner in a speech earlier this year, speaking about the FCC and the fairness doctrine and the equal time rule—

"The Commission has administered these and other measures of control in a relative benign and reasonable manner, and with frequent references to its beliefs in the general principle of free speech. Nevertheless, the fact is that today no broadcasters can schedule a minute of programming without being aware that some bureaucratic opinion of that programming may eventually influence the decision to permit or forbid him to continue broadcasting."

Senator Sam Ervin speaking on the floor of the Senate in November 1973 about the fairness doctrine and its tendency to bring "sameness" in programing—

"The goal should be that every radio listener can find somewhere on the dial a station broadcasting programs that respect his interests. That goal is not met by a doctrine which pretends to have all stations satisfy all tastes, but which works out so that significant audiences are denied any outlets at all. It is very possible that the threat of the 'fairness doctrine' has, at least in part, been the cause. I would hazard to say that the doctrine has served to stifle the presentation of controversy and variety more than it has served to promote them."

Those quotations, Mr. Chairman, represent various aspects of the chilling effect. I am sure this Subcommittee will hear more about that from other witnesses.

What about error? Doesn't the fairness doctrine protect listeners and viewers from error by requiring that reasonable opportunity be given for the discussion of contrasting viewpoints on important public issues?

First, someone has to decide what are important public issues, what are contrasting viewpoints, and what is a reasonable opportunity. And who decides? The FCC staff or the commission itself. And, ultimately, it can be the courts. There is no assurance granted it is unlikely with all those officials involved that there might be a cabal—that this review will not be in error. After all, the system begs that one judgment be substituted for another.

Second, there really is no judgment made about the complainant. In the cases I am familiar with, the person or group complaining about an alleged violation of the fairness doctrine is assumed to represent a large segment of the listening public, that his or the group's motivations for complaining are legitimate, that the person or the group might actually be aggrieved.

If one supports this system of government control through the fairness doctrine and equal time rule, then it seems that those ascertainments should be made. I don't believe they are.

Take the case of the NBC documentary, "Pensions: the Broken Promise." That fairness complaint got into the courts, and technically is still there. One of the issues raised by NBC in its defense was whether private pension plans were actually a controversial issue under the doctrine. That it was a public issue is beyond doubt, for the Congress passed legislation to improve the rights of pensioners. In fact, after the case was set for a hearing before the entire court of appeals, the FCC moved to declare the case moot—on grounds that Congress had acted. And that was after the FCC lost the case before a three-judge panel of the appeals court.

I point out these ironic turns, not to argue the case, but to show how complex a seemingly simple issue can be.

And to my second point, I make this observation: the group complaining about the fairness of the pension documentary had no connection with pension plans. The complainant was a watchdog group, Accuracy in Media, Inc. Now I do not say private organizations have no business checking on the accuracy of the news media; indeed, I believe that is a legitimate activity. I do question, however, whether under the fairness doctrine a person or group without a connection to the program subject matter has standing to make a complaint that results in a hearing. To my knowledge, that point has never been raised.

Governmental control of broadcasting is a thicket. Those trying to break paths through it miss the central issue. Maybe that is why so fundamental a question as the First Amendment has not been clearly presented in a court case. There are so many side issues to decide.

Fairness is not an issue with the First Amendment.

In a speech last fall at Yale, Mr. Justice Stewart said in defending the First Amendment's guarantee of a free press:

"Newspapers, television, networks, and magazines have sometimes been outrageously abusive, untruthful, arrogant, and hypocritical. But it hardly follows that elimination of a strong and independent press is the way to eliminate abusiveness, untruth, arrogance, or hypocrisy from government itself."

The First Amendment was not intended to make newspapers error-free or fair. It was intended to protect citizens against government on the theory that having enough voices would insure that truth would out.

Mr. Justice Stewart in that same speech said that "if there were no guarantee of a free press, government could convert the communications media into a neutral 'market place of ideas.' Newspapers and television networks could then be required to promote contemporary government policy or current notions of social justice."

Mr. Chairman, I contend that that is exactly what the Kennedy, Johnson and Nixon administrations tried to do in turning the fairness doctrine to their own ends.

If S. 2 were to pass and become law, would fairness in radio and television be forever lost?

No. A firm no.

Newspapers have developed from personal journals of opinionated men at the time the First Amendment was written into general circulation papers that present all stripes of fact and opinion. They have become more professional. They may not be perfect, but they are when compared with the papers the authors of the Constitution and Bill of Rights had to live with. They did not fear that kind of newspaper.

And today's newspapers do so without a Federal Newspaper Commission.

There is no reason to suspect that broadcasters, who have made a beginning on professionalism in journalism, would revert to yellow journalism.

A basic objection to free broadcasting raised by supporters of the fairness doctrine and the equal time rule is that the "public owns the airwaves."

I deny that. So does Glen O. Robinson, a member of the FCC. As a law professor at Minnesota, he wrote: "To say that the airways or spectrum can be owned by anyone is simply to indulge in fantasy. . . . In actuality, 'airways' is merely a convenient shorthand, an abstraction for a phenomenon created as a result of the use of privately owned transmission facilities. The "spectrum' is a purely artificial construct of the Commission itself. To give this construct an independent nature and then attempt to justify the regulation itself in those terms is entirely circular. It is like saying that the Commission owns the frequencies because

it has the power to regulate their use and that it has the power to regulate their use because it owns them. . . . While few would dispute that broadcasting is affected with a public interest, this fact does not justify any intrusion on free speech which would not otherwise be permissible. . . .

Mr. Chairman, my point in quoting Mr. Robinson is only to show that a popular argument for governmental control cannot be premised on a fallacy.

There is no doubt that the Communications Act says that broadcasters must serve "the public interest, convenience, and necessity." That phrase has been used to hang a lot of pet ideas on. But one thing should be kept in mind about this phrase: it is not unique to the Communications Act. It was borrowed from the Interstate Commerce Act.

Just how well has the ICC operated public transportation utilities in the public interest, convenience and necessity. Look at our bankrupt railroads. Look at the silly laws governing truck traffic that cost shippers more than it should. Look at the inefficiency and lack of competition.

President Ford has called for phasing out the ICC and the Civil Aeronautics Board.

Certainly, ideas are more precious than goods and services. What is in the public interest in chilling a broadcast news department from exploring a thought provoking subject because it might challenge some prevailing belief? What is public convenience—that is, advantage or accommodation—in setting rules to discourage the challenging of policies of public officials, especially when those public officials can use the rules to stifle dissent? What is the public necessity to setting rules for communicating (other than forbidding obscenity)?

Indeed, public interest, convenience and necessity in a democracy are served only by freedom in communication. How else are the citizens to hear, read and see all shades of opinion and make their own judgments?

Three major, unfounded fears of those who want governmental controls, it seems, are these:

That broadcasters, being businessmen seeking to maximize profits, would somehow—maybe conspire?—arrive at the same position and deprive air time to ideas with which they did not agree—the same ideas.

That audiences, having been exposed to a particular idea, would accept it hook, line and sinker, being unable to overcome the mesmerising effect of the blinking tube.

That audiences are not sophisticated and cannot have the knowledge and wisdom to know what is good for them.

Obviously, those fears are expressed in much more subtle ways than that. You've heard them:

"But what if other candidates cannot get on the air?"

"Do you want to see only (left wing) (right wing) programs?" or "Before he reaches high school, my son will be exposed to 13,000 acts of violence on TV."

"Most people don't have enough education to be discriminating in their choice of TV shows."

Mr. Chairman, regarding the first fear, I believe it is obvious that broadcasters, being businessmen, will compete for audiences. They need the audiences to attract advertisers and thus make a profit. They are always looking for ways to do that. Now, there is too much "me-tooism" in programming, imitation of a successful entertainment idea or format. But even so, the basic concern is to do it better, to attract a larger audience.

There will be, of course, broadcasters who would use their new freedom for their own devices. They would either attract audiences big enough to sustain a profitable operation, or they would go out of business. The successful ones would be akin to specialized magazines or journals in the publishing business. These broadcasters of course would be in radio mostly in medium and large markets.

On the second fear, I would point out that audiences are made up of individual persons. Although marketing analysts, in these days of demographics, can categorize audiences by financial groupings, tastes and the like, they are still dealing with averages. Each of us brings to a newspaper or magazine or TV or radio a particular background comprising a mix of financial, educational, ethical, religious (or anti-religious), ethnic, occupational, age, and other factors. In short, we all think different thoughts.

We each belong to certain publics, not just one. Some of us may be more alike than different, but we are not part of one, big mass of prejudice. We are capable of thinking for ourselves. Our form of government is based on that assumption.

True, we are more likely to cling to our own beliefs than be persuaded to change them. But we remain capable of changing our minds.

It has often been charged that the three networks are controlled by a small group of men, who know each other and work in the same city. Some have said that the networks are oriented to the left and that all of their news programming reflects that single philosophy.

I will neither defend nor attack the networks, for I believe in a free press. I would point out, however, if that left-leaning conspiracy had been true, the outcome of the 1972 presidential election would not have been so one-sided.

The third fear of those who want governmental regulation of broadcast content is closely related to the second. There are too many persons who believe that because of their educational achievements that they should be able to protect their less-favored brethren from evil of all descriptions.

Dr. Harold Mendelsohn, former president of the American Association of Public Opinion made this observation on the subject: "Because audiences are viewed basically as automation receptacles, incompetent to make meaningful judgments in their own behalf, it is recommended that external standards be set by various regulatory elitist bodies outside the domain of audiences.

Dr. Mendelsohn warns that such policy implications lead to censorship.

As I noted previously, the FCC is required by law (and by the Constitution) to avoid censorship. And the FCC often mentions that obligation.

But I believe it is not unfair to point to a public record of how the FCC conducted itself in one short period. According to House Report 92–1632, the Committee on Interstate and Foreign Commerce found upon investigation that the FCC "has, without legal authority and in direct contravention of the law and its own regulations, secretly monitored some employee telephones during a five-week period in 1970, in an attempt to identify an alleged leak of information from the agency." The report went on to say that after the illegal conduct was uncovered, the FCC "defended the activity as reasonable, legal, and even advanced a purportedly legal argument which, if accepted, would stamp an imprimatur on widespread wiretapping."

That report tells me that the authors of the Bill of Rights were correct in foreseeing the dangers of government that took upon itself powers that were not granted by the people.

How does the FCC insinuate itself into programming? Is it a censor?

It is not a censor in the sense that it indulges in prior restraint. It does not snip out a word of a script here or a film clip there before a show goes on the air.

The FCC can even point to policy statements that seemingly would shield it from charges that it supervises the manner, and morality of others, which is another definition of "censor."

There are, in fact, many inconsistencies in the way the FCC exercises its control which is accomplished by the implicit threat of fine or loss of license after programs are aired.

Just this week, I received a letter from a man in Maine who had complained to the FCC about an advertisement for a feminine hygiene product seen on TV, which he said embarrassed another man's daughter while her boyfriend was visiting. The man's letter to me ended with this sentence: "There must be some censorship."

He wrote on the back of a form letter from the FCC, dealing with complaints about broadcast advertising. Let me quote the main paragraph of that FCC letter:

"The Commission is prohibited by the Communications Act from censoring broadcast material and does not attempt to direct stations to present or refrain from presenting any particular program or announcement or in the scheduling of such material. It should also be helpful to state here that the FCC is not the arbiter of taste and lacks authority to instruct anyone in language usage, assignment of personnel or, generally, in matters relating to artistic quality or effectiveness of presentation. In the absence of information indicating that some announcement may violate the criminal code because it contains profane, obscene or indecent material, action to proscribe the broadcast of advertising such as described above is barred to the Commission, unless the advertising has been held by the Federal Drug Administration or the Federal Trade Commission to violate the laws which they administer. Viewers or listeners are urged to acquaint stations and networks directly with their opinions on advertising they find objectionable, preferably by addressing written communications to management officials."

I believe the FCC's answer is proper in all respects: it says it may not censor, it cannot be an arbiter of taste or morality, there are other laws and agencies to see to illegalities, and complaints to broadcasters are a proper outlet.

But compare that with action by the FCC regarding two Georgia radio stations that were granted short-term license renewals earlier this month. (The text of an FCC press release is in the appendix.)

I have chosen the cases of WIYN, Rome, Georgia, and WPLK, Rockmart, Georgia, purely at random and because they are recent. Both stations are owned outright by one person. The licenses of the stations had expired on April 1, 1973. Renewals were deferred pending an FCC inquiry. I will quote just two paragraphs near the beginning of the press release, dated April 21:

"In granting the renewals for a period ending December 1, 1975, the Commission also ordered the stations to submit within 30 days information concerning their future handling of personal attacks and discussions of controversial issues of public importance. The station's (sic) were also ordered to submit with their applications for renewal, due August 1, 1975, a report on how they had impliemented (sic) these procedures.

"The Commission also admonished the statation (sic) for falling far short of the degree of responsibility expected of licensees broadcasting political editorials, personal attacks and controversial issues of public importance, and for maintaining program logs."

The press release does not reveal the name of the person or group that lodged the fairness doctrine complaints. It does outline the complaints. They deal with an editorial endorsement of a congressional candidate, an accusation by a moderator of a discussion

program that members (no indication if the members were named or if it was a general accusation) of SIECUS were Communists, an accusation that an actress was treasonous, views in opposition to a lettuce boycott, complaints on the way an industrial strike was discussed, complaints about how the moderator handled telephone calls on a call-in program. The press release also details failure to make required contacts with persons attacked to arrange for replies. The release also notes one of the stations was fined $1,000.

My intent in mentioning this case is not to argue for or against the conduct of the stations involved. I do not take sides on the issues. I wish only to make a few observations.

The FCC tells the man in Maine with a form letter that it cannot censor or concern itself with taste and lacks authority to deal with language, assignment of personnel or quality of effectiveness of presentation. Nor does it direct stations to present or refrain from presenting any particular program or announcement. It says that is what the law requires. And of course this form lettter is directed to a complaint about advertising.

Yet, it is telling two radio stations, as the press release indicates, how it should program, to whom it should give air time, what is wrong with the way a moderator runs his show. Besides that, it notes that one of the stations was fined $1,000 for attacking a group known as the Institute for American Democracy.

Now, consider this: the first FCC document deals with advertising, which by Supreme Court decisions, is not entitled to the protection of the First Amendment (and I agree with the Supreme Court on that); the second document deals mostly with political matters and controversial issues of public importance, the stuff of self-government, which is supposed to be protected by the guarantees of the First Amendment.

Even though a constitutional question were not involved in governmental regulation of broadcasting, it seems that the thicket of such controls would be reason enough to end controls. Even though the control of programming were constitutional—and I believe it is not—its administration is so complex as to test the wisdom of Solomon.

But let's look at it from another angle. The FCC does not consider, when examining fairness doctrine cases, whether or not listeners and viewers have access to other opinions. It assumes that one person or one idea given air time can persuade every listener regardless of his or her own opinion. In fact, critics of a free press make that same assumption.

But, that just is not true. I have tried to indicate that earlier.

Admittedly, the persuasiveness of mass media is a continuing argument, particularly among psychologists, sociologists and others.

But can there be any argument that the people of Rome and of Rockmart have other sources of information? Does the FCC consider that?

For the record, I determined from the FCC that Rockmart has another radio station—an FM station. And it has a separate licensee. I could find no record of a daily newspaper in Rockmart, but surely newspapers, magazines and books are available.

In Rome, there are a total of six radio stations—two FM and four AM with four licensees. There is a daily newspaper. And obviously, there are other journals available.

Both communities, undoubtedly, can receive television signals.

But the FCC ignores those facts.

In 1971, the Washington, D.C., consulting firm of M. H. Seiden & Associates, Inc., prepared a study for the National Association of Broadcasters that counted the number of media entering the 204 markets in the United States, the owners of the media and the numbers of media having 5 per cent or more of the market. I understand the study was considered by the FCC in its multiple ownership ruling. I commend that study to this Subcommittee.

It is rare when the FCC actually looks at diversity of voices in a community. The ownership case was one such instance. In the normal license renewal case, the FCC will not consider other media in a community. The same is true in uncontested applications for new licenses.

When a comparative hearing is held involving applications for new licenses, the financial interests of the applications in other media is considered.

The procedure for comparative hearings on the renewal of a license is being reconsidered by the FCC, I understand. But even here, the question is one of ownership and not of the content of the other communications media.

There are some real inconsistencies involved in this business of government regulation.

Turning to another aspect of regulation, Mr. Chairman, I wish to comment on programming content. What if a station wishes to change its format from classical music to rock? The courts have held that the FCC can hold hearings.

What about public service programming. As I understand it, public service programming is basically news program, public affairs, and "other programming, exclusive of entertainment and sports." That means agricultural, instructional, religious, community bulletin board programs and similar material.

In many cases, the Commission itself handles license renewals. The Commission also has delegated its staff authority to grant such renewals only where the licensee proposes to meet certain percentages of programming to news, public affairs and other public service programming. I understand that the percentages are 8 per cent of a week's programming for AM stations, 6 per cent for FM stations and 10 per cent for TV stations.

Now such decisions as how to use space in a newspaper, a magazine, a book, other printed matter, and even movies can be dictated by no governmental agency. All of these are celarly covered by the First Amendment.

But is broadcasting? No it is not.

In fact, the FCC has gone beyond determining percentages of public affairs programming. It has told the television networks and local stations how it can use its first hour of prime time. The purpose was to get more local programming. But the result has been something else. Most local stations have been filling that time with syndicated game shows, re-runs of "I Love Lucy" and similar sitcoms and with very little locally originated programs.

Government regulation is just not sophisticated enough to work, even if it were desirable and constitutional.

Also, the FCC has got into the area of persuasion, waving its power over the heads of the networks. The three networks have agreed to keep the first two hours of evening viewing to material children should not see.

Now that is a good idea—as long as the decision is made voluntarily and without government pressure.

The National Association of Broadcasters this month amended its television code to accomplish that goal. Would the NAB have acted without the previous visits by the FCC chairman to the network brass? I don't know the answer. But good ends accomplished by bad means do not cleanse the means.

In a recent editorial on the subject, The Milwaukee Journal concluded by saying:

"Television should eventually face up to the FCC's growing tendency to meddle in program content. But it will be in a stronger position to combat government excesses by having taken this reasonable precautionary step of limiting children's access to programs with mature themes."

The headline on the editorial was, "TV's Tactical Retreat." The equal time rule is a sacred cow with politicians. Many believe it benefits incumbents to the detriment of those seeking the office. That alone would make it unfair.

This Subcommittee is considering legislation to exempt presidential and vice presidential candidates from the equal time requirements.

If Congress shows a willingness to take one step toward eliminating an abridgment of free press rights, then it should be willing to go all the way.

Newspapers may cover elections any way they wish. They may support the candidates they wish. And the results of the elections rarely reflect the editorial policies of some papers I know about.

Voters would better be served, they would hear more of the real issues and learn more about the candidates if broadcasters could cover elections the way newspapers may and do.

The station that would slant its news toward one candidate and that would editorialize in favor of one candidate could not possibly swing an election. It is reasonable to expect that other broadcasters would support other candidates. Also, the very act of slanting news and endorsements might very well turn voters toward opposing candidates. Such action might alienate audiences.

More likely, broadcasters would cover elections and candidates impartially, while exercising their right to editorialize.

We all would see and learn more of the candidates.

How do the citizens of this country feel about governmental regulation of radio and TV programming content?

The Television Information Office this month published a 26-page pamphlet giving the results of a poll it commissioned The Roper Organization to do. With its reputation to consider, I am sure Roper did its usual professional job.

I will not quote the entire poll. I would, however, like to quote the results of two questions.

When the poll was taken last November, 12 per cent agreed that "The government *should* have control over TV news programs." And 81 per cent agreed that "The government should *not* have control over TV news programs."

The results vary by but 5 percentage points with those on the same questions in three previous polls going back to 1968. Among the population as a whole, the number wishing no control is at a high, although only by one percentage point.

Last June I took a mail poll of all daily newspaper editors, some columnists and heads of college and university journalism schools. Eighty per cent of those replying said that "radio and television news operations (should) have the same First Amendment rights in fact as well as in law as do the print media."

I have tried to at least touch on the major problems involved in consideration of the fairness doctrine and the equal time rule. One more area I should touch before concluding is "access" for the general public to the electronic media.

One such proposal is that the fairness doctrine all but be eliminated. As an alternative, broadcasters could give a set amount of time each week—15 minutes under that proposal—for guest editorials by a community's residents.

I could sit here and conjure up all sorts of legitimate complications that would result

from such system. Rather, let me object in this way: it would still constitute governmental control.

If stations wish to use such a system, fine. In fact, I wouldn't be surprised if many will. Some stations in the San Francisco area already are doing so.

But the fact remains, under access or the fairness doctrine, sooner or later the First Amendment question will have to be dealt with.

I think that time has come.

The physics of the spectrum is a fact of life.

It must be considered. But that consideration should not outweigh the humanity of mankind. Ideas are still the important stuff of life. Our purpose in Congress is to deal with ideas, setting policy. Scientists and engineers can deal with the physical aspects of the spectrum.

Ideas are the same, no matter how they are transmitted physically.

Let me conclude with some incisive quotations from people in the field who know the subject of communications policy.

Lee Loevinger, formerly a justice of the Minnesota Supreme Court and a FCC commissioner, now a practicing lawyer:

"Those who argue for government control or influence of broadcast programming on whatever grounds seem to me to misunderstand the meaning of free speech and the First Amendment. Freedom of speech does not mean merely freedom for speech that we approve—that is mere self-indulgence. Freedom of speech does not mean merely freedom for speech we can tolerate—that is only civility. Freedom of speech means freedom for speech that we abhor and reprehend—that is democracy and high principle."

Chief Judge David L. Bazelon of the U.S. District Court of Appeals for the District of Columbia:

"A government which can dictate what is 'fair' reporting can control information to the public in a manner which subverts self-government into a tyranny managed by propaganda."

Mr. Justice Potter Stewart:

"If a newspaper (and from his context I believe he includes radio and television) wants to serve as a neutral market place for debate, that is an objective which it is free to choose. And, within limits, that choice is probably necessary to commercially successful journalism. But it is a choice that government cannot constitutionally impose."

Mr. Chairman, again thank you for holding these hearings and for hearing me. I am including in the appendix interpretive material of S. 2 as prepared by the American Law Division of the Library of Congress.

## GRASSROOTS SUPPORT FOR CONSTITUTIONAL AMENDMENT TO COMPEL A BALANCED BUDGET—SENATE JOINT RESOLUTION 55

Mr. FANNIN. Mr. President, the Yuma, Ariz., Chamber of Commerce has taken a strong public stand in favor of a constitutional amendment to require a balanced budget. This positive support from the grassroots level of our Nation is commendable. My colleagues and I who have cosponsored Senate Joint Resolution 55, the proposed constitutional amendment to compel a balanced budget, appreciate this timely statement of endorsement.

It is my opinion that the majority of our Nation's taxpayers support limiting Federal expenditures to Federal revenues as a means by which to limit the recent phenomenal growth of the budget and bring fiscal responsibility to Washington. I sincerely hope that a multitude of other organizations and individuals will follow the lead of the Yuma Chamber.

The Judiciary Subcommittee on Constitutional Amendments will hold hearings September 23 and October 7 on Senate Joint Resolution 55, on the proposed constitutional amendment to compel a balanced budget. I commend the chairman for scheduling these hearings on this issue of vital importance to the Nation. It is my pleasure to be an original cosponsor of Senate Joint Resolution 55. I look forward to testifying before the subcommittee in support of this essential constitutional amendment.

It is clear to me as it is with a growing number of my colleagues that the Federal Government must take affirmative steps toward gaining control over spending. New Federal programs joined with an increasing number of automatic funding increases have hurled Federal spending to a projected $367 billion in fiscal year 1976. In 1966 total budget outlays were $134.7 billion, or approximately 37 percent of the estimated fiscal year 1976 budget. As recently as 1972, total budget outlays were $231.9 billion, or approximately 63 percent of the estimated fiscal year 1976 budget.

As Government expenditures have increased, so has its share of our society's total resources. Our society cannot stand more of this irresponsible action on the part of the Federal Government. Positive steps must be taken now to provide a mechanism for restraining expenditures. Senate Joint Resolution 55 provides such a mechanism with adequate flexibility for national emergencies. This proposed constitutional amendment takes up where the new congressional budget system stops. I commend my colleagues for adopting the new budgetary procedures. However, the defect in the new procedure is the remaining problem that expenditures are not required to equal tax receipts.

Numerous State governments and leading industrial nations have operated successfully on a pay-as-you-go basis. There is no reason why the U.S. Government cannot do the same.

I would like to share with my colleagues an article from the September 5, 1975 issue of the Arizona Republic by Mr. John J. Harrigan regarding the Yuma Chamber of Commerce's statement. This and similar efforts receive my full endorsement and assistance.

I ask unanimous consent that Mr. Harrigan's article be printed in the RECORD.

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

YUMA C OF C SEEKS U.S. SPENDING LID

(By John J. Harrigan)

YUMA.—Yuma County Chamber of Commerce officials have initiated what they hope will become a statewide drive to curb federal spending.

The chamber, emulating the Georgia Chamber of Commerce, announced it will begin circulating petitions next week supporting a constitutional amendment forcing Congress not to spend more than its income except in times of national emergency, Chamber Board Chairman Jim Stowe announced.

A war or period of recession would be considered emergencies.

Stowe said that other Arizona chambers will be encouraged to circulate similar petitions.

Stowe noted that excessive federal spending is tied to a loss of personal freedom as federal regulatory agencies expand and become more powerful.

A new consumer agency now being funded for $120,000,000 will duplicate the work of 127 existing federal agencies, Stowe maintained.

Pat Harvey, who chairs the chamber's Governmental Affairs Committee which is promoting the amendment, said state legislatures in Maryland, Texas, North Dakota and Virginia already have approved resolutions calling for the amendment. He said 34 states are required to bring about a constitutional convention.

Some 32 states, including Arizona, have adopted their own fiscal responsibility resolutions.

Chamber President Jim Bjornstad said the idea came from the Thomasville-Thomas County Chamber of Commerce in Georgia.

W. H. Flowers, past president of that chamber, observed in an appeal to other chambers that "our only hope for survival" is popular insistence that continued "appropriations not exceed taxed income."

The Georgia plan, he said, "will control deficits at the federal level destined to destroy us."

Bjornstad observed that "almost half of everything we earn goes to government. We believe that fiscal solvency and faith in this country have got to be reinstated. We could give no greater gift to this country on its 200th birthday."

## GEORGE CRONIN: 1934–75

Mr. CHURCH. Mr. President, it is my sad responsibility to report that Mr. George A. Cronin, a professional staff member of the Senate Committee on Aging for nearly 2 years, died Tuesday night in his home city, Denver, Colo. The cause of death was given by Denver General Hospital authorities as a cranial aneurism.

This loss was completely unexpected. George had begun a brief vacation this week apparently in good spirits, after working very effectively on several important projects, including field hearings on the impact of the high cost of living on the elderly.

George had many other areas of special concern with the committee. He has helped to explore public policy issues related to transportation needs of the elderly. He put his training in public administration to good use in committee studies of the performance of State and local agencies on aging under the Older Americans Act. He was deeply concerned about architectural barriers affecting the elderly and the handicapped. In short, George had an all-encompassing interest in the well-being of the elderly of our Nation. That interest was demonstrated again and again in his professional and personal activities.

George built an excellent foundation for his committee work at the University of Southern California, where in 1973 he served as assistant to the director of the dual master's degree program in social work and public administration. Heavy emphasis was placed in that program upon gerontological training. George himself became a pioneer in developing the concept of a dual degree program when he received his master of social

work degree in June 1973 and his master of public administration degree in August 1973.

In addition to his academic credentials, George brought other important experience to his work with the Committee on Aging. He had supervised VISTA volunteers with the Denver Juvenile Court from December 1968 to April 1971; and he had worked with the Denver Election Commission from June 1963 to June 1967.

George Cronin was only 41 years old when he passed on. But even in his short time, he achieved much and cared much about people. He had a gift for seeing public issues in human terms. He will be missed by his fellow staff members and by the Senators whom he served so well on the Committee on Aging.

GEORGE CRONIN: A FRIEND OF AGING

Mr. CHILES. Mr. President, I would like to join the chairman of the Senate Committee on Aging (Mr. CHURCH), in expressing shock and sadness at the passing of George Cronin.

Mr. Cronin was a professional staff member with the committee and he was assigned to work with me on two matters of great concern to older Americans: Transportation needs and the high cost of fuel and electricity.

As chairman at hearings conducted in these two areas, I was much impressed with George's approach to his work. He had a gift for getting to the heart of policy matters in terms of impact on people. He also won the respect of professionals in the many fields related to aging; he paid attention to detail, and he also saw meanings and patterns which affect very directly the quality of life for elderly persons of this Nation.

As a Senator from a State which has an especially high percentage of retirees, I was particularly aware of George's rapport not only with expert witnesses from Florida, but with each and every witness he interviewed before discussing their potential testimony with me.

I understand that George had a record of achievement even before he came to the committee: At the University of Southern California and in positions in his home city of Denver.

My acquaintance with him, limited as it was to his work with the committee, nevertheless persuaded me that he was an unusual and sensitive person, well suited for the responsive work which the Senate Committee on Aging is mandated to perform. I will miss him as will the members of my staff who had the privilege to work with him.

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## FREEDOM AND RESPONSIBILITY

Mr. BROCK. Mr. President, at times it would seem that we lose sight of our direction and our future. Pastor Robert E. Wood of the Church of the Good Shepherd in my home town of Chattanooga gave a recent sermon which I find of particular significance today. Mr. President, I ask unanimous consent that Mr. Wood's sermon be printed in the RECORD.

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

CALLED TO FREEDOM AND RESPONSBILITY

(Matthew 10:24–33)

In his novel, **The Brothers Karamazov**, Dostoevski tells the story of the Grand Inquisitor which I think will serve as a fitting introduction for today's lesson from Matthew.

Christ came back to earth one day, quietly and unobtrusively healing people in the streets but recognized by all. It happened to be during the Spanish Inquisition, and the old Cardinal, the Grand Inquisitor, met Christ on the street and had him taken to prison.

In the dead of night the Inquisitor comes to explain to the silent Christ why he never should have returned to earth. For fifteen centuries the church has been struggling to correct Christ's original mistake in giving man freedom, and they will not allow Him to undo their work. Christ's mistake, says the Inquisitor, was that "in place of the rigid ancient law," he placed on man the burden of having "with free heart to decide for himself what is good and what is evil," and "this fearful burden of free choice" is too much for men. Christ respected man too much, argues the Inquisitor, and forgot that actually people want to be treated as children and be led by "authority" and "miracle." He should have merely given them bread, as the devil suggested in the temptation, but "thou wouldst not deprive man of freedom and didst reject the offer, thinking, what is that freedom worth if obedience is bought with bread? . . . But in the end they will lay their freedom at our feet, and say to us, 'Make us your slaves, but feed us.' . . . Didst thou forget that man prefers peace and even death, to freedom of choice in the knowledge of good and evil?"

There are a few heroic, strong persons who could follow Christ's way of freedom, continues the old Inquisitor, but what most men seek is to be united "all in one unanimous and harmonious ant heap . . . . I tell Thee that man is tormented by no greater anxiety than to find some one quickly to whom he can hand over that gift of freedom with which the ill-fated creature is born." The church accepts the gift: "We shall allow or forbid them to live with their wives and mistresses, to have or not to have children—according to whether they have been obedient or disobedient—and they will submit to us gladly and cheerfully . . . for it will save them from the great anxiety and terrible agony they endure at present in making a free decision for themselves."

The old Inquisitor, asking somewhat sadly the rhetorical question, "Why hast Thou come back to hinder our work?" states as he takes his leave that tomorrow Christ will be burned.

Dostoevski did not mean by this story, of course, that the Grand Inquisitor speaks for all religion, either Catholic or Protestant. He meant, rather, to portray the life-thwarting side of religion which seeks the "unanimous and harmonious ant heap;" the element in religion which enslaves the person and would tempt him to surrender his most precious possessions—his freedom and responsibility.

That is why I think his story is a fitting introduction to our lesson this morning from Matthew's Gospel. There Jesus tells those who would follow his way that they are not above him. "If they have called the master of the house Beelzebub, how much more will they malign those of his household. So have no fear of them: . . . Do not fear those who kill the body but cannot kill the soul; rather fear him who can destroy both soul and body in hell."

The context of such sayings as these is the prevailing presence of that life-thwarting element of religion that enslaves; that thumping, bumping element of religion that will nag you, exhort you, rebuke you, condemn you and fuss at you in order to control you; that element of religion that demands you to surrender your freedom and responsibility as a human individual, subjecting yourself to an authority that tells you what you can and cannot do.

It was that element of religion that stood vehemently opposed to Jesus' way and eventually mocked, flogged and killed him. As he tells his disciples, the same element of religion will be vehemently opposed to them. Earlier in the tenth chapter of Matthew where our lesson is found, Jesus predicts an eventuality for his disciples that is not too unlike His own; "They will deliver you up to councils, and flog you in their synagogues, and you will be dragged before governors and kings for my sake, to bear testimony before them and the Gentiles." But, "Have no fear of them," he says. Don't let them take away what I have shown you about life, that its most precious possessions are your personal freedom to choose between good and evil for yourselves and the responsibility you alone must assume for the choices you make. Don't let any human authority, religious or otherwise, take that from you. If you do, they will kill your soul, your capacity for freedom and self-responsibility.

Instead of fearing them who threaten your body in order to take your soul, fear the One who can destroy both your soul and body in hell. Because ultimately it is to Him you belong. He has given you your life and your being. To him you have value and worth just because you are you and are His. To Him you are unique. Why He's even got the hairs of your head all numbered and don't forget for one minute that he can remember how many you once had.

This is the One to whom you are responsible for your life, because it is to Him alone that you belong. You do not belong to an "Unanimous and harmonious ant heap." You belong to the God who is love, who in his love has made you, uniquely, you. Become the unique being He created you to become by living out in your freedom the love by which you and all persons are loved. Don't let anyone take that from you. Surrender your freedom to no authority regardless how insecure your freedom makes you and regardless how secure such authorities promise to make you. For the God who in His love has given you your life and being, is the ultimate authority to whom everyone is responsible for how they use the gift he has given. And while His authority remains hidden to you now, in comparison to all other authorities that demand your submission, still, "Have no fear of them; for nothing is covered that will not be revealed, or hidden that will not be known."

Such is the Gospel of Christ, paraphrased. It calls you and me to stand firm in God's love alone as free and responsible persons. And how life affirming it is when we stand firmly there. What a contrast his way to any life-thwarting way which enslaves and tempts us to surrender our most precious possessions of personal freedom and responsibility.

It is as different as night from day! It is as different as the seemingly social tranquility of Red China and the not so seemingly social turmoil and bedlam we often experience in our land. Totalitarian authorities thrive, as Dostoevski was trying to tell his age, when people desire the security of tranquility more than they desire to retain the insecurities of their freedom. Religious authorities thrive for the same reason. When people desire inner tranquility of soul more than they desire to retain their personal freedom and responsibility, that is when they begin to place their soul on the auction block of spiritual authority, offering themselves to the highest bidder who will tell them without question what they must and must not do.

Is there any need to ask how it is or why it is that the Gospel of Christ is handed

over to that religious element that thwarts life by controlling life? We all know the how's and the why's: to correct Christ's original mistake in giving us freedom! We know this if in no other way than by that undercurrent of turmoil in ourselves when we must choose for ourselves between evil and good and be held responsible for the choices we make. It is then that we begin shopping around for some authority to tell us what to do. It is then that we may be near to surrendering our freedom to some authority, religious or otherwise.

This is not to say that religious authority is all bad or that authority in any other field is all bad. It is to say, however, that the question of authority should first be put the other way around, that is, as a question of personal responsibility. Because the basic truth is that our need for authority is in direct proportion to the degree in which we are trying to avoid and evade responsibility. Our need to be told what we must do, arises out of the anxiety we all experience when we must exercise our freedom and take responsibility for our own lives.

Freedom is a terrible burden. The burden is the responsibility involved. Yet it is only as we are willing to bear that burden with courage, that we remain free. For when freedom ceases to carry that burden it ceases to be freedom and turns into either servility or license.

The way of personal freedom, with its burden of responsibility, is the way we are called to follow when we are called to follow Christ. It is a way that does not cease to be opposed both from within and from without. Always there is that tendency, as the Grand Inquisitor recognized, to submit to authority "gladly and cheerfully . . . for it will save (us) from the great anxiety and terrible agony (we) endure at present in making a free decision for (ourselves)."

Be that as it is, we only grow and mature in the unique being God has given us as our life, as we assume freedom's burden for ourselves. Freedom's burden is responsibility and apart from that burden we lose our personal freedom either to license or servility and both can be hell.

There are still today life-thwarting elements aplenty, religious and otherwise that will gladly take that burden from you by exchanging their authority for your responsibility at the price of your personal freedom. "Have no fear of them," says Jesus. Instead, stand firm in the freedom He gives you. Let no one take it away. Bear with courage its burden of responsibility. Therein you will discover and develop and grow in the uniqueness of your own being He has given you and entrusts to you with love.

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## WHEAT MARKETING IN CANADA AND THE UNITED STATES

Mr. HUMPHREY. Mr. President, I wish to point out a worthwhile and informative article in the September 14 issue of the Washington Post by Dan Morgan entitled "Wheat Marketing Differs Widely in U.S., Canada."

This article provides some very solid comparative information as to how grain is marketed in Canada under their Wheat Board as opposed to the free market system as is followed in the United States.

Each side seems to defend and prefer its own system, according to this article. The Canadian system appears to offer increased stability while the U.S. farmers may get a slightly higher price for their grain.

In our discussions regarding the inadequacies of U.S. agricultural policies, we need to look very carefully at the experience of the Canadians in using this approach. Unfortunately, there have been some derogatory comments regarding the Wheat Board which is not based on solid information. I feel that we need to look carefully at the experience of the Wheat Board, and I feel that we might learn some lessons by a careful study of its record.

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

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

WHEAT MARKETING DIFFERS WIDELY IN UNITED STATES, CANADA

(By Dan Morgan)

KILLARNEY, MANITOBA.—Canadian and American farmers grow some of the world's highest quality wheat in the prairie fields that stretch southward from here, across the U.S. border 20 miles away and beyond.

The protein-rich durum and spring wheats—in much demand by pasta makers and millers everywhere—are indistinguishable on either side of the border.

Yet two different systems for collecting and selling the wheat, each claiming to serve the farmer and consumer best, operate on each side of that boundary.

Over in Rolla, N.D., Rueben E. Goehring, manager of the Cooperative Grain Co., has had to change the price he pays farmers for some kinds of wheat by as much as 32 cents a bushel in three hours.

When grain prices in Minneapolis move up or down in response to new announcements of export sales or crop reports, Goehring adjusts the buying prices that he chalks up on his grain elevator's blackboard.

"We're gambling all the time here," said wheat farmer Orville Sutton. Every time growers bring in a load of grain they have to decide whether to sell the wheat or store it and hope for a better deal later.

Such risks are unheard of in Killarney and other wheat-growing areas of the western provinces of Canada.

For instance, Killarney farmer Lorne Shaver already knows that he will receive an initial payment of $2.04¼ for every bushel of top quality wheat he brings in—even though that wheat is still lying cut and drying in long swaths in his fields.

In Canada, a government Wheat Board in Winnipeg shields individual farmers such as Shaver from the direct effects of price changes in the world.

While American wheat is bought and sold by private grain companies, there is only one customer for Canadian milling wheat, and only one authorized exporter: the Wheat Board.

The board controls every stage from farm to consumer. It issues the permit books, which are required to sell wheat; tells farmers when they can bring the grain to the elevators; allocates railroad cars to transport it, reserves space for its grain in private elevators, distributes wheat to flour millers (at a government subsidized price) and negotiates the sale of grain to countries abroad.

The Wheat Board will not make its final payment to Shaver for the grain he delivers this autumn until January, 1977—after it has sold the wheat, deducted its administrative expenses and calculated how much additional money the farmers have coming to them.

It matters not to North Dakota farmer Sutton that the load of high-protein durum wheat he brought to Goehring's elevator Saturday earned him 75 cents a bushel less than it would have a few weeks earlier. "No sir," he answers, when asked if he would like to switch to a Wheat Board system. "Not one farmer in 10 likes that board."

And it matters not to Killarney farmer Shaver that the same wheat that will earn him an initial payment from the Canadian Wheat Board of $2.04¼ a bushel was selling for $4.10 a bushel in North Dakota.

"I support the board," said Shaver, who had stopped off at the United Grain Growers elevator to measure the moisture in a sample bucket of oats. "We need a marketing agency. I might make a little more in a free system. But without the board we would be in a real mess."

The Canadian system has begun to interest some Americans who are alarmed by Soviet grain purchases, rising food costs and disclosures of corruption at major grain export terminals in the United States.

Some American consumers say that a government board could allocate to grain users at home all they needed at low prices, and sell the rest abroad. In Canada, there are marketing boards for many products, such as eggs and turkeys, in addition to wheat.

But Canadian officials say their country doesn't always have lower food prices. Right now, they say, their milk and bread is cheaper, their beef is about the same, and their eggs are costlier than in the United States.

Some global strategists also feel a wheat board in the United States could provide Washington with the ultimate in political weapons: government control of half of all the wheat traded between countries.

Some politicians in Washington have suggested that there is need for a Canadian-style government agency to even out price swings, protect food supplies against raids by foreign buyers, regulate the grain trade and manage the country's grain supplies in the national interest.

Rep. Jim Weaver (D-Wash.) has marshaled more than 60 supporters in Congress for his bill to give the Commodity Credit Corp. in the Department of Agriculture authority to negotiate grain sales to foreign customers.

Oddly enough, as pressures build in Washington for a stronger government role in the grain trade, opposite pressures have reduced some of the Canadian Wheat Board's power.

Ottawa last year gave farmers a choice of selling feed grains such as barley, oats and low-grade wheat in an open domestic market instead of to the government board. The Wheat Board questioned the move, but the farmers subsequently sold nearly half their oats and a fifth of their barley, though much less wheat, to the free market.

"The farmers want a little more opportunity to do their own thing," said an official of the Winnipeg Commodity Exchange.

Early last year, farmers in a referendum rejected by a slim margin giving the Wheat Board control over the marketing of rapeseed, used to make vegetable oil. Rapeseed is traded freely in Canada.

Several private companies and cooperatives have launched aggressive campaigns to handle feed grain in the countryside. Cargill, Inc., has just acquired 195 grain elevators in Canada, and a nationwide cooperative, United Grain Growers, began accepting contracts from farmers to deliver feedgrains, flaxseed and rapeseed in the future, at a guaranteed price.

Some of the strongest pressures for changes of that kind came from eastern livestock-raisers, who felt the prices they paid were locked in too high under the government system. But some wheat farmers also complain that the Wheat Board's almost messianic sense of its role as representative of the prairie farmers led it in the late 1960s to complacency, bureaucratic ways and secrecy. They say this may have caused Canada to lose out on markets abroad or to miss price trends. At one point, wheat accumulated and the board refused to accept it.

Douglas Campbell, general manager of the 8,000-member Palliser Wheat Growers Association in western Canada, feels the board had become content to sit back and wait for orders to roll in from foreign governments. His group was formed to lobby for more ag-

gressive marketing, flexibility and public disclosure of the board's operations, some of which are as secret as those of private grain companies.

Wheat Board commissioners "haven't been arguing on logic, but on an 'I-believe-in-the-system-type thing.'" Campbell said.

The board's early attitudes on speculation and the open market were shaped by the agrarian movements of the late 1920s, which in turn were a reaction to exploitation of farmers by grain companies, railroads and speculators. Those dissatisfactions gave birth to the board itself, in 1935, as a counterbalancing sellers' monopoly.

The base of the Wheat Board's support has always been the provincial wheat pools: the farmer-owned cooperatives which run grain elevators and businesses in Alberta, Saskatchewan and Manitoba. According to a Canadian agricultural expert, the pools have instilled an attitude among farmers of "You takes your grain, you gets your money—and that's it."

Similarly, the views of the Wheat Board often have run parallel with the currents of prairie socialism. Many of its commissioners—whose appointments by Ottawa last until retirement at 70—have been drawn from the pools.

The selection of the present chief commissioner, G. N. Vogel, marked a trend toward selecting commissioners for business experience as well as loyalty to the Wheat Board system. Vogel is a former official of the Bunge Grain Co.

Nevertheless, the board's underlying mission as an agent of farmers remains unchanged.

"The philosophy in Canada is that the farmer is pretty well helpless to go it alone because there are so many factors in the world economy—everybody has the information before he does," said Commissioner C. W. Gibbings. Gibbings contends that farmers don't want to spend time outguessing the open market.

Donald Lockwood, first vice president of the Saskatchewan Wheat Pool Cooperative, feels that "our kind of system benefits a greater number of people."

"We don't see that the American system has been particularly favorable to producers. The grain companies have a better opportunity to benefit than the farmer. We've held to a system that would treat people as equitably as possible. I guess you could call that somewhat socialistic."

According to several grain traders, the board has done well selling wheat in the last couple of years of strong demand.

But any assessment of the board's record is difficult because the agency never reveals the prices at which it contracts to sell wheat on behalf of Canadian growers. For instance, the price and date at which Canada sold 3 million tons of wheat to the Soviet Union this year is unknown publicly. There are unconfirmed reports that the board sold off substantial amounts of barley before prices moved up sharply in July and August.

Comparisons between the incomes of American and Canadian wheat farmers also is difficult, partly because of the wide variations in what the American growers received depending on when they sell, and because of the payment lag to Canadians. The latest complete payment to Canadian farmers was for the 1973 crop, when they earned an average return of $4.57 a bushel on 612 million bushels sold.

Grain trade sources say that the offering prices posted by the Wheat Board to foreign buyers are a poor guide because the agency often negotiated sales at lower prices.

The Palliser wheat growers have called for the board to disclose more about its operations, and some younger farmers feel that the secrecy makes it difficult to hold the agency accountable.

"We ought to have some control over what happens to the wheat after it gets to the elevator—after all, it's our money and our wheat," said Alvin Jones, a seed grower from Killarney.

Regardless of whatever flaws it may have, the Wheat Board still commands the loyalty of thousands of farmers, and even its critics say it offers advantages. Canada sells abroad three-quarters of its wheat crop and a quarter to half its barley. Control of those quantities by a single government monopoly gives it leverage that smaller private sellers may not have.

In addition, the board also has the option of selling its grain to private exporters and letting them take the risks. At one point several years ago, most of Canada's barley was in the hands of Italian commodity speculators.

The United States is the only country in the world that leaves the grain trade entirely to private firms.

Yet the alternative, a government-type agency, strikes some Canadian officials as a menacing cartel which would have the power to set world prices because of the huge resources at its command. Also, it is questionable that American farmers would support the concept. Some farm spokesmen fear that such power could be used against farmers to keep prices low.

## CONSTITUTIONAL AMENDMENTS RELATING TO ABORTION

Mr. BAYH. Mr. President, today the Subcommittee on Constitutional Amendments, which I have had the privilege of chairing for the past 12 years, has had pending before it for 16 months proposed joint resolutions to amend the U.S. Constitution in relation to abortion. These proposed amendments would establish as a constitutional principle the time during pregnancy at which a person can be said to legally exist. I have determined to vote against the proposed amendments. Because of the fundamental importance of the questions raised by my decision, I felt it incumbent upon me to spend many long hours sorting out the multiple threads of the issues involved. This decision has been a particularly difficult one for me. At the time my subcommittee began its hearings on the proposed amendments, I stated that I was personally opposed to abortion. My views have not changed. I have sat through 1½ years of hearings on the implications of the proposed amendments, ranging from the moral implications to the medical and legal ones. After assessing the many complexities raised by the 84 witnesses testifying before the subcommittee, I have reached my decision. Because of the seriousness of the issues raised and the strong feelings expressed by advocates on both sides, I feel I should carefully explain how I arrived at my conclusions.

### HISTORICAL PERSPECTIVE

At the time the U.S. Constitution was written, and until the mid-19th century, the law regarding abortion in all but a few States was the pre-existing English common law, which punished post-quickening abortions—those after the 16th to 18th week of pregnancy—as a misdemeanor, and did not punish pre-quickening abortions. After the middle of the century, most States adopted laws providing rather severe penalties for the performance of abortion. While there is dispute in legal circles, several scholars have maintained these abortion laws were enacted so as to protect the health of the mother at a time when medical procedures were not safe or antiseptic. Nevertheless, until recent times, these prohibitions on the practice of abortion remained quite absolute. By the 1960's however, several of the facets of the abortion question were going through a period of rapid change.

From the record presented to the subcommittee, two changes stand out most vividly. The first was the spectacular advance in medical knowledge that enabled experts to detect a number of congenital defects of tragic proportions in the earlier stages of pregnancy. The second was a growing awareness that a large number of otherwise law-abiding American citizens were voluntarily involving themselves in the criminal offense of abortion. Publicity on abortions to prevent birth of fetuses tragically deformed by use of the drug thalidomide focused particular attention on these developments.

In response to the growing public concern about the rigidity of existing abortion laws, various State legislatures during the 1960's and 1970's modified their statutes. Most of these statutes expanded the categories of exceptions to the general prohibition on abortion. The American Law Institute's Model Penal Code provision typified the abortion statutes in many States. The code provided that abortion was not a criminal offense when: First, continuation of the pregnancy would endanger the life of the pregnant woman or would seriously and permanently injure her health; second, the fetus was likely to be born with a grave, permanent, and irremediable mental or physical defect; or third, the pregnancy resulted from forcible or statutory rape.

At the same time that legislatures were reconsidering State abortion laws, women and doctors began to challenge the constitutionality of particular State abortion statutes in the courts. Many lower courts struck down State statutes as unconstitutional on the ground of vagueness or overbreadth which abridged constitutionally protected rights. See e.g., *Aebel* v. *Markel*, 342 F. Supp 800 (D. Conn., 1972) (three-judge court); *Doe* v. *Bolton*, 319 F. Supp. 1048 (N.D. Ga. 1970) (three-judge court); *Poe* v. *Menghini*, 339 F. Supp. 986 (D. Kan. 1972) (three-judge court). Other courts sustained State laws in the face of such challenges. See *Crossen* v. *Attorney General of Commonwealth of Kentucky*, 344 F. Supp. 587 (E.D. Ky. 1972) (three-judge court); *Rosen* v. *Louisiana State Board of Medical Examiners*, 318 F. Supp. 1217 (E.D. La. 1970) (three-judge court); *Corkey* v. *Edwards*, 322 F. Supp. 1248 (W.D. N. Car. 1971) (three-judge court). Gradually, two of these cases, one from Texas, the other from Georgia, reached the Supreme Court. On January 22, 1973, the Court, in a 7-to-2 decision, declared that laws which seriously restrict the option of terminating pregnancy are unconstitutional on their face. In effect, the Court ruled that the laws of every one of the 50 States did not conform to constitutional requirements.

THE SUPREME COURT DECISION

In *Roe* v. *Wade*, 410 U.S. 113 (1973) and *Doe* v. *Bolton*, 410 U.S. 1970 (1973), the Supreme Court set forth the constitutional rights and restraints regarding abortion. The Court attempted to balance three fundamental interests which it had identified—the constitutionally protected right to privacy, the State's interest in protecting maternal health, and the State's interest in preserving potential human life. The Supreme Court held that the constitutionally mandated balance required giving special importance to each interest at a particular time in the pregnancy. During the first trimester of pregnancy, the Court judged the State's interests to be minimal and ruled that the right to privacy dictated the abortion decision should be made by the woman and her doctor during the first 3 months. During the second trimester of pregnancy, the State in promoting its interest in the health of the mother, may if it chooses, regulate the abortion procedure in ways reasonably related to protecting maternal health. Under this ruling, the State may legitimately require safety standards for the performance of abortions, or may limit abortion to only licensed facilities. During the third trimester, the State in promoting its interest in protecting potential human life, may, if it chooses, regulate or proscribe abortion except when it is necessary to protect the life or health of the mother.

The Court's decision has engendered as much controversy as any decision in the Court's history. Criticism has centered around two aspects of the cases: First, that the Court went beyond its proper judicial mandate and was, in effect "second-guessing" what should have been a legislative determination; and second, that in any event, the Court had failed to give sufficient weight to the State's interest in protecting the unborn.

Legal scholars testifying before the subcommittee remained divided over the Court's role in interpreting certain "fundamental" interests of individuals, not explicitly enumerated in the Constitution, to specifically include a constitutionally protected right to privacy which dictates that the abortion decision remain primarily between a woman and her doctor. While few legal scholars would maintain that proper judicial review should include only those "fundamental" interests explicitly stated in the Constitution, critics such as Prof. John Ely maintain that there are certain restrictions on the Court's role in interpreting general public mores. To such critics, the legislatures, as opposed to the courts are the proper places to establish the protection of substantive as opposed to procedural rights. The Court's more proper function is to guarantee purity of the process.

Legal arguments on both sides of this question appear to me to have merit. I think those legal scholars who defend the Court's decision would admit that Roe and Doe are unprecedented in the extension of the Court's role in interpreting certain "fundamental" rights not specifically enumerated as part of the Constitution. Nevertheless, there is impressive case history that have developed with the last 50 years based upon a Constitutional right to privacy which includes the right of individual choice in marriage, procreation, and child rearing. See *Meyer* v. *Nebraska* 367 U.S. 497 (1961), *Pierce* v. *Society of Sisters*, 268 U.S. 510 (1925), *Prince* v. *Massachusetts*, 321 U.S. 158 (1944); *Griswald* v. *Connecticut*, 381 U.S. 479 (1965); *Loving* v. *Virginia*, 388 U.S. 1 (1967); *Boddie* v. *Connecticut*, 401 U.S. 371 (1970) and *Eisenstadt* v. *Baird*, 405 U.S. 438 (1972). These decisions did appear to be forerunners of the Court's logic in Roe and Doe.

The Court specifically held in Roe that among the 14th amendment rights is a category encompassing the freedom of choice in matters of marriage, procreation, and child rearing (410 U.S. 152). This line of reasoning was clearly enunciated by the Court in its earlier decision in Eisenstadt against Baird:

> If the right of privacy means anything, it is the right of the individual, married or single to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision of whether or not to beget a child. 405 U.S. 453.

While criticism of the Court's decision based upon the proper role of judicial review has captured the interest of many legal scholars, public concern has centered around the second major criticism of the Court's ruling, the failure of the Court to give sufficient weight to the State's interest in protecting the unborn.

In effect, the Court ruled that the State's interest in protecting the potential human life was "compelling"—enough to justify interference by the State—only during the third trimester of the pregnancy. The Court found this to occur at about the seventh month when the fetus had reached a state of viability. However, during the third trimester, the interest of the State in protecting the unborn was still less strong than the State's interest in protecting the life and health of the mother. The Court specifically made the definition of health broad so as to encompass a woman's physical or mental well-being. Therefore, the Court ruled the Constitution requires that the fetus' life give way to the life or health of the mother at all stages of the pregnancy.

It was in order to correct this definition of "compelling" State interest in protecting the unborn that several Senators introduced constitutional amendments. Three of these constitutional amendments, Senate Joint Resolution 6 introduced by Senator HELMS, and Senate Joint Resolution 10 and Senate Joint Resolution 11 introduced by Senator BUCKLEY, attempt to overturn the Court's decision by establishing the legal rights of a fetus as a person. After 1½ years of testimony of the effects of these amendments, including their legal, medical, and moral implications, I have come to the conclusion, that I cannot support either amendment for the reasons I will now detail.

THE NATURE OF THE AMENDMENT PROCESS

Much has been said and written, with good cause, about the remarkable nature of our Constitution. That a document written almost 200 years ago could continue to serve today as the basis for a government of a vastly different society than that known to the Constitutional Convention of 1787 is a lasting tribute to the authors of the Constitution. It is clear that the individuals who met in Philadelphia in the spring of 1787 wrote a document based on fundamental principles, and not a document responsive to the political exigencies of the time.

The reverence the American people hold for the Constitution is attested to by the fact that it has been amended only 16 times after the Bill of Rights, the first 10 amendments, were ratified en bloc in 1791. There is a decided, and well justified reluctance to tamper with a document that has stood us in such good stead for so long.

During my almost 12 years as chairman of the Senate Subcommittee on Constitutional Amendments, I have been privileged to be involved directly in the adoption of two amendments to the Constitution: The 25th amendment on Presidential and Vice-Presidential succession and the 26th amendment lowering the voting age in all elections to 18. In addition, we have proposed to the States another amendment, already ratified by 34 States, to provide equal rights for men and women. None of these amendments were responsive to compelling moral or political issues. Rather they were designed, in the manner of the original document itself, to establish underlying principles on which our Government should operate.

Actually, there was only one occasion throughout our entire history when the Constitution was amended to other ends. The 18th, or so-called prohibition, amendment was adopted for the incongruous purpose of establishing as a matter of fundamental law hotly debated moral principles. The 18th amendment sought to impose those principles on the behavior of individuals. It is highly illustrative of the unique, and unsatisfactory, nature of this amendment that is was widely flouted by the American people. Never before, and never since, has a part of the Constitution been held in such contempt by such large numbers of Americans. And it is also highly illustrative of the 18th amendment that it suffered the ignominious fate of being the only amendment to the Constitution ever repealed.

I fear greatly that adoption of any of the proposed amendments regarding abortion would be far more in line with the unfortunate experience encountered with the 18th amendment than with the rest of the Constitution. Without arguing the merits, can anyone seriously doubt that adoption of any of the proposed amendments would result in tens of thousands of women seeking abortions through illicit channels? Can there be doubt that if any of the proposed amendments were adopted that there would immediately be unleashed active political forces designed to repeal the amendment?

The simple and irrefutable fact is that it is not an issue that can be properly or effectively dealt with in a constitutional context. This can be illustrated

by examining the specific constitutional principle that would be established through adoption of either of the most widely supported amendments.

The means by which the Supreme Court decisions in Roe and Doe would be overturned under three of the proposed constitutional amendments, those introduced by Senators HELMS and BUCKLEY is by establishing as part of the Constitution legal protection for a fetus at all stages of biological development. In other words, the language of the amendments nullifies the Court's distinction of viability, and establishes "life" as beginning at the moment of fertilization. No matter what one's personal views are as to when life begins, there can be no disagreement as to the clear fact that we have been unable to establish to everyone's satisfaction exactly when this mysterious transformation takes place. Is it at the time of conception? Or fertilization? Is it only after "quickening" or viability? By amending the Constitution to establish one view as to when life begins at a time when there is no clear agreement among various religious denominations or among people in general, appears to me to be a serious misreading of the nature of the Constitution itself. The very term Constitution implies a document of a permanent and abiding nature. As one who has great faith in this durable document, I feel that we cannot and must not use the Constitution as an instrument for moral preference. We cannot and should not presume to provide for the people of this country, people with widely varying opinions on such fundamental issues, a definitive answer to a question that is clearly not open to certitude.

It is precisely in areas that are so intimate, where public attitudes are deeply divided, both morally and religiously, that private choice can be defended as our Constitution's way of reconciling the irreconcilable without dangerously embroiling church and state in one another's affairs.

THE CONCEPT OF THE FETUS AS A PERSON WOULD NOT OVERTURN THE SUPREME COURT DECISION

The concept of the fetus as a legal person, irrespective of its biological development raised several questions of a legal as well as a moral nature. Testimony from legal scholars on both sides of the abortion controversy indicated to our subcommittee that there was serious question among legal scholars as to whether by giving the fetus status as a person, the Supreme Court decision would actually be overturned. According to testimony before our subcommittee, the effect of the proposed amendments would be to create competing interests, but would not really resolve the question as to whose interest had priority—that of the woman to control her own body, or that of the fetus to survive. In testimony before the subcommittee, Yale law professor, John Ely, a critic of the Court's decision, stated:

> In fact all that would be established (by concluding that the fetus is a person) is that one right granted by the Fourteenth Amendment was in conflict with what the Court felt was another; it would not tell us which must prevail.

Further, it has been contended that by concluding that the abortion decisions should be made by a woman and her doctor, a legislative or judicial body permits, but does not cause the death of any fetus; hence does not "deprive" any fetus of life without due process. While such legal reasoning may seem strained to those who view the abortion decision as a simple moral choice, such testimony from legal scholars on both sides of the issue, raises serious question as to the wisdom of amending the Constitution with language that would conceivably not accomplish its major purpose.

THE PROPOSED AMENDMENTS WOULD REQUIRE DRASTIC CHANGES IN ALL AREAS OF THE LAW TO ACCOMMODATE THE RIGHTS OF THE FETUS

An overriding difficulty raised by the proposed amendments, which would fix the beginning of life at fertilization or at the earliest stages of biological development, is the effect such a rule would have on other constitutional provisions and on nonconstitutional areas of the law. Despite one's personal views as to when life begins, it is necessary to recognize that the law has been reluctant to endorse any theory that life begins before birth or to accord legal rights to the unborn except in narrowly defined situations and except when the rights are contingent upon live birth. Four legal areas—torts, property, tax law, and criminal law—exemplify the difficulty that may follow from enforcement of the proposed constitutional amendments.

A. TORT LAW

At present, the tort law of most States provides recovery for injury to a fetus only if it has "quickened" or become "viable," and the recovery is often premised on the requirement that the fetus be born alive. "Constitutional Aspects of the Right To Limit Childbearing," report of the U.S. Commission on Civil Rights, April 1975, at 87; Roe, supra, 410 U.S. at 161–2. If the proposed amendments were enacted, however, a representative of the fetus could recover for its injury against any person, including the mother, from the time of conception. Actions could be maintained against mothers who smoked, took strong drugs, took drugs for their own health, ate in a nonnutritious manner, or went skiing and had an accident while pregnant. Suits could be successfully brought against drivers who injure pregnant women accidentally. Doctors would face possible malpractice claims from the fetus' representative if they acted in a manner that would protect the health of the mother at the possible expense of the fetus.

B. PROPERTY LAW

Property laws and rules of inheritance throughout the United States which govern succession of interests accord rights to inherit to the unborn, but those rights vest only if the fetus is born alive. According "personhood" to a fetus from the moment of conception would entail a determination that a fetus which is miscarried during the pregnancy—15 to 25 percent of pregnancies terminate naturally—could inherit and bequeath property. This change would introduce drastic confusion into the laws of property and estates.

C. TAX AND REVENUE LAWS

Under State and Federal income tax law, "persons" are counted as dependents. If fetuses are deemed to be persons, they too could become dependents for purposes of the tax laws. Enforcement of such a rule, in light of the difficulties in determining when pregnancy has occurred and the high incidence of natural miscarriage—15 to 25 percent of conceptions—would be extremely difficult and unnecessarily invade individual privacy.

D. CRIMINAL LAW

Enforcement problems as well would be raised under the criminal laws. It would appear that a person charged with carelessness or recklessness which resulted in a miscarriage would be guilty of "killing" a "person", or murder. Incarceration of a pregnant woman would be incarceration of a "person"—the fetus—without due process of law to that fetus. All the activities which could result in claims of tort by the fetus' representative could also lead to criminal charges against the mother, the father, the doctor, or others. An inquiry would be required to determine whether or not miscarriages had occurred naturally. Serious fifth amendment problems would occur in any attempt to enforce such laws. Finally, if a "person" is deemed to exist at the time of fertilization, then use of such abortifacients as intrauterine devices, relied on for contraception by millions of American women, would constitute continuous murder. Again, enforcement would be highly intrusive on privacy.

THE ABSOLUTE NATURE OF THE PROPOSED AMENDMENTS WOULD NOT ALLOW FOR EXCEPTIONS IN THE CASES OF RAPE, INCEST, OR GENETIC DISEASE

Assuming that the wording of the proposed constitutional amendments giving the fetus status as a person does, in fact, preclude a woman's right to choose abortion, I find that I could not support a measure which would not allow flexibility under the circumstances of rape, incest, or genetic disease.

While I am deeply disturbed by the concept of abortion for convenience sake, I find that I cannot support an amendment which would not allow a woman who has been brutalized by the crime of rape the option of terminating a pregnancy that resulted against her will. There were 55,000 reported rapes in our country last year. This figure does not include those rapes which were never reported to the police. Unfortunately, the crime of rape is one of the fastest growing of violent crimes. I am not arguing that every one of those women who are the victims of rape and who find themselves pregnant should choose abortion. I am only arguing that I cannot deny a helpless victim the right to make that choice.

Similarly, I feel that I cannot support an amendment which is so absolute as to prevent a woman who is carrying

a fetus with a detectable and deadly genetic disease—such as Tay-Sachs or down's syndrome—the option of terminating her pregnancy. It is very difficult for those of us who have not endured the heartbreaking experience of a mother who must watch her child die a slow, agonizing, and sure death by the age of 2 or 3 to understand the importance of having the option of terminating such a tragic pregnancy. Medical science has enabled us to detect Tay-Sachs and other such genetic diseases during the second trimester of pregnancy. Such tests make it possible for women afflicted with genetic disorders such as Tay-Sachs to look forward to pregnancy with the knowledge that medical science can detect such tragedy before a woman has come to full term. Three out of four such pregnancies—involving parents with Tay-Sachs tendencies—result in the birth of normal infants. I cannot support an amendment that would prevent a mother from bringing a healthy child into this world if she could be guaranteed that choice.

THE PROPOSED CONSTITUTIONAL AMENDMENTS WOULD AFFECT THE CONTRACEPTIVE PRACTICES OF MILLIONS OF AMERICANS

In testimony before our subcommittee, it became clear that one of the possible effects of the proposed amendments would be to prohibit the use of certain forms of contraceptive devices in use by millions of Americans. Because the amendments define life as beginning at fertilization, the use of many contraceptive devices, such as the intrauterine device used by almost 9 million women, would no longer be permitted since medical testimony indicated there is evidence that such devices may work by preventing implantation after fertilization. This raises the unfortunate specter of the Federal Government monitoring the bedroom practices of all American citizens.

In addition, many women who have selected forms of contraception which may be less effective and reliable, but which pose less danger to their own health, may feel compelled to change to forms of contraception which are more effective, but which pose greater health risks for women. Such considerations are particularly important as health problems which may be caused by the pill and the IUD, the morning-after-pill, and dep-prover—an injectible contraceptive not yet approved for use by the FDA—come to light.

CONCLUSION

After listening to hundreds of hours of testimony on the proposed constitutional amendment, I am keenly aware that amending the Constitution to proscribe abortion is an extremely complex issue. It is not a question of my personal views on abortion; nor is it a question of the personal views of any of the members of my subcommittee. The question is whether we, as elected representatives, feel that amending the Constitution to impose one conception of life on all our citizens, is indeed the most responsible course of action. I have concluded it is not a responsible course of action. Each of us must make that important choice for himself or herself.

## GRAIN RESERVES—NOW

Mr. HUMPHREY. Mr. President, there have been many international discussions of the need to develop a system of world food reserves in the past 2 years. Yet little progress has been made in these international discussions.

John A. Schnittker, former Under Secretary of Agriculture, in a timely article in the fall issue of Foreign Policy tells us that:

The United States and Canada should not let the slow pace of international negotiations over food reserves prevent them from establishing reserves in their own interest. To delay is to let our policy be determined by other nations, and by petty bickering of international organizations. We need reserves to stabilize our own food prices, to ensure our position as a food exporter, and to help meet food aid needs.

For some months I have been expressing similar views and I am happy that Dr. Schnittker has stated the case so persuasively in this prestigious magazine. He reports that there need not be a food crisis each time grain production lags for a year or two. I find his article one of the best balanced statements on the prospects for avoiding a food crisis in the years ahead. Mr. President, I ask unanimous consent that this article be printed in the RECORD.

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

GRAIN RESERVES—NOW

(By John A. Schnittker)

The unusually difficult world food situation of recent years has been the result of accelerating demands for foodstuffs to provide an increasing level of per capita meat consumption for the people of the richer countries, and of actual declines (in 1972 and 1974) in world grain production. A renewed interest in national and international food reserve schemes has been a natural result of the disappearance of stocks which were largely by-products of national price support policies and favorable weather.

This action proposal recommends modification of the U.S. domestic price support program to ensure accumulation of grain reserves this year.

Of the two forces at work, bad crops had more to do with the "food crisis" and renewed interest in reserves than accelerating demand. If world grain production had increased in 1972 and 1974 as it has for the past 15 years at the rate of 2 to 3 per cent a year, the world food situation would have been much different. We would still have some grain reserves if the weather had not failed.

Instead, the countries that report their stock levels had only minimum "pipeline" or "floor" stocks as the 1975 harvest began. China and Russia (which do not report their stocks) may have stored away some grain reserves during the past few years.

There need not be a food crisis each time grain production lags for a year or two. It is in the U.S. interest, and is therefore a U.S. responsibility, to carry a substantial reserve.

Even when stocks are depleted, there remains a massive "reserve of last resort" to prevent a worldwide food shortage. This relatively accessible buffer against famine exists because nearly half the world's grain supply is annually fed to livestock and poultry. During 1975, grain feeding in the United States will drop 20 per cent from the 1974 level, in order to maintain a normal supply of food grains for people, and to maintain the regular flow of grains sold abroad. No other developed nation is reducing grain usage by a substantial amount in 1975.

It would be an inconvenience, but no hardship, if the United States, Europe, Japan, and the Soviet Union could not increase grain feeding rapidly in the years ahead, or if they were forced to limit the usage of grain as feed. This would be badly received by consumers, but it would not threaten their health. World beef production might still be expanded by better use of grasslands. If grain shortages persist or reappear frequently, high market prices will severely ration the supply of grain available for meat production in some countries, and will force other countries to ration grain.

EQUITABLE DISTRIBUTION

The great difficulty with respect to food supplies during the next 25 years will not be one of too little grain and other food in the aggregate, but of distributing the grain equitably between people and animals, and among nations. India, Bangladesh, Indonesia, and China feed little grain to animals, and hence they have no readily available buffer against crop failure. They must rely first upon increased purchases, then upon aid, and finally upon reduced per capita food intake in the event of chronic crop shortfalls.

My confidence that *aggregate* world grain supplies will be large enough to avoid the serious risk of general famine for many years must be qualified in one respect. If world weather patterns are changing in such ways as to provide less, or more erratic, precipitation, aggregate grain supplies, instead of rising, may stabilize for a time near the levels of 1970–1974, or may even decline. This would require, at the very least, an immediate adjustment to reduced per capita meat consumption on a worldwide basis. If the weather failures are concentrated in a few poor countries, there could be serious famine until worldwide redistribution of grain supplies could be arranged. But if weather does not fail, the per capita grain supply can be readily increased for 10 to 20 years, largely through expanded fertilizer use, for which production capacity is already being enlarged, and through other conventional technologies.

If we admit to the possibility of recurring grain shortages, the question of grain reserves must be faced directly, in order to meet unusual year-to-year changes in a trend of rising production. Reserves are not applicable, however, to a situation in which food production is stagnating or declining, since that would prevent their periodic re-establishment. The only solution to a continuous failure of grain production is a reduction in the world's dependence on meat.

A DANGEROUSLY THIN MARGIN

Discussions of food reserves will take up a large part of the time of international agricultural bodies, including the General Agreement on Tariffs and Trade (GATT) negotiations and the special institutions created by the World Food Conference, during the next two years. These discussions are important, but their value is seriously overestimated. We cannot look to GATT, the Food and Agriculture Organization, the World Food Council, or OPEC for decisive action on food reserves or food aid. The real action during the next few years will be on the farms where crops are growing, and in national governments where farm price guarantees and reserve schemes must initially be designed. If crops are good for two to three years, and if governments will support farm prices at levels that permit accumulation of stocks, the world's granaries will be replenished by 1977 or 1978.

However, if crops are large and agricultural prices are allowed to collapse worldwide (in mid-1975 this appeared to be a serious possibility, but crop losses in the Soviet Union

may yet prevent it), the large grain crops will again be used up in a new orgy of feeding to animals and poultry. Agricultural development in the poor countries will lag as farmer incentives fall, and there will be no meaningful buffer established to offset the effects of occasional crop failure. By mid-1975, grain prices had fallen low enough that an expected record crop of 1,300 million tons would add only 10 to 15 millions tons to world stocks. It is a dangerously thin margin.

Discussions of a world reserve of 30 million tons of food grains, or even 60 million tons of all grains, represent only a beginning—the most to be expected of an international agreement, but not enough to meet the world's need for stability of food supplies. World grain stocks were reduced some 45 million tons as a result of 1972 crop losses alone. Reduction of stocks coupled with reductions in grain consumption amounted to 100 million tons over the past three years. An adequate world stockpile should eventually be nearly that large, over and above pipeline stocks of about 100 million tons.

International discussions during the coming year will also address the question of criteria for establishment of price support levels and procedures for the use of food reserves, once they are collected. The official U.S. attitude on these questions is entirely out of step with the key world role played by U.S. policies, and must be changed. Price guarantees in the United States tend to establish minimum prices for world trade in the principal agricultural products, and thus have effects far beyond the U.S. market. U.S. price supports directly influence the level of agricultural prices in poor countries, and U.S. sale of reserves (or surpluses) can set an upper limit to world grain prices, at least for a time.

Farm price guarantees in rich countries ought not to be so high as to unduly encourage production and inhibit trade, as is the case with European and Japanese guarantees, nor so low as to unduly depress world prices, as U.S. price guarantees may do, when good crops are harvested. The U.S. preoccupation with the merits of low prices for farm commodities, and its refusal in early 1975 to raise guarantees to farmers from the obsolete levels set a few years ago, is especially puzzling when one considers either the U.S. balance-of-payments problem, or the need for all the rich nations to assist in encouraging grain production in poor countries.

At the other end of the farm price scale, reserve stocks, once acquired, should be used sparingly, to allow prices to rise somewhat above guaranteed levels, but their use should not be so closely guarded as to permit extreme upward price movements while reserves go unused.

All the rich nations have large roles to play in these matters, but someone must begin. Of these nations, the United States has the largest stake in world grain trade, the greatest capacity to feed to cattle precious grain that ought to be put into a reserve, the most leverage on world agricultural prices, the most to gain from carrying its own reserves—and the most negative official attitude toward food reserves. Perhaps, by the end of 1975, a U.S. policy will emerge from Congress, from the Administration, or from the fields. Since we cannot expect an early policy change, good luck in the fields offers the best hope for development of a sensible program, if not a policy, for food reserves. Without good crops, international discussions of food reserves tend to be academic. With good crops, governments will acquire stocks while supporting prices, and a reserve will be established.

WHEN TO INTERVENE

The practical problem governments face is when to intervene to build reserves, and this matter is often decided on fiscal grounds. In 1975–1976, it would be good U.S. policy to build reserves at or just below U.S. farm prices prevailing when the 1975 harvests began ($100 per metric ton of wheat, $90 per metric ton of maize, and $175 per metric ton of soybeans). Reserves thus collected should be used when prices (in another season) rise some 50 per cent above those levels.

This proposal is not based upon any sophisticated analysis of farmers' costs, or of the degree of food price inflation the U.S. or world economies might readily absorb. Rather, it is based upon a judgment that present U.S. intervention levels ($50 a ton for wheat and $45 a ton for corn) are far too low, and on a degree of caution arising out of recent food price inflation. The proposed intervention prices will cause many farmers severe financial distress, but will prevent actual disruption of the farm sector. They are low enough to make the farmers only moderately angry, but not so high as to arouse consumers who would prefer to see farm prices fall further. Over the course of a year, such prices would leave U.S. farmers with no more spendable income than they had five years ago. The farm income gains of 1972–1974 would have been lost.

I admit to some upward bias in the proposed intervention prices. It is essential not to miss the opportunity to acquire a sizable grain reserve at the first opportunity. A lower intervention (support) price runs the risk of losing that first opportunity, and of facing a bad crop (say in 1976) without any reserves.

In my proposal, wheat placed in a reserve at $100 per ton would be held until prices rise to $150 per ton. This has the merit of simplicity, of keeping prices much lower than levels recently experienced, of allowing farmers some chance for gain above the support level, and of letting market forces operate to a degree. It has the practical merit of possibly overcoming the political opposition of farmers to any food reserves. Farm prices would rise in the face of a stored reserve, whereas the farmers' experience has been that past surpluses were used to keep prices from rising.

Japan, Europe, and the Soviet Union all have critical roles in the development of policies for world food security. Like the United States, they use increasing quantities of precious grain to feed animals and poultry. Unlike the United States, they are net importers of grain and feedstuffs, and face the possibility of limited supplies when world crops fall short. While Japan and Europe have not often carried grain reserves as a matter of policy, it is not too much to expect that they will do so, both in their own short-term interest, and as a contribution to world food security. The Soviet Union and China should eventually be part of such a program, or they should be denied access to world grain supplies in times of shortage.

National governments, especially those of the United States and Canada, should not let the slow pace of international negotiations over food reserves prevent them from establishing reserves in their own interest. To delay is to let our policy be determined by other nations, and by the petty bickering of international organizations. We need reserves to stabilize our own food prices, to ensure our position as a food exporter, and to help meet food aid needs. We need higher farm price guarantees to insure our food producing system, and to limit feeding to livestock and poultry. The time to act is in 1975.

## WELFARE REFORM

Mr. BROCK. Mr. President, as our constitutional duty of supervising the programs which we enact and our resolve to create a more efficiently run Government grows, I would like to submit for the RECORD a recent editorial in the Washington Post. The subject is welfare reform, an area which no doubt will receive considerable thought in the near future. The Post makes an excellent point with which I agree. It is my hope that a thoughtful, serious debate will be forthcoming on this issue. I ask unanimous consent that the Post editorial be printed in the RECORD.

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

WANTED: A SERIOUS WELFARE DEBATE

All the indications are that for better or for worse, there is another welfare debate lurking in the nation's immediate future. We say "for better or for worse" not to convey indifference, but rather to stress the element of choice. According to Vice President Rockefeller's aide, John Veneman—a former undersecretary of HEW—the White House is giving serious study to the current welter of income transfer programs, which are in many respects burdensome, inefficient and unproductive. The purpose is to find a way to "rationalize" them. One strong possibility is thus that the Administration will put forward some variation on the defeated Nixon Family Assistance Plan. Former HEW Secretary Caspar Weinberger in fact suggested in his recent farewell remarks that some form of the guaranteed annual income program should be established. So the question is a fairly simple one. It is whether the relevant officeholders—conservative and liberal—are prepared this time around to argue the issue seriously. The three-year argument over the Nixon proposal offers a model only for how not to go about it.

Admittedly the whole subject of cash payments to the helpless and the poor out of federal revenues touches deeply felt emotions and deeply held convictions on all sides. There are racial animosities; there is a sense, on the one hand, that the poor are being exploited and, on the other, that the taxpaying job-holder is being exploited to look after a bunch of lazy folk; there is a belief that welfare recipients are in the main "chiselers," and a contrary belief that they are the victims of economic and racial tyranny. It was Richard Nixon's two-fold distinction in this area that he (1) introduced a genuinely innovative and promising program of welfare reform and (2) consistently described it in so deceptive and inflammatory a way to all but assure its failure in Congress.

The Nixon proposal was a guaranteed annual income; Mr. Nixon persistently said it was not, and that he was opposed to the guaranteed annual income. The Nixon program would have increased substantially the number of persons receiving federal benefits; the former President assiduously painted it as a program designed to reduce drastically the size of the welfare population. The Nixon program was also premised on evidence that the benefit-receiving poor in fact seek opportunities to work their way off the welfare roles; Mr. Nixon could hardly pass by an opportunity to suggest that in fact his program was designed to force a lot of loafers and cheaters into the work force—or else.

The reaction was hardly surprising, but no more admirable or helpful for that. With some notable exceptions, liberaldom rose up almost as one and denounced the proposal for its supposed stinginess and/or as an attempt to enforce a kind of involuntary servitude on the poor—and specifically on the black poor. The subliminal insult in all this—an assumption that a work-requirement was by definition oppressive, which falsely implied that the poor didn't want to work—went unnoticed. So too did the way

in which the far more generous programs proposed as alternatives would create an oppressive tax-burden on the near-poor. The *summum* of all this was reached in the McGovern "thousand dollar apiece" proposal offered and withdrawn during the 1972 campaign. Its estimated drain on federal revenues would have been between $50 billion and $80 billion a year.

What all this suggests to us is that before any program at all is introduced by the Ford administration, people in that administration and in the Democratic Congress should make a few simple resolutions and attempt to understand the general framework within which any such program can succeed—succeed both in getting enacted into law and as an effective program enjoying a consensus of national support. The first requirement is that the politicians make some sort of pact to discuss any such proposal in terms of reality and practicality, as distinct from simply stirring up a lot of passions and false hopes and fears. In an election year this may be asking the impossible, but the people who will be arguing the issue should ask themselves who profited politically from the demagoguery last time around. Since the answer is "no one," there is surely a lesson to be drawn. Beyond that it should be understood that there are certain financial and political boundaries within which any such program must exist: To be sufficiently generous it would have also to be accompanied by both a work-requirement and work incentive mechanism, features that would provide not "enslavement" but sought-after opportunity. It would require administrative controls much more effective than those responsible for the current mess in the adult welfare program. And to be fair to the largest number of persons in the country, it would necessarily result in some present recipients being financially somewhat worse-off than they are now and others receiving aid that some would regard as excessive and suspect. Theoretical instances in which both of these things could happen were invoked during the last debate as evidence that the total program was a fraud. It wasn't—but the debate about it was. It would be good if we could avoid that this time around.

## THE CANONIZATION OF ELIZABETH ANN SETON

Mr. WILLIAMS. Mr. President, in ceremonies at the Vatican this past Sunday, September 14, 1975, Elizabeth Ann Seton, Mother Seton, became the first native-born American to be canonized a saint. The canonization of this gentle yet remarkable woman culminated a 93-year effort by thousands of her followers to have her sainthood proclaimed. The founder of the first parochial school in America and of the American Sisters of Charity, Mother Seton had a profound effect on the development of the Catholic Church in the United States. Her faith in God and her religious conviction only deepened in the face of the personal tragedy that seemed to hallmark her life. It is indeed fitting that during this Women's International Year, Mother Seton has received the recognition that she so richly deserves.

The canonization of Mother Seton on Sunday held deep meaning for Catholics throughout my home State of New Jersey, as well as across the Nation. Monday's Star-Ledger of Newark, N.J., carried an article by Ms. Barbara Kukla which captured the feelings of the Sisters of Charity of St. Columba's Convent in Newark on this most important event. I ask unanimous consent that Ms. Kukla's article be printed in the RECORD.

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

[From the Newark (N.J.) Star-Ledger, Sept. 15, 1975]

A DAY OF SIGNIFICANCE FOR NUNS IN JERSEY . . .

(By Barbara Kukla)

A smile reflecting an inner surge of pride, moved over the elderly nun's face as she listened intently to each word vigorously pronounced by Pope Paul VI:

"Elizabeth Ann Bayley Seton is a saint."

Some of her teaching colleagues of the Sisters of Charity applauded and others cheered.

It was a historic moment. America had its first native-born saint—the result of a movement begun 93 years ago.

In New Jersey, as well as in other parts of the country, the canonization Mass, celebrated before a crowd of 15,000 in St. Peter's Square, was shared by Catholics via satellite telecast.

After a morning marked by special prayers and sermons in churches throughout the Newark Diocese, the focus switched to the ceremony itself.

At St. Columba's Convent in Newark, a small group of nuns was joined by parish school children, who applauded with their teachers during the event.

They watched intently as Newark Archbishop Peter L. Gerity concelebrated the Mass, as Sister Hildegarde Marie Mahoney, general superior of the Sisters of Charity of St. Elizabeth in Convent Station, petitioned for sainthood.

They scanned the television screen for friends, among them Sister Rose, the former school librarian, who this summer directed the children in a play about Mother Seton.

Afterward, at a party marking the occasion, teachers and pupils reflected on the ceremony and the life of Mother Seton, founder of both the parochial education system in the United States and of the various branches of the Sisters of Charity.

It was particularly fitting that the floral offering to the pontiff was made by Sister Frances Genovese, said Sister Mary Walter Dwyer, St. Columba school principal.

"Sister Frances," she said, "worked for more than 30 years for the canonization of Mother Seton. I remember, as a young nun, going to retreats where she held meetings about Mother Seton."

Sister Adeline, who is marking her 50th year as a nun, said she recalled laying out vestments, as a noviate in 1926, for Archbishop Robert Seton, grandson of the Saint.

"Archbishop Seton (an honorary title) was chaplain at the academy (of St. Elizabeth) in its early days," explained Sister Mary Katherine, an English professor at St. Elizabeth's College. "He taught at the academy and at the college before he retired and died in 1927."

Sister Mary Katherine, who watched the Vatican City ceremony from the Mother House in Convent Station, also remembered "talk about canonization" in the 1930s and "a big celebration at the academy in the 1940's," which she said helped unify canonization efforts among the order's branches.

"We always felt canonization was a possibility because we knew about her life and knew she had what it took," the nun said, "but it takes years to actually occur."

Personal attributes that led the New York-born socialite of an Episcopalian family through marriage, motherhood and widowhood to a life as a religious worker and pioneer were emphasized yesterday in church tributes throughout the diocese.

"Our accent was on faith more than anything else," said Sister Francis Joannes Devlin, principal of Holy Trinity School in Westfield. "Her faith is applicable to modern times, particularly since this is International Women's Year. She stood up on her own two feet."

"Mother Seton was much like we are today," said Sister Mary Walter Dwyer. "She did nothing extraordinary, but she did think about life and ask God to direct her work. And she was willing to accept what happened as God's will for her."

"She really is a saint for all women of today, not only those of religious orders, to emulate," said Sister Regina Martin, principal of Mother Seton Regional High School in Clark.

At Masses in Sacred Heart Cathedral in Newark, from which the saint's work in New Jersey was spread by her nephew, James Roosevelt Bayley, the first archbishop of Newark, she was depicted as "an example for Christians today."

"Mother Seton's life was typified by the readings chosen for the Masses, as we petitioned our parishoners to do likewise," said Rev. Joseph F. Flusk, rector.

All schools in the diocese will be closed today as the Sisters of Charity hold a Mass in honor of the canonization of their foundress. At 5:30 p.m. the chapel bells will ring as friends and neighbors join for a candlelight procession to the Greek Theater, where another special service will be held.

Radio station WMTR of Morristown yesterday broadcast the first of five Sunday segments on the life of St. Elizabeth Seton, based on a play written by Sister Francis Marie Cassidy.

The play, which was first presented last November before 4,500 persons in Union City, is the story of "Mother Seton's struggle for faith, of the five crucial years after her husband's death, how she resolved her doubts about becoming a Roman Catholic and the hardships that followed," the playwright explained.

## RAIL ABANDONMENTS: A SHORT-SIGHTED POLICY

Mr. HUMPHREY. Mr. President, I wish to point out a recent release by the Minnesota Department of Agriculture showing the implications of the policy of rail abandonments as it impacts on our rural communities.

The basis for this release was testimony by Minnesota Commissioner of Agriculture, Jon Wefald at a special congressional subcommittee hearing regarding the abandonment of railroad service and its implications in terms of petroleum supplies and rural development.

Commissioner Wefald joined others in opposing the abandonment of 97 miles of Chicago and Northwestern railroad trackage, indicating that the grain production of the five counties involved—3 million tons in 1973—would involve a fuel saving of 54 million gallons if transported by rail. This fuel saving would represent $20 million for farmers and consumers. Commissioner Wefald indicated that railroads are still the most efficient method of transporting bulk, nonperishable materials over land.

The release also pointed out that railroads have been permitted to abandon 31,000 miles of tracks since 1938. This program has resulted in lost commercial resources for rural communities and restricted their growth potential.

Mr. President, this release points out

the need for a better understanding of the implications of the abandonment program, and I ask unanimous consent that it be printed in the RECORD.

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

NEWS RELEASE FROM MINNESOTA DEPARTMENT OF AGRICULTURE

Railroad abandonments must be halted until a comprehensive new national transportation and energy policy can be hammered out and implemented in the public interest, Agriculture Commissioner Jon Wefald declared today.

In testimony presented to a special Congressional Subcommittee today (Saturday) at a hearing in Slayton, Commissioner Wefald argued that revitalization of railroad service can help solve growing transportation, petroleum and economic problems that are of state and national concern.

Joining local farmers and civil leaders from Nobles, Murray, Cottonwood, Jackson and Martin counties in opposing the abandonment of 97 miles of Chicago & North Western Railroad line in that area, Commissioner Wefald ventured some projected savings of petroleum fuel and transportation costs.

He said that if the grain production of the five counties—nearly 3-million tons in 1973, the last normal production year—were moved by rail instead of by truck the fuel savings for 97 miles would approximate more than 54-million gallons and represent a cost savings on fuel alone of over $20-million for farmers and consumers.

"Railroads are still our cheapest and most efficient method of transporting bulk, nonperishable materials over land. A freight train consumes only about eight-thousandths of one gallon of petroleum fuel per ton mile. A recent University of Minnesota study on grain trucking costs indicated average fuel consumption of about one-fifth of a gallon per ton mile.

"The study also revealed that commercial grain transportation rates are about the same for trucks and trains up to about 85 miles of haul, but from that point on the truck rates climb," Commissioner Wefald added.

He testified that continued railroad abandonments can only contribute to a speedup of petroleum depletion and accompanying skyrocketing of commercial transportation costs and consumer goods prices, as well as "utter chaos on our limited highway system."

"Just the amount of grain produced in the five southwestern Minnesota counties opposing the current railroad abandonment application, if hauled at one time, would require 326 trains of 100 cars each. Fuel consumption for the 97-mile haul would approximate 2.25-million gallons.

"The same amount of grain would require 129,000 semi-trailer commercial trucks, and fuel consumption for the 97-mile haul would be about 56.7-million gallons.

"And if that wouldn't represent a big enough wait at a railroad crossing or a traffic jam on Minnesota's highways, visualize the staggering proportions of transportation facilities required to move the state's 1973 agricultural production," Commissioner Wefald suggested.

He reported that Minnesota 1973 farm production exceeded 51-million tons, and would have required one railroad train over 6,300 miles long, or the option of one solid line of 55-foot semi-trailer trucks 26,353 miles long, for just one of the several moves that all agricultural products make between farmer and ultimate consumer.

Commissioner Wefald noted that the 26,353-mile line of trucks would represent one solid line completely around the earth, with a second line from St. Paul to San Francisco.

Agreeing that the 97-miles of railroad in southwestern Minnesota earmarked for abandonment may seem inconsequential, Commissioner Wefald insisted that the energy cost, and cumulative factors make it extremely important.

"Since 1938 the railroads have been permitted to abandon 31,000 miles of tracks, and they have been permitted to relentlessly pursue a blueprint for abandoning virtually all of rural, agricultural Minnesota. That 31,000 miles of lost commercial transportation resource has isolated scores of communities, withered their business economy, restricted their growth potential. No level of government has been able to replace more than a fraction of that lost trackage and freight service with all-weather highways," Commissioner Wefald argued.

"We need more commercial transportation resources, not less, to meet the needs of a growing population, more reliant world market and a highly productive Minnesota agricultural economy," Commissioner Wefald concluded.

## CONSTITUTIONAL AMENDMENTS RELATING TO ABORTION

Mr. MATHIAS. Mr. President, one of the compelling precepts of religion is that God has imposed the duty and privilege of moral decision upon each individual human being. Government should not invade this very personal province and, experience teaches that it is futile for Government to try to impose a collective moral decision upon the conscience of a single citizen.

It is my personal belief that life does begin with conception and that creation of life simultaneously creates responsibility. A proper concern for life extends, however, to a mother's right to life when pregnancy endangers her survival and health. Between these two positions lies a wide area for moral decision. What are the circumstances in a given case when abortion is being considered? What jeopardizes the mother's health and to what degree? What weights should be placed on each side of the scale by the persons most intimately concerned?

I do not believe that Government will ever be so finely tuned that it can answer these questions. Only those who bear a burden of decision that cannot be lifted from their shoulders can finally make the determination and then only after searching the facts and their own souls. Even if Government attempted to decide for them, it would not be able to guarantee them a quiet conscience nor to confirm to society a universal principle of faith and practice.

There are ways in which society can help individuals who are faced with this supreme moral dilemma. Families must be encouraged to come together to make such decisions with love and understanding by restraining hasty or furtive solutions. The best and most comprehensive counseling must be made available. But our moral responsibility mandates that the decision is private and personal and must remain so.

## THE FOREST SERVICE VERSUS THE WILDERNESS ACT

Mr. CHURCH. Mr. President, my State of Idaho contains some of the largest primitive natural wilderness in the lower 48 States. These areas have been under study, by statute, for inclusion in the National Wilderness Preservation System.

After extensive hearings in Idaho by the U.S. Forest Service, the administration has forwarded to the Congress its wilderness proposals for these areas. These are contained in S. 1024, which has been referred to the Senate Committee on Interior and Insular Affairs, where it is now pending.

In the September issue of Field and Stream, author Ted Trueblood outlines a very graphic case against the administration proposal.

I recommend this to all of my colleagues, and I ask unanimous consent that it be printed in the RECORD.

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

THE FOREST SERVICE VERSUS THE WILDERNESS ACT

(By Ted Trueblood)

The United States Forest Service, of the Department of Agriculture, is trying to scuttle the Wilderness Act. It is using every available means from openly opposing inclusion of wilderness-quality areas in the National Wilderness System to issuing nit-picking regulations intended to harass the essential outfitters and guides and turn the public against the wilderness concept.

For ten long years conservationists argued that some Eastern national forest lands should be reviewed for wilderness. The Forest Service steadfastly held that no suitable areas existed; that man's past activities disqualified them forever. In desperation, the citizens' group finally appealed to Washington and in December, 1974, Congress passed a second wilderness measure that brought in eighteen new areas and made clear that the Wilderness System would, indeed, be national in scope.

"Purity" is the best dodge the Forest Service has found so far, and making progress against this subterfuge is like trying to paddle a canoe through mud. I can almost weep over the Forest Service policy of burning old homestead cabins in wilderness and primitive areas. These weathered log buildings were picturesque, historic, and blended unobtrusively into their surroundings. They were evidence of a way of life that no longer exists.

On my first trip down the Middle Fork of the Salmon River, in the Idaho Primitive Area, in 1938, we spent a couple of nights in the old Mahoney cabin, already long abandoned. But Mitchell (not the Air Force general) still lived in his, about three miles by trail up Marble Creek from the Middle Fork. Both have now gone up in flames.

These widely scattered log cabins were not in conflict with that part of the definition of wilderness in the act that reads: "generally appearing to have been affected by the forces of nature, with the imprint of man's work substantially unnoticeable"; . . .

Under the Wilderness Act, primitive areas existing at the time of its passage were to be reviewed within ten years by the Forest Service, a recommendation made to the Secretary of Agriculture, by him to the President, and by the President, in turn, to Congress. This recommendation could be to retain the area as wilderness, open it up to roads and logging, and to expand or shrink the boundaries. I'm grateful Congress makes the final decision! Here is what is happening in the case of the one I know best:

The Idaho Primitive Area was created by executive decree in 1931 and the Salmon River Breaks Primitive Area, just across the river, in 1936. Total acreage of the two is 1,441,059. At Forest Service hearings in 1973, the River of No Return Wilderness Council, back by virtually every state and national conservation organization, asked for a combined wilderness of 2.3 million acres, taking in some high-quality contiguous areas. Even the

Forest Service, before Secretary of Agriculture Earl Butz got his licks in, went for 1.5. But when President Ford's recommendation got to Congress, it was for 1.1. Furthermore, it cut out the very heart of the area, Chamberlain Basin.

Roadless Chamberlain is probably the best elk range in America. In addition, it has moose, whitetail and mule deer, bighorn sheep, and Rocky Mountain goats around the edges, black bear, cougar, coyote, native red fox, a host of smaller mammals, salmon, steelhead, native cutthroat trout, three kinds of grouse, and an infinite variety of non-gamebirds. Friends who wrote the President in protest received the below stock reply signed by Zane G. Smith, Jr., from John R. McGuire, chief of the Forest Service:

"Thank you for your inquiry to President Ford regarding the Idaho Wilderness proposal.

"As you pointed out, the final proposal transmitted to the Congress by the President omitted the Chamberlain Basin area. This area contains some evidence of man's activities in the form of several airstrips and associated developments. There is development on some non-Federal lands and there is potential for wildlife habitat enhancement of a nature not permited under wilderness designation. Large volumes of timber exist within the Basin, although at this time the timber cannot be economically harvested with existing technology. A modest mineral potential also exists.

"In his review, the Secretary of Agriculture determined that the evidences of man's works, the opportunities for wildlife habitat improvement, and the potential for minerals development and timber harvest at some future date outweighed the merit for allocation of Chamberlain Basin to wilderness. The President concurred and, therefore, a revised proposal was submitted to Congress.

"We appreciate your interest in this National Forest area."

I'd like to touch on some of the main points of the response.

"This area contains some evidence of man's activities in the form of several airstrips and associated developments."

There are three. At two the "associated developments" are Forest Service administrative buildings. The third is on the Root Ranch.

"There is development on some non-Federal lands. . ."

There are two old, patented homesteads within the 300,00 acres deleted by President Ford: the Stonebraker Ranch of 409 acres and the Root Ranch of 158 acres. Out of 300,000 acres, their total is like a fly speck on a picture window. Furthermore, the Idaho Fish and Game Commission now owns the Stonebraker Ranch; the Root Ranch is a hunting camp. So while they may be nonfederal, the connotation of "development" is completely misleading.

". . . and there is potential for wildlife habitat enhancement of a nature for permitted under wilderness designation."

This statement is absurd. How can you improve on the best there is? Chamberlain is unique in having ideal winter range within a few miles of ideal summer range. Well-documented studies have proved that roading and logging decimate elk herds. The process wipes out sheep and goats and doesn't help any of the other wildlife.

"Large volumes of timber exist within the Basin. . ."

Compared to a farmer's back-forty woodlot, the volumes are, indeed, large. In the overall picture the statement is ridiculous. The Pacific Northwest exports more timber to Japan in four days than could be cut in Chamberlain in a year. Besides, the taxpayers would have to build the necessary roads to get the timber out.

"A modest mineral potential also exists."

This is true—very modest. In a century of mine exploration and mining, the entire Idaho Primitive Area (not just Chamberlain) has yielded about $20,000 per year.

To further limit the extent of the proposed River of No Return Wilderness, the Forest Service is rushing ahead with plans to road and log contiguous areas of wilderness quality before Congress has had an opportunity to make the decision that rightfully belongs to it. Then when the time comes the Forest Service can say, "Look, you can't include this area; there are roads everywhere," even though there were no existing roads before the summer of 1975.

There are dedicated and sincere men within the ranks of the Forest Service who recognize the value of wilderness, yet by education and indoctrination the majority are forest-products oriented and thereby anti-wilderness. They can see a tree only as so many board feet of lumber. So the Forest Service, prompted by Secretary Butz, is setting up its own management plans—plans neither required nor authorized by the Wilderness Act.

In 1973, the supervisor of the Flathead National Forest, which includes the Bob Marshall Wilderness, in Montana, ordered the outfitters to remove their caches, corrals, and hitch rails, claiming this was required by the Act. It would entail a great deal of labor and expense to tear down all facilities and pack out all camp gear at the end of one season, then reverse the process at the beginning of the next.

But under "Special Provisions," the Wilderness Act states: "Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas."

The Bob Marshall, one of the original wildernesses created by the Act in 1964, is big—950,000 acres. It would be impossible to hunt without camps and horses, and though anyone is free to hike at will, even during the summer many would-be visitors simply couldn't manage without the assistance of guides and out-fitters and their horses.

The Bob Marshall Management Plan, of which the order just discussed is a part, was one of the first completed. Similar plans have now been written for about a third of the eighty-five wilderness areas in the national forests, and others are being prepared, along with plans for some primitive areas. The general policy appears to be aimed toward making the outfitters' operations as difficult as possible—moving camps each year, closing landing strips, and similar rules not required by the Wilderness Act.

Here is an example of usurpation of authority by the Forest Service that was specifically prohibited in the Wilderness Act:

Under the heading, "Fisheries," of the Selway-Bitterroot (Idaho and Montana) Wilderness Management Plan: '(1) No planting where there has been no past history. Attempt to keep remaining native gene pools intact. (2) No introduction or continued stocking of non-native species . . . (6) Presently barren lakes will be left unplanted."

The Wilderness Act states: "Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to fish and wildlife in the national forests."

In streams, such as some in the Bob Marshall where I have caught only native cutthroat, the attempt to maintain the pure strain of that fish is laudable, though it is clearly the responsibility of the State of Montana, not the Forest Service. The other rules quoted can only be intended to turn the public against wilderness.

Most of the high mountain lakes in the West had *no* native fish. Formed by glaciers, isolated by waterfalls or near-vertical rapids, these lakes were unreachable by trout that swam in lower-elevation streams. On a backpacking trip through the Sawtooth Mountains of Idaho forty-two years ago, by brother and I visited thirty-six lakes that we considered suitable for trout. There was not a single fish in any of them! Today, many of these same lakes provide good fishing to those who reach them, thanks to stocking.

Several years ago on a trip in the Bridger Wilderness, in Wyoming, I enjoyed excellent fishing for brook, rainbow, and California golden trout, none of which were native. Did catching a 3-pound golden from a timberline lake spoil my wilderness experience? No way!

Of course, had the "purity" dodge been in effect at that time I would have broken a rule every time I tied my horse within 300 feet of a lake. I wouldn't have been allowed to tie him to *any* tree for more than two hours, either.

I can't list all the rules the Forest Service has devised to harass the packers, guides, and outfitters, both on the rivers and in the mountains. But these rules, if upheld, will eventually force some of them out of business and prevent many people from visting the wilderness or lead to others doing so ill-equipped.

I've wondered how the Forest Service can get by with such an arbitrary course. Here is the explanation given by James W. Moorman, former executive director of the Sierra Club Legal Defense Fund, in an address bebore the American Law Institute-American Bar Association Conference on Environmental Law in San Francisco, February 9, 1974:

"Today, the central problem of ligitating environmental causes with the United States Government is that of litigating with a *discretionary* government, a government of men, rather than a government of laws. On questions affecting the environment, our executive branch has assumed for itself a discretion not merited by law, indeed has exalted its discretion *over* the law, which it has relegated to the background role of legitimizing presumptive delegates of discretion to itself. . . .

"How does the executive branch convert statutory mandates that should govern its conduct into loose discretionary licenses? One way is by issuing so-called administrative interpretations in the form of general counsels' opinions, secretarys' opinions, attorney generals' opinions, and the like.

"There is a general rule that when a court is faced with an ambiguous statute, it should give deference to the interpretation of the agency charged with the administration of that statute. The government seems to believe that this rule means that it simply can change the law by issuing an opinion. . . .

"In a nation as large and diverse as ours, the consequences of lawless government are resentment, disillusion, bitterness, suspicion, and division."

That is precisely what the anti-wilderness Forest Service, in line with Ford Administration policy, is seeking to accomplish.

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## OPPOSITION TO S. 692—NATURAL GAS REGULATION

Mr. BROCK. Mr. President, natural gas accounts for one-third of this country's energy supply. In the coming winter, we will be faced with shortages of this essential fuel. In years to come, these shortages may get worse unless we adopt a sound new policy toward natural gas.

Regrettably, the legislation coming before us, S. 692, would adopt no such new policy. Instead, it further expands and complicates the already burdensome

over-regulation of natural gas. It is regulation which has helped create the current shortages. Can we look to even more regulation to solve the problem? I believe that is precisely the wrong answer.

Yet this bill proposes to do just that. It expands, for the first time, Federal Power Commission regulation to include gas sold within States as well as between States. It would set up extremely complicated allocation procedures which might have the effect of causing even more dislocation. It would mandate interconnection of pipelines, possibly to the detriment of small users. It would create perpetual regulation of offshore gas and thus deter aggressive exploration. It would set up a pricing system of such complexity that it boggles the mind. Is this the new energy policy we have been searching for?

This bill would, in short, perpetuate and enlarge upon the mistakes of the past. It would lead to further instability of supply, price discrimination, and Government control over the marketplace. It would increase the cost to some consumers without insuring a stable supply to all consumers.

Gov. Ray Blanton, of Tennessee, has written to me, expressing his sentiments. Quoting briefly from this letter, the Governor says:

> . . . (the) natural gas deregulation bill establishes a multi-tiered pricing structure which may hinder rather than promote needed exploration . . . I feel that this bill is not in the best interests of Tennessee, and urge you not to support it. Rather I would urge us to work to see the passage of a phased deregulation of natural gas.

As the Governor correctly points out, it is deregulation which will provide the ultimate answer. The longer we delay this necessary step, the greater will be the shortages and dislocations we will inevitably face. The heavy hand of Government regulation is simply not the answer.

It is for this reason that I oppose this bill and am cosponsoring an amendment in the nature of a substitute to bring about timely deregulation of natural gas.

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## THE 40TH YEAR OF SOCIAL SECURITY IN AMERICA

Mr. WILLIAMS. Mr. President, on August 14, 1935, President Franklin Roosevelt signed into law the landmark Social Security Act.

He said the law "represents a cornerstone in a structure which is being built, but is by no means complete."

The original program covered less than 60 percent of the labor force. Since then, the Congress has enacted legislation to extend coverage to agricultural and domestic workers, self-employed persons, members of the Armed Forces, employees of nonprofit organizations, and State and local government workers. Today 9 out 10 workers are covered by social security.

The 40th anniversary provides an excellent opportunity to assess what changes have been made in social security, as well as to chart the future course for the program.

The annual Institute of Gerontology Conference at the University of Michigan, which was held last month, provided a forum for this undertaking.

Several noteworthy presentations were made. One was a paper prepared by Robert Ball, a former Commissioner of Social Security and now a senior scholar at the Institute of Medicine at the National Academy of Sciences.

I commend his analysis—entitled "The 40th Year of Social Security in America"—to my colleagues, and I ask unanimous consent that it be printed in the RECORD.

In addition, Dorothy McCamman, a consultant on the economics of aging for the National Council of Senior Citizens and the Senate Committee on Aging, made several perceptive comments in assessing Robert Ball's recommentations.

Mr. President, I also ask unanimous consent that Miss McCamman's comments on Robert Ball's paper be printed in the RECORD.

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

### THE 40TH YEAR OF SOCIAL SECURITY IN AMERICA

(By Robert M. Ball)

Today we celebrate the 40th anniversary of the signing of the Social Security Act by Franklin Delano Roosevelt. Franklin Roosevelt brought to fruition many of his hopes for a better America, but of all the domestic accomplishments of his administration he felt that he wanted most to be remembered for the establishment of the social security system.

I believe he felt this way because he knew in signing the Social Security Act that he was creating more than a new program, more than a government agency with important immediate responsibilities. He knew he was creating a new institution for America, permanent in basic form and with the capacity to make life more secure and happier for generations yet unborn. We are still building on the strong foundation for social security that was first established over a generation ago.

The institution of social security has served America well—not just older people, but all Americans. Today just about all workers in the United States earn not only wages as they work, but also earn protection against the loss of those wages. Each payday they build up credits under social security toward deferred earnings in the form of retirement protection, disability protection, life insurance, and unemployment benefits.

Thus, the young and middle-aged workers of today have as much to celebrate on the 40th anniversary of the Social Security Act as any person now drawing a retirement benefit. This is true not only because the younger worker has current life insurance protection, frequently with a face value of well over $100,000, and current disability protection, and not only because social security and Medicare help relieve the current worker of the expense of caring for parents and other older relatives, but most importantly because social security provides the way for him to build retirement protection and health insurance protection for the time when he too reaches retirement age.

We must not allow opponents of social security to separate the generations—to pit the contributing worker against the retired worker drawing benefits. Income security after retirement is not a matter of one group—those of working age—helping another group—the retired. It is a matter of everyone planning for a continuing income during the latter years of life. Retirement income is a universal need. We are all headed in the same direction; no one stays young.

Social security has been greatly improved in recent years—benefit levels have been approximately doubled since 1967—and now contains automatic provisions to keep the benefits up to date with wages and prices. Yet, since social security benefits are inadequate for so many people now receiving them, and since for so long the amounts payable have been low, the public generally has not caught up with the fact that social security for those who retire in the future is now a much more nearly adequate program.

Let me illustrate this by giving you a few figures for workers retiring last month at age 65. The worker who has regularly been earning the federal minimum wage will get $198.70 a month, $298.10 for a man and wife. These amounts as a percentage of earnings in the year before retirement are 61.5 percent for the worker alone, and 92.3 percent for the couple. The worker who has been earning the median wage for male workers will get $288.50 a month, $432.80 for the couple, or 45.1 percent of earnings in the year before retirement for the worker alone and 67.6 percent for the man and wife. For those earning the maximum wages counted under the program, the comparable figures are $342.00 for the worker alone, $513.00 for the couple, and the percentage of the maximum earnings counted for social security in the year before retirement are 31.1 percent, and 46.6 percent respectively. For workers who start drawing benefits at age 62 because of early retirement, the amounts would be 20 percent less.

The benefits payable to the couples and the percentage of past earnings these benefits represent seem to me reasonably satisfactory. I do believe, as I shall argue later, that the amounts payable to the worker alone and to widows should be increased, but, in general, across-the-board increases in the amount of benefits payable to everyone who retires in the future do not seem to me to have a continuing high priority. I believe, instead, that we need changes in the program to improve protection for selected groups, to improve equity, strengthen financing, and improve the automatic provisions that affect everyone.

I recommend the following high priority changes in social security and related programs:

1. The automatic cost of living increases should take place every six months instead of once a year.

When the automatic provisions were introduced in 1972, it was assumed that the annual rate of inflation would be in the range of 2 percent, 3 percent, or 4 percent, and once a year seemed often enough. We have learned that a full year is too long to wait when the rate of inflation goes higher.

2. The consumers' price index designed specifically for the elderly and for the poor rather than the general consumers' price index should govern the automatic provisions in the social security program and the Supplemental Security Income program.

Since the elderly and the poor have to spend a high proportion of their income on food and other items that have increased in price more than the average, the general CPI has proven to be an inadequate index to tie benefit increases to.

3. The automatic benefit provisions should be changed so that the relationship of benefits at the time of retirement to wages previously earned is stabilized.

We can design a system which, over the long run does a better job than the present would be to have an automatic system which paid benefits in the future which at the time of retirement were the same proportion of past earnings as benefits are for those retiring today. This means that benefit protection for contributors would be kept up to date with the level of living in the community generally. Once on the rolls, the pur-

chasing power of the benefit would be guaranteed as under present law. In the event that the country later wished to provide benefits that were a greater proportion of past wages than is being paid to those retiring now, this could be done by new legislation.

The problem with the present automatic provision is that benefit protection may rise under certain circumstances less than wages rise, or under other circumstances more than wages rise, depending on the happenstance of how wages and prices move.

This should be changed so as to give contributors the security of knowing what proportion of their earnings will be replaced by the social security benefit.

This change would also make the relationship of benefit amounts (the outgo of the system) to wages (which determine the income of the system) more predictable and eliminate the basis for the wild scare stories now being circulated about the long-range financing deficit in social security. It isn't generally realized that a large part of the deficit predicted for social security some 50 years or so from now is based on the notion that under the automatic provisions benefits would be allowed to rise much faster than wages, and for a high proportion of workers retiring 50 years from now would be allowed to exceed the highest wages they had ever earned. This, of course, would not in fact be allowed to happen. Such a result would be completely contrary to the purpose of the automatic provision, and Congress would make a change in the law well before any such situation developed. But it is true that under certain wage and price assumptions such a result could theoretically obtain under present law. The fact that, in the long run, this can theoretically happen is being used to scare people about the soundness of the whole social security system.

This fact is another good reason to change the social security benefit formula so that the amount of protection is automatically tied to future wage levels rather than to a combination of prices and wages as at present, but the main reason to make the change is that it would improve the social security system. There is every reason to have benefit protection follow the level of living of the country generally as reflected in changes in wage levels and to embody this feature in the automatic provisions of the law.

4. The maximum amount of earnings counted for social security benefits and on which contributions are paid should be increased to $24,000 in 1977, and, as in present law, the maximum should be kept up to date with increases in average covered earnings.

When wages were first credited to social security accounts, the full wages of 97 percent of the workers under the program were covered. Today, only 85 percent of the workers have their full wages counted. Raising the maximum to $24,000 would go a long way toward restoring the original purpose of excluding the full wages of only the very highest paid.

With additional wages credited for social security purposes, those paying more would get more. For example, a worker age 55 in 1977 and retiring at 65 would get a benefit about $100 a month higher than he would receive under present law. A worker 60 in 1977 would get about $50 a month more.

In addition, this change would make the financing of the program more progressive and because of the matching employer's contribution would strengthen the financing of the system.

5. With these two changes—(1) tying automatic increases in benefit protection directly to increases in average wages rather than to both prices and wages as at present; and (2) increasing the maximum earnings base to $24,000 in 1977—social security can be fully financed over the next 35 to 40 years without increasing contribution rates over those in present law and without the addition of financing from any other source.

With the benefit and contribution base raised to $24,000 in 1977, the contribution schedule in present law would substantially over-finance the Medicare hospital insurance program for many years into the future. It would be possible, then, without weakening a sound financing plan for Medicare, to shift to the cash benefit program the small increase in the Medicare contribution rate which is now scheduled to occur in 1978. This scheduled increase is 0.2 percent of payroll for employees, and a like amount for employers.

In addition, the increase in the contribution rate of 1 percent now scheduled for the year 2011 should be made effective at the point between 1985 and 1990 when the Fund would otherwise start to decline. The social security system would then be fully financed for the next 35 to 40 years and this would have been accomplished without any increase in contribution rates over those now scheduled.

If it turns out that these changes are insufficient to fully support the program on a self-financed basis after, say, 2015, I would favor the gradual introduction of a government contribution. But there is no hurry about this decision. It may well be best to save the idea of a government contribution for the purpose of partly financing national health insurance. The need for such a government contribution in the cash benefit program rests on highly speculative assumptions about what will occur many, many years into the future—assumptions about fertility rates, mortality rates, labor force participation rates by older people and women, and about the productivity increases we may expect.

6. It may be desirable through a permanent change in the income tax law to partly subsidize social security contributions for low-income workers.

Social security grew out of the efforts of people to help themselves. It is based on a long tradition of self help and income-insurance programs from the time of the medieval guilds in Europe and Great Britain. It seems to me that proposals to finance social security entirely from general revenues or through some sort of income tax surcharge which would completely exempt low-wage earners are misguided and based upon a failure to understand the nature of the program.

If the financing principles of social security were to be changed so that large numbers of people are paid benefits without contributing, while large numbers of other people are charged much more than they would have to pay for obtaining the protection elsewhere, fundamental changes in the benefit side of the program are almost bound to follow. Without a tie between benefit rights and previous contributions, questions would undoubtedly arise about the basis for paying benefits to those who can support themselves without the benefits.

If financing were related to ability to pay, it is very likely that benefits, in time, would be related to need. Thus as a result of a change in financing, we could find that social security had been turned into a welfare or negative income tax program designed to help only the very poor, and that it no longer was a self-help program serving as a base for all Americans to use in building family security. The security of future benefit payments is greatly reinforced by the concept of a dedicated social security tax or contribution paid by the people who will benefit under the system. The moral obligation of the government to honor future social security claims is made much stronger by the fact that the covered workers and their families who will benefit from the program made a specific sacrifice in anticipation of social security benefits in that they and their employers contributed to the cost of the social security system and thus they have a right to expect a return in the way of social security protection.

This is true in social security, railroad retirement, civil service retirement, and state and local retirement systems, even though there is not ordinarily in any of these programs—nor for that matter in private group insurance or private pension plans—an exact relationship between the amount of protection provided and the contributions made by the individual. Very importantly, the contributory nature of the system helps to make clear that it would be unfair to introduce eligibility conditions into the program, such as an income or needs test, that would deny benefits to people who have paid toward their protection.

It does not follow from this line of reasoning, however, that workers need to bear all of the costs of social security directly. The benefit principle of taxation requires that their right rest on a clearly earmarked, specific contribution related in part to the amount of protection received, but it seems to me that it is not at all necessary they pay the entire cost.

There is a real dilemma, for example, as far as the low-wage earner is concerned. He may in fact be getting a "bargain" for his social security contributions—as he does—in terms of long-range retirement, disability, and survivorship protection, but nevertheless questions can be raised about a social policy that forces him to substantially reduce an already low level of current living in order to secure this protection. A possible solution to this dilemma would be to make the earnings credit in the 1975 tax bill permanent and to broaden the credit to include low-income workers without children. Under this proposal, low-income people would get either an income tax credit, or if they do not have to pay an income tax they would get a positive payment offsetting a considerable part of what they are required to pay for social security. Yet the provision does not change the social security system. It is a subsidy to low-income workers through the income tax.

7. Social security benefits for single workers and for widows should be increased.

Among social security beneficiaries, the worst off are the non-married—the retired workers or elderly widows living alone or with non-relatives. Married aged beneficiaries generally have more income between them than singles do and are able to live more economically because many of their expenses are not much bigger for two than for one. Two million of the elderly people who live by themselves or with unrelated individuals (having only their own incomes to live on) have income below the poverty line. This is 1 in 3, compared with only 1 in 11 of the elderly persons living in families. In 1973 (and it can be expected that the proportion would be about the same today) 1 in every 2 of the elderly people who are non-married and not living with a relative were either poor or had incomes within 25 percent of the poverty line. And some of the poorest of the poor, in terms of their own income, do not show up in the poverty statistics of the government because they live with their children and the government uses the total income of the household to measure poverty.

Because women live much longer than men (an average of 17.2 years after age 65 as compared to 13.1) many more women than men are in the group of non-married persons. Twenty-three percent of women in the elderly non-institutional population were in this situation in 1973, but only 7 percent of the men. Of the 3.4 million poor, 60 percent were living alone or with non-relatives, but of this 60 percent only 12 percent were men and 48 percent were women. Of the "near

poor," 50 percent were living alone or with non-relatives, but of the 50 percent, only 9 percent were men and 41 percent were women.

If social security is to do a better job in contributing to income security in the later years, improvements need to be made in benefit levels for the single retired worker and for widows. Under present law, a couple whose benefits are based on the wage record of just one worker receives one and a half times the retirement benefit of that worker. A ratio of one and a half times the worker's benefit over-compensates for the living cost of two people as compared with the single worker. A fairer rate for the spouse's benefit would be one-third rather than one-half. I would propose that the combined benefit for couples, when benefits are based on a single wage record remain at today's level, but that the spouse's benefit be reduced to one-third of the retirement benefit and the worker's benefit be increased by 14 percent. This change would benefit the poor and the "near poor" and would also significantly improve the equity of the program by relating benefits more closely to contributions, particularly improving the relative position of married couples when both individuals work as compared with couples where only one person works.

This change would also increase benefits for elderly widows since the *rate* for widows' benefits is equal to the retirement benefit rate.

This proposal is expensive, may be necessary to accomplish the improvement gradually.

8. The age 62 computation point for men should be made retroactive.

The 1972 amendments to the Social Security Act provided, in effect, that men born after 1913 would have their benefits and the benefits of their dependents and survivors computed on the more liberal basis which in the past applied only to women. However, the provision was not applied retroactively. It should be. This change would increase benefits for some 11 million retired men, wives, widows, and children now receiving social security benefits. While increasing benefit outgo immediately, it would have little effect on long-run costs since the liberalization applies only to benefits based on the wage records of men now 62 or older.

9. Several changes should be made in the disability insurance program.

The definition of disability for older workers should be liberalized, the waiting period in the disability program should be reduced to 3 months, and disabled widows should receive full-rate benefits regardless of age.

10. There needs to be early improvement in our national health insurance system for the elderly and the disabled (Medicare).

It could be quite awhile before the United States has a comprehensive national health insurance program in operation. The earliest conceivable, but unlikely, timetable for a general program would be final passage late next year with implementation in 1978 or 1979. It is likely to be considerably longer. The elderly and disabled should not be asked to wait until a comprehensive program can actually be operating before we take the necessary steps to improve Medicare. In my judgment, improvement of our national health insurance plan for the elderly and the disabled, designed to make it more like what a good comprehensive national health insurance plan should be—setting it up as a model, as it were—would help achieve a good plan for the whole population. Here is what I think is desirable.

Medicare has done a great deal to meet the costs of illness in old age. Hospital costs for the elderly are now largely taken care of. The major benefit improvement needed in hospital insurance under Medicare is to cover without coinsurance the few cases where really long hospital stays are required. There are not many cases that require hospitalization of more than 60 days—the limit today that is paid for without coinsurance—but the few cases there are should be protected and without the patient having to pay part of the cost.

Protection against the cost of physician care covered under the Supplementary Medical Insurance part of Medicare is much less satisfactory. The retired person has to pay a monthly premium for this protection; there is a $60 annual deductible before any bills are paid by the plan and there is 20 percent coinsurance. Actually, the individual may be called upon to pay much more than 20 percent because a physician who wants to take a chance on collecting his own bills rather than being reimbursed directly by Medicare is allowed to charge the patient more than the fee on which Medicare reimbursement is based. Under these circumstances the plan pays the patient, not the doctor, but the physician can bill the patient any amount he pleases. Thus, many elderly people under Medicare are now paying, not 20 percent of their physician's bills after a deductible, but 30 or 40 percent.

This procedure should be changed so that Medicare, like Blue Shield, would have participating and non-participating physicians. Participating physicians would be guaranteed full payment of the "reasonable charge," and the plan would collect any deductibles and coinsurance from the patient. In return, a participating physician would agree to abide by the reasonable charge determination in all cases.

Participating would be on an all or nothing basis. Those physicians who remained outside the plan would not be allowed, as they are today, to take bill assignments from some patients and get the advantage of direct payment from the government when bills are large or when the patients have low incomes, and in other situations bill patients directly and charge more than the Medicare "reasonable charge." If they remained outside the plan they would have to collect their bills in all cases.

The Social Security Administration would publicize which physicians were participating, and which were not, so that a patient could depend on the fact that by going to a participating physician he would have to pay only 20 percent of the bill. If he went to a non-participating physician he would know ahead of time that he might have to pay the physician more than 20 percent of the charge.

I would also propose that the Supplementary Medical Insurance program be combined with hospital insurance and that the combined protection be financed partly by a contribution paid by the worker and his employers throughout his working career and partly by a government contribution. Thus the worker would have paid-up protection for physician coverage on retirement just as he does now for hospital coverage. This proposal was endorsed by the 1971 Advisory Council on Social Security.

Medicare needs to be broadened to cover additional health costs. Prescription drugs, for example, are now covered only while an individual is in a hospital or receiving covered care in a nursing home. For many elderly people with chronic illnesses the regular drug bill—$20 or $30 month after month—may be a very serious drain on income. The cost of prescription drugs for at least chronic illness should be covered now.

Perhaps the most unsatisfactory part of Medicare has been the very limited coverage that it provides for skilled nursing home care. It would be a big improvement if a period of care in a skilled nursing home—perhaps up to 30 days without co-payment—were available after hospitalization, even if such short-term care did not clearly require the supervision of a registered nurse. Payment for longer stays—up to the 100 days now allowed—could be based on the stricter criteria now in effect. Such a change would encourage early transfer from a hospital to a skilled nursing home and the conditions of payment would be more understandable than at present.

11. We need greatly improved services for the very old and the elderly who are chronically ill, including more and better residential homes, nursing homes, and services that help elderly people maintain their own homes if they wish.

Whether an elderly person has an adequate income depends, of course, not only on the amount of that income but on the presence or absence of special needs. Can he or she live alone? Is he ill? Can he look after himself? It is estimated that about 14 percent of those over 65 have such limitations that they require more or less constant help from others.

It is the very old and the chronically ill who are the worst off among the elderly. And the very old are increasing more rapidly than the younger aged. Between 1950 and 1970 the number of persons 65 to 75 years increased by 50 percent, but the number of persons 75 or older virtually doubled, going from 3.8 million in 1950 to 7.6 million in 1970. For the very old, sooner or later, social security and even substantial supplementary retirement income may not be enough. And in the United States we have not done a very good job on this part of the problem of aging. We will need to greatly increase direct social provision to help elderly people maintain their own private living arrangements as long as they can, and want to, and also to provide more and better residential homes and long-term nursing homes.

12. The Federal Government should take responsibility for seeing that all persons 65 or over have the right to a level of living equal at least to the poverty level as defined by the Federal Government.

In 1973 there were 3.4 million persons 65 or older—16 percent of the 20.6 million living outside institutions—who were below the official federal poverty line. And the poverty level as defined by the Federal Government is rock-bottom, grinding poverty. At 1973 prices, the level for a non-farm, aged individual, living alone, was $2,130, and for an elderly couple $2,688. This standard, brought up to date for current prices, would be $2,630 for the single individual and $3,320 for the couple.

In spite of increases in the level of social security payments and the establishment of the federal program of Supplemental Security Income for the needy aged, blind, and disabled, it is likely that if we had an up-to-date count of the elderly poor they would still make up 16 percent or more of the total elderly population. Rapid inflation has wiped out a large part of the gains that would otherwise have resulted from program improvements.

However, the Federal Government through Supplemental Security Income now has the mechanism which would make it a simple matter to raise the one-sixth of the elderly population now below poverty to at least this level. State supplementation would still be required where living costs were above average or where a state wished to guarantee a level of living above this bare-bones standard, but the Federal Government would, at least, have set a benefit level equal to its own minimum standard.

The improved standard should apply, of course, not just to the elderly but to the needy disabled and the needy blind. The total cost of this change in the near term would be in the range of $3 to $3.5 billion a year. The cost would fall entirely on the federal budget. Over time, very gradually, the proportion of elderly persons eligible for Supplemental Security Income under the improved standards should decline since newly

eligible social security beneficiaries will receive higher benefits than current recipients.

13. The special character of social security as a contributing retirement and group insurance plan should be recognized by separating social security financial transactions from the operation of the general budget of the United States.

Until the 1969 budget, social security was treated entirely separate from the general budget except, of course, for purposes of economic analysis. Such separation emphasizes the long-term commitments of social security to the contributor and the obligations of the Social Security Administration as an insurance organization.

14. Social Security should be re-established as an independent Board with bipartisan representation and free from political supervision of its operations.

Social Security was operated by an independent bi-partisan Board throughout its early history. The case for such independence—given the scope of the program and the size of the operation—is even stronger today. Such independence from any departmental political bureaucracy would promote efficiency and add to public confidence in the system.

CONCLUSION

On the fortieth anniversary of the signing of the Social Security Act, the social security program is under more concentrated attack than at any time since it was first established. Although much of the criticism is unfair and wide of the mark, some of it is justified. We *can* make social security a better program.

There is no need for supporters of the program to be defensive. Social security is our most successful program of social reform in at least the last fifty years. Its principles are sound. And the protection provided by social security can and should be made even better. We should be working particularly for changes that improve the equity and financial stability of the program. This is the best possible response to the attacks now being made on social security. Let's celebrate the fortieth anniversary by once again beginning the process of program improvement.

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SOME COMMENTS ON ROBERT M. BALL'S PAPER "THE 40TH YEAR OF SOCIAL SECURITY IN AMERICA"

(By Dorothy McCamman)

We are all greatly indebted to Bob Ball for his thoughtful and stimulating analysis of where we now are in this "Fortieth Year of Social Security" and the next steps to be taken as we look toward the year 2001.

In reacting to his excellent presentation, I am not representing either the Senate Committee on Aging or the National Council of Senior Citizens. As their consultant, I give them my personal views and they listen—just as you are now being forced to listen—but that doesn't mean that they—or you—are necessarily in agreement. I speak to you instead from my wholehearted dedication to Social Security after a quarter of a century of work as an employee of that program and another dozen years thereafter in other work that provided an opportunity to further that dedication.

Not surprisingly then, I wholeheartedly endorse Bob Ball's comprehensive recommendations for the high priority changes needed in social security and related programs. We share a common dedication to the programs. My comments are therefore in the nature of underlining or expansion on certain points rather than of disagreement. And I will touch on only three of his many recommendations: Use of general revenues, an increase in benefits for single workers and widows, and an independent Social Security Board.

USE OF GENERAL REVENUES

In his prepared paper, Mr. Ball concludes his recommendations for changes in the financing of social security—recommendations with which I am in complete agreement—with the following:

"If it turns out that these changes are insufficient to fully support the program on a self-financed basis after, say, 2015, I would favor the gradual introduction of a government contribution. But there is no hurry about this decision. It may well be best to save the idea of a government contribution for the purpose of partly financing national health insurance. The need for such a government contribution in cash benefit programs rests on highly speculative assumptions about what will occur many, many years into the future—assumptions about fertility rates, mortality rates, labor force participation rates by older people and women, and about the productivity increases we may expect."

Personaly, I do not view the use of general revenues as a matter of "either/or," that is, either health benefits *or* cash benefits. I believe general revenues have a legitimate role to play in fiancing both types of benefits and I do not see why we have to postpone until far into the future acceptance of the principle of tripartite financing of cash benefits.

The experts who designed our Social Security program four decades ago foresaw the eventual need for a government contribution, a contribution that can be justified by the mere fact that many who qualified for benefits on the basis of very little contributory coverage would otherwise have been on relief.

Here, any disagreement Bob and I have is probably on timing, rather than principle. I would guess that our goal is the same: a Social Security system covering both cash benefits and health insurance, financed partly by employer contributions, partly by employee contribution and partly by contributions from the government in recognition of society's stake in a well-functioning social insurance progam. Hopefully, this goal is not too many years away.

Regardless of the timing of tripartite financing of a predetermined and measurable share of social security costs, I would suggest an immediate step to reinforce public confidence in the system—confidence that has been badly shaken by the recent wild scare stories about the financial soundness of the system in the period immediately ahead as well as far into the future. I suggest that the Congress restore to the Social Security Act the provision for general revenue financing that existed from 1944–50 as follows:

"There is also authorized to be appropriated to the Trust Fund such additional sums as may be required to finance the benefits and payments provided for in this Title."

INCREASED BENEFITS FOR SINGLE WORKERS AND WIDOWS

I wholeheartedly endorse Mr. Ball's proposal for improving benefit levels for the single retired worker and for widows. I wish only to underline the importance of this recommendation as one possibility for improving the relative position of married couples when both individuals work, as compared with couples where only one person works.

The question of the treatment of the "working wife" under social security has long awaited a satisfactory answer. I am sure we will be considering this problem in greater detail later this morning when we hear Tish Sommers discuss questions of equity.

The Senate Committee on Aging is now struggling with this and other questions of inadequacies or outright inequities in social security's treatment of women. On July 16, Senator Frank Church, Chairman of the Committee, announced the establishment of a Task Force on Women and Social Security, an essential part of the Committee's continuing inquiry into Future Directions in Social Security.

This Task Force, which I am privileged to chair, is now preparing a working paper that will be discussed at a Committee hearing this autumn. Our Task Force has already been faced with ample evidence of the urgency of an assessment of the responsiveness of social security to the changing role of women in our society and our work force. The long-range financial integrity of the system leans heavily on the increased labor force participation of women in the years ahead when they will have fewer children to raise. It is essential then that Social Security more adequately meet their retirement needs.

AN INDEPENDENT SOCIAL SECURITY BOARD

I turn now to Mr. Ball's last recommendation that "Social Security should be re-established as an independent Board with bipartisan representation and free from political supervision of its operations." I will point out here that Senator Church's bill (S. 388), to achieve this end, has already earned the support of dozens of cosponsors.

I am sure that Mr. Ball would agree that an important specific charge to this Board should be to develop and carry out an aggressive informational program. Social Security constituents—and every man, woman and child in the United States can be said to be a constituent—have a right to be informed about this, *their* program.

Under the old Social Security Board, this "right to know" was respected. For example, a special section on labor information maintained a continuing flow of material to editors of labor newspapers, staffed booths at conventions, prepared brief and understandable pamphlets—mainly cartoons, and issued monthly bulletins for use at union meetings.

It seems to me that such informational activities should have been continued and intensified over the years as the program grew and became more complex. Instead, these activities have been greatly curtailed.

Increasingly, one has the feeling that the Department of Health, Education, and Welfare prefers that people do *not* know about their rights under the programs it administers. Perhaps, in the discussion period that follows, Mr. Ball can tell us of his efforts as Commissioner of Social Security to "reach-out" to people potentially eligible under the new program of Supplemental Security Income—efforts that were effectively forestalled at the Departmental level.

With an aggressive informational program, Social Security constituents would be knowledgeable about their rights and responsibilities under the program. Hopefully they would no longer feel the need to purchase commercial publications which imply that one doesn't get full value from Social Security unless he knows the secrets the publication reveals.

For illustration, I use a full-page ad in a recent magazine section of my Sunday paper, headed "How to collect from Social Security at any age!" This ad invited me to send $3.00 in order to find out how much money I had invested in Social Security "right to the penny" and how to get the most for that investment.

Among the secrets to be revealed in return for my $3.00 were these:

"How ten million people who are only 30 years old, on the average, collect Social Security."

"Should you have two Social Security cards?"

"How to cash in on Social Security even if you've never paid a penny into it."

"How to get a refund if you have overpaid your Social Security taxes.

(Studies show that two out of three people overpay.)"—I can't imagine what studies could possibly conclude that more than a small fraction—those who worked for more than one employer during the year and had total earnings exceeding the maximum wage base—would "overpay", but I doubt that the book would enlighten me.

And here is the one which almost persuaded me to part with $3.00:

"Should you tattoo your Social Security number on your body?"

Perhaps Mr. Ball can answer that one for us.

Such profit-making publications exploit Social Security constituents but they can flourish only if there is a void to be filled. To fill this void, we need an independent Board charged with a truly aggressive informational program and committed to making the Social Security program meaningful to the people it serves.

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BIOGRAPHICAL DATA—DOROTHY MCCAMMAN

Miss Dorothy McCamman, consultant to the National Council of Senior Citizens, is also Consultant on Economics of Aging to the U.S. Senate Special Committee on Aging. In 1961–62, she was a Professional Staff Member of that Committee and its expert on Social Security.

She has had nearly twenty years of experience with the Social Security Administration, having served as Assistant Director of Program Research in 1956–59.

For the 1961 White House Conference on Aging, she was Technical Director of the Sections on Income Maintenance, including Financing of Health Costs, and on Impact of Inflation on Retired Citizens.

For the 1971 White House Conference on Aging, she served as presiding Chairman of the Section on Employment and Retirement, as well as on the National Organizations' Task Force on Health, on the planning committee for the Special Concerns session on Long Term Care, and as a member of the Post-White House Conference Board.

During the period 1962–68, Miss McCamman was a Consultant to the National Council on the Aging, Group Health Association of America, and Brandeis University's Graduate School of Advanced Studies in Social Welfare, working in the areas of retirement income, employment of older workers, community organization and financing of health costs.

She has a BA in Economics from the University of California at Berkeley and is a graduate of that School of Social Work.

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## ADMINISTRATION CONTINUES BLATANT USE OF IMPOUNDMENT

Mr. HUMPHREY. Mr. President, on September 10, we voted by the overwhelming margin of 88 to 12 to override the President's veto of the education appropriation bill. On the previous day the House, voting 379 to 41, also resoundingly rejected the veto. At the time of our override, I stated that, while it is the President's responsibility to recommend budget levels to the Congress, it is our responsibility to decide what those levels shall be.

We have done that. On two occasions—on the initial votes to pass the education appropriation bill, and then on the override—Congress has stated unmistakably its intention with regard to education. There can be no doubt about our commitment.

But, Mr. President, I am concerned that this clear statement of congressional priorities may be undermined by Executive actions. For the past 12 months, the administration has been improperly using the Impoundment Control Act of 1974 to withhold funds that Congress has added to the President's budget. Nothing in the history of that act suggests that Congress delegated to executive officials the authority to set aside congressional add-ons and return them to Congress in the form of deferrals or proposed rescissions. Yet that has been the record of the past year.

I raise the issue today in hope of averting the impoundment of educational add-on funds. We voted on this issue first in the form of an appropriation bill. We passed it again in the form of an override. Let us not face it a third time in the form of a deferral or rescission. That would be a corruption of the Impoundment Control Act. It would invite a head-on collision once again—which we do not need—between the executive and legislative branches. I urge the administration to respect the will of Congress. To do otherwise may very well trigger a counterreaction from Congress. It may lead to greater rigidity to impoundment control procedures.

The Constitution, supported by statutory provisions, makes it very clear that Congress will decide the level of funding. Although the President is free to recommend budgetary requests, Congress has the final say. The President prepares his budget in accordance with the provisions of the Budget and Accounting Act of 1921. The legislative history demonstrates convincingly that Congress reserved for itself the right to revise Presidential requests—up or down—in any way that Congress decides. On no occasion did Congress relinquish its authority or prerogative to detremine budgetary priorities. To pretend otherwise would make a mockery of the Budget Reform Act of 1974.

This historical record of congressional control is provided in an interesting paper presented this year to the American Political Science Association. The author of the paper, Louis Fisher of the Congressional Research Service, shows that Congress gave consideration to the idea of letting the President's budget serve as a ceiling. Congress would be allowed to cut but not add. That idea was rejected, unequivocally. We have an executive budget only in the sense that the President initiates the budget. From that point on it is a legislative budget, for we decide—here in Congress—what the actual funding levels shall be.

I trust that the President will recognize the preeminence of Congress in appropriation matters. Twice now we have voted, and confirmed, the intention of Congress with regard to education programs for fiscal 1976. We do not want to be confronted a third time on some sort of deferral or rescission proposal. I firmly believe that if the administration wants to press this strategy, it will backfire. To impound congressional add-ons, convenient though it may be for executive officials, is simply too intolerable and demeaning to Congress.

Mr. President, I ask unanimous consent that the paper by Dr. Fisher be printed in the RECORD.

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

PRESIDENTIAL BUDGET-MAKING—LAWS, CUSTOMS, TRENDS

By Louis Fisher

The Budget and Accounting Act of 1921 rested on two fundamental supports: Presidential responsibility for the submission of agency estimates; full congressional authority to revise them. The Act, supported by its legislative history, contemplated a process whereby the two branches would work in tandem, each assigned specific and distinct duties. The essence of a budget system required that "responsibility will rest upon the administrative branch for the formulation of this program in the first instance and upon the legislative branch for subjecting it to such revision as in its opinion is deemed desirable." [1]

In recent years, and at an accelerated pace, those lines of responsibility have been blurred. Congress interferes with the formulation of the budget; administrative actions make it difficult for Congress to revise it. These developments have taken place with little understanding on our part, with little comprehension of the specific facts involved or their broader implications. Large questions of policy are evolving without fanfare. We are not at a crossroads, waiting to debate the proper direction. We have already veered down a new path, without the benefit of public debate or deliberation.

The purpose of this essay is to bring these issues into focus, describe our present course, and stimulate some discussion and thought as to whether the direction underway is in the public interest.

I. CONGRESSIONAL REVISION OF ESTIMATES

Although Congress has full authority to alter the budget submitted by the President—either by increasing or decreasing the estimates—the practice of the executive branch has been to treat certain estimates as ceilings. In the event that Congress tries to increase those estimates (congressional "add-ons"), the Administration on many occasions has refused to spend the funds.

That practice was particularly pronounced during the Nixon years, eventually giving rise to the Impoundment Control Act of 1974. Under that statute the President is able to withhold funds for two purposes: to delay the expenditure of funds (deferrals) or not to spend them at all (rescissions). The record of the first year's experience shows that impoundment has been used in large part to discriminate against congressional add-ons. Thus, as a result of President Nixon's claim of constitutional power to impound funds, and now on the basis of President Ford's interpretation and implementation of a statute, Congress has been frustrated in its attempts to add to the President's budget. That was never the intent of the Budget and Accounting Act of 1921.

BUDGET AND ACCOUNTING ACT

The 1921 Act directed the President to transmit estimates of the expenditures and appropriations necessary "in his judgment" for the support of the Federal Government for the ensuing fiscal year.[2] That has been called, very loosely, an "executive budget." The term is slippery, suggesting that Congress delegated substantial powers to the President. But the Act merely provided for executive initiation of the budget, allowing Members of Congress full freedom either in committee or on the floor—to decrease or increase his estimates.

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Footnotes at end of article.

Entirely different is the type of executive budget advocated prior to 1921. When John J. Fitzgerald, chairman of the House Appropriations Committee, met with the New York Constitutional Convention on May 26, 1915, he expressed support for a budget process that would make it as difficult as possible for legislators to increase the amounts proposed by the President. He suggested that Congress should be prohibited from appropriating any money "unless it had been requested by the head of the department, unless by a two-thirds vote, or unless it was to pay a claim against the government or for its own expenses . . ."[3]

Charles Wallace Collins, whose studies on budget reform influenced members in both Houses, published an article in 1916 which argued for a form of parliamentary government. "Our institutions," he said, "being more nearly akin to those of England, it is to the English budget system that we more naturally look for the purpose of illustration."[4] He noted that Parliament had long ago yielded the initiative in financial legislation to the cabinet. The budget in England was ordinarily ratified as introduced.[5] A national budget system in America would involve, as its prime factor, the relinquishing of the initiative in financial legislation to the executive by the Congress. . . . The President would possess the functions of a Prime Minister in relation to public finance. He would take the responsibility for the preparation of the budget. Complementary to this the Congress would yield its power of amendment by way of increasing any item in the budget, and also its power to introduce any bill making a charge upon the Treasury, without the consent of the executive.[6]

Although the President, in Collins' scenario, was responsible for the budget, the Secretary of the Treasury would become the actual finance minister. He would bear the chief burden, exercise the real authority, and have the "ultimate decision, outside of matters of policy, of all new projects making a charge upon the Treasury, all increases over the previous appropriations, and over the renewal of the existing grants."[7]

Several other changes were part and parcel of this budget system. Members of the Cabinet would be granted a seat in the House and also a voice (but not a vote) in all legislative proceedings involving the budget. The committee system of making appropriations "would cease." Since the budget bill would be recognized as an administrative measure, Congress "would relinquish its power to add any new item, to increase any item, or to consider any measure which would impose a burden upon the Treasury unless such a measure had the sanction of the executive." In other words, Congress "would relinquish the power to consider money bills other than those introduced upon the authority of the President."[8]

Rep. Medill McCormick, strongly influenced by Collins, introduced a number of bills and resolutions in 1918 calling for various budget reforms, including the creation of a House budget committee to replace the Committees on Ways and Means and Appropriations. The 40-member House budget committee would have power to reduce Presidential estimates but not add to them, unless requested by the Secretary of the Treasury upon the authority of the President, or unless the committee could muster a two-thirds majority. Members of the House would not be able to add to the budget bill when it reached the floor, except to restore what the President had originally submitted.[9]

William McAdoo, Wilson's first Secretary of the Treasury, supported a budget system that would prohibit Congress from increasing the President's requests: "let us be honest with ourselves and honest with the American people. A budget which does not cover the initiation or increase of appropriations by Congress will be a semblance of the real thing."[10] When Secretary of the Treasury Carter Glass submitted budget estimates in 1919, he stated his view that the budget, "as thus prepared for the President and on his responsibility, should not, as such, be increased by the Congress. . . ."[11] David Houston, the next Secretary of the Treasury, asked Congress in 1920 not to add to the President's budget estimates unless recommended by the Secretary of the Treasury or approved by a two-thirds vote.[12]

This radical scheme of an executive budget was rejected by Congress. The budget was executive only in the sense that the President was responsible for the estimates submitted. It was legislative in the sense that Congress had full power to increase or reduce his estimates. Increases could be made in committee or on the floor by simply majority vote. The Budget and Accounting Act did not contemplate the relinquishment of any congressional powers. In reporting the bill, the House Select Committee on the Budget explained:

It will doubtless be claimed by some that this is an Executive budget and that the duty of making appropriations is a legislative rather than Executive prerogative. The plan outlined does provide for an Executive initiation of the budget, but the President's responsibility end when he has prepared the budget and transmitted it to Congress. To that extent, and to that extent alone, does the plan provide for an Executive budget, but the proposed law does not change in the slightest degree the duty of Congress to make the minutest examination of the budget and to adopt the budget only to the extent that it is found to be economical. If the estimates contained in the President's budget are too large, it will be the duty of Congress to reduce them. If in the opinion of Congress the estimates of expenditure are not sufficient, it will be within the power of Congress to increase them. The bill does not in the slightest degree give the Executive any greater power than he now has over the consideration of appropriations by Congress.[13]

IMPLEMENTATION OF THE 1921 ACT

Although Congress professed to retain power to increase or decrease Presidential budget estimates, through a process of self-denial the House Appropriations Committee adopted a stance against increases. As Richard Fenno notes, the Committee established as its 'first strategic premise that it should reduce executive budget requests. Members could assert independence by either raising or lowering the budget estimates sent to them. But they believe that only the latter course brings influence. By keeping resources scarce, they magnify their allocative power." He then quotes former House Appropriations chairman Clarence Cannon:

It has long been the unwritten rule of the Committee on Appropriations that the budget estimate is to be taken as the maximum and the efficiency of the subcommittee has been judged—and the chairman of each subcommittee has prided himself on—the amount he was able to cut below the budget.[14]

This strategy is reinforced by intercameral contests. House Appropriations often cuts an agency's budget in anticipation that the Senate will restore the funds. Partly this is a belief that Senators, responding to different constituencies, are more profligate. During a celebrated conflict in 1962, when conferees from the Appropriations Committees could not agree on a meeting place, a long-festering antipathy between the two Houses produced caustic comments. Said one Representative:

. . . in the past 10 years the Senate conferees have been able to retain $22 billion out of the $32 billion in increases which the Senate added to House appropriations—a two-to-one ratio in favor of the body consistently advocating larger appropriations, increased spending and corresponding deficits.[15]

But House cuts also represent an institutional game, intended to make the Senate look irresponsible in money matters even though members of the House prefer the higher levels. In the words of a veteran Senate Republican:

Over in the House it's a great thing to economize. They cut out a lot of things because they know very well that when the bill comes over here, we will restore the money. I know—I was in the House. I used to vote to cut all these funds and then come over here and ask my Senators to be sure that the money got back in. We get plenty of that around here.[16]

The tradition of having the Senate behave as the "upper body" has changed somewhat in recent years. Beginning in fiscal 1967 the Senate was more critical than the House on defense expenditures. By fiscal 1969 the House was "voting larger appropriations [for defense] than the Senate for most line-items."[17]

After Congress appropriates funds, a further reduction occurs when Presidents withhold funds that have been added to their budgets. Harry Truman, Dwight Eisenhower, and John Kennedy all impounded funds that Congress had added to their defense budgets.[18] Add-ons also affected domestic budgets. In signing an agriculture appropriation bill in 1966, President Johnson stated his displeasure that Congress had added $312.5 million to this budget request." During a period," he said, "when we are making every effort to moderate inflationary pressures, this degree of increase is, I believe, most unwise." Instead of vetoing the bill and losing funds he wanted, he reduced expenditures for certain items "in an attempt to avert expending more in the coming year than provided in the budget."[19]

On an entirely different order, however, were the impoundments carried out by the Nixon Administration. They set a precedent both in terms of magnitude and truculence. The message came across without equivocation that what Congress had added to the President's budget was irresponsible and without merit. In fiscal 1971 the Administration impounded all of the public works funds that Congress had added to the budget. OMB depended on advice from the Corps of Engineers or the Bureau of Reclamation as to which projects had lower priority. Slated for the shelf, according to the definition adopted by the Administration, were "those projects that are not included in the budget—"[20] Rather than treat the budget as a set of recommendations, to be acted upon at the discretion of Congress, OMB decided that "the President's budget should stand and that all of the congressional add-ons be deferred. . . ."[21]

IMPOUNDMENT CONTROL ACT OF 1974

The overwhelming victory of President Nixon in the 1972 election was followed by massive impoundments of agriculture, housing, clean-water, and other funds that Congress had added to his budget.[22] In response, Congress passed an Impoundment Control Act in 1974 to limit the President's power. In allowing the President to propose impoundments—subject to congressional review and action—Congress recognized that many impoundments were legitimate and reasonable. But what motivated the adoption of new statutory controls was an effort to assure "that the practice of reserving funds does not become a vehicle for furthering Administrative policies and priorities at the expense of those decided by Congress."[23]

The same conclusion was handed down by federal courts. Many of the Nixon Administration impoundments had been justified on the ground that the President's budget requested that certain funds be rescinded. In

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three rescission cases involving education funds—veterans cost of education, Indian education, and land-grant colleges—the fact that the President had proposed a rescission was considered an inadequate reason for failing to carry out a program. What deserved implementation was not a President's budget but a public law.[24]

In a decision involving the Office of Economic Opportunity, Judge Jones argued that it was impossible for the Nixon Administration to begin dismembering OEO simply because the President had failed to include funds for the agency in his budget. The President's budget was "nothing more than a proposal to the Congress for the Congress to act upon as it may please." [25] Regarding subsidized housing funds, Judge Richey said it was "not with the discretion of the Executive to refuse to execute laws passed by Congress but with which the Executive presently disagrees." [26] And in another decision, affecting mental health funds, Judge Gesell stated that the President "does not have complete discretion to pick and choose between programs when some are made mandatory by conscious, deliberate congressional action." [27]

Precisely what the Impoundment Control Act intended is impossible to say. It is a hybrid, like many bills, representing bits and pieces of previous House and Senate bills plus some imaginative innovations by conferees. There is enough ambiguity in the Act to allow the Administration ample room for interpretation.

IMPLEMENTATION OF THE 1974 ACT

The 1974 legislation requires special messages from the President whenever he proposes to rescind or defer appropriations. To rescind funds, both Houses of Congress must pass a bill or joint resolution of approval within 45 days of continuous session. In the case of a deferral, it remains in effect unless one House passes a resolution of disapproval.

The first message by President Ford, released September 20, 1974, identified $495 million in proposed rescissions and $19.8 billion in deferrals. Seven of the deferrals involved HEW programs. In each case the Administration wanted to adhere to the President's budget rather than to the higher levels voted by Congress.

For example, the fiscal 1975 budget included no funds for Land Grant Colleges. The House, however, appropriated $9.5 million in the Labor-HEW appropriation bill, and the Senate voted $12.46 million. Yet the Administration deferred all funds "in order to preserve the flexibility of the Congress and the Administration in arriving at a final decision on the future of this program." [28] That was a euphemism, for protection was being extended to the President's budget, not to congressional action.

The same observation applies to four other HEW programs: University Community Services, State Postsecondary Education Commissions, impact aid to "B" children, and Rehabilitation Services. No funds were included in the budget for those programs. The Administration did not contemplate a deferral of funds; it wanted to scale down or terminate the programs. With respect to Public Libraries, the Administration had requested $25 million. Congress authorized in the continuing resolution a level that translated into $11,647,000 per quarter. The Administration nevertheless planned to release only $6,210,000 the first quarter, or approximately one-fourth its budget request. In other words, the Administration continued to grant a superior status to a legislative recommendation (its budget) than to a public law (the level provided in the continuing resolution).

Other special messages continued to carry the same theme: the Ford Administration was using the deferral-rescission procedure to single out congressional add-ons for delay or cancellation. In the case of public works for the Corps of Engineers and the Bureau of Reclamation, the Administration deferred either one-half or the full amount added by Congress.[29] Proposed rescissions for Labor-HEW generally represented a return to the President's budget.[30] The Pentagon attempted to defer or rescind congressional add-ons.[31] Senator Ted Stevens stated that in the Department of Interior "wherever there are congressional add-ons, there are automatic rescissions, just like the automatic impoundments. We have gone through it before. Everything that was added on by the Congress was impounded. Now almost everything that is added by the Congress is rescinded. You just have a new mechanism for delay." [32]

This over-all pattern did not have high visibility. Members of Congress acted on individual deferrals and recissions, rarely seeing at a single glance the general strategy pursued by the Administration. For those who did see it, the results were objectionable. In the view of George H. Mahon, chairman of House Appropriations, it was not appropriate for the President to transmit a rescission proposal that "only contains funds which have been enacted into law as a result of the initiative of the Congress. I do not subscribe to the theory that everything the Executive does is correct and right and defensible, and that everything the Congress does by way of providing additional sums or modifying sums is all wrong." [33] Senator Warren Magnuson told an Administration witness: "Maybe we should quit hearings on HEW, just forget about them. There is no use for us to spend days and weeks and months and scores of witnesses in arriving at a conclusion and have the bill signed, and then what we decided is nothing; talk about cooperation with Congress." [34]

The vast majority of proposed rescissions and deferrals were rejected by Congress. Part of the legislative resistance was tied to the condition of the economy. By voting to have impounded funds released and made available for obligation, Members of Congress could take action to stimulate the economy and provide new jobs. Some Members also concluded that the Impoundment Control Act was being used by the Administration to artificially hold down the size of the fiscal 1976 budget, which assumed that Congress would support a "$17 billion reduction" package.[35] So unrealistic was the Administration's assumption that the so-called economy package had all the earmarks of gamesmanship and public relations. Contributing also to the overwhelming rejection of proposed rescissions and deferrals was the bias against congressional add-ons.

Some of the agency heads realized that Congress would not tolerate the notion of automatic deferrals and rescissions for whatever Congress added. Charles Miller, a budget official for HEW, admitted to Senator Stevens that impoundment of add-on money was "the touchiest point, without any question . . ." [36] But there is no evidence as yet that the Administration will abandon the convenient and conventional practice of singling out congressional add-ons for delay or cancellation.

One means of making the issue more visible is to redesign the special messages submitted by the President. If he were required to list the add-on amount next to the proposed rescission or deferral, that would provide an early warning signal to Congress and give the Administration some pause before discriminating so heavily against congressional initiatives.

Other changes in the Impoundment Control Act need consideration. I would not require reports to Congress for routine impoundments, such as placing funds in reserve for contingencies and savings (Anti-deficiency Act Impoundments) or pursuant to specific statutory authority.[37] As a protection against abuses, Congress could require the General Accounting Office to screen routine impoundments for possible policy content, but I think that is not necessary. Congressional delegation of authority to agency officials should imply some basic level of trust and confidence. Congress should not ask the President and OMB to do a job and then watch every step. It is burdensome not only to OMB but also to agencies, GAO, and the committees of Congress. To the extent that abuses occur, sufficient remedies are available. Parties awaiting funds (States, cities, private organizations) have the machinery and resources to marshall a quick protest. GAO could report the omission to Congress, with the report given the same status as though it had come from the President.[38] Furthermore, the political cost of abusing delegated authority over routine impoundments is too substantial. A few mishaps, requiring the intervention by affected parties and GAO, would prompt Congress to cancel the authority and reinstitute stringent reporting and control requirements.

In return for this delegated authority over routine impoundments, I think OMB will have to abandon its prejudice toward congressional add-ons. The practice is too blatant, too demeaning to Congress, too similar to item-veto authority. Policy impoundments should be reserved for occasions where events subsequent to the passage of an appropriation bill cast doubt on the need to spend the funds. Such events can discredit not only a congressional add-on but also the President's original budget request. Policy impoundments should be far less frequent than they have been under the Ford Administration, and they should be more even-handed, invoked because of events that could not be anticipated, not because Congress wanted something that was not in the budget. This means accepting the primacy of Congress in the appropriations process, of having OMB follow its own language: "The final authority for appropriations rests with the Congress. Its action is based on extended hearings and recommendations by the Appropriations Committees and is taken only after consideration by each body as a whole." [39]

II. PRESIDENTIAL FORMULATION OF ESTIMATES

A central thrust of the 1921 Budget and Accounting Act was the placing of responsibility in the President. As noted by the House Select Committee on the Budget:

If increased economy and efficiency in the expenditure of funds is to be secured, it is thus imperative that the evils should be attacked at their source. The only way by which this can be done is by placing definite responsibility upon some officer of the Government to receive the requests for funds as originally formulated by bureau and departmental chiefs and subjecting them to that scrutiny, revision, and correlation that has been described. In the National Government there can be no question but that the officer upon whom should be placed this responsibility is the President of the United States.[40]

The Committee anticipated from the President a "carefully thought-out financial and work program," revising agency requests to bring them into "harmony with each other, to eliminate duplication of organization or activities, [and] of making them, as a whole, conform to the needs of the Nation as represented by the condition of the Treasury and prospective revenues." [41] A great deal of the time of congressional committees had been taken up "in exploding the visionary schemes of bureau chiefs for which no administration would be willing to stand responsible." [42]

The 1921 Act made two exceptions to this principle of Presidential responsibility. He was to set forth in his budget all estimates necessary "in his judgment," except the esti-

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mates for the legislative branch and the U.S. Supreme Court. Those estimates were to be included in the budget without revision.[43] Moreover, the Act prohibited agency officials from submitting appropriation requests to Congress, or submitting recommendations as to how the revenue needs should be met "unless at the request of either House of Congress." [44]

This structure of Presidential responsibility has eroded slowly over time, but we appear to be on the verge of a more rapid disintegration. Budgets not subject to executive branch review now include not only the legislative branch and the judiciary but also the Comptroller of the Currency in the Treasury Department, the Federal Deposit Insurance Corporation, the Milk Market Orders Assessment Fund of the Department of Agriculture, the Farm Credit Administration, the International Trade Commission, and the annexed budgets (except for the Export-Import Bank).[45] Additional encroachments have been made with respect to the Postal Service and the Consumer Products Safety Commission, while a number of pending proposals would grant budgetary independence to regulatory commissions and give Congress automatic access to the budget requests that agencies submit to OMB.[46]

*Budget Estimates Bypassing the President*

Senator Lee Metcalf introduced legislation (S. 448) in 1971 to provide that the appropriation requests of certain regulatory agencies be transmitted directly to Congress. Such estimates and requests for appropriations were to reflect the judgment of the agency concerned and were not to be changed at the direction of any other agency of the executive branch. The agencies named in the bill were the Civil Aeronautics Board, Federal Communications Commission, Federal Maritime Commission, Federal Power Commission, Federal Trade Commission, Interstate Commerce Commission, and Securities and Exchange Commission.

S. 448 was not reported from committee, but during the 93d Congress Senator Metcalf introduced S. 704, a bill to restore the independence of the same seven regulatory commissions. The bill repeated the requirement for submission of budget estimates directly to Congress. But as reported by the Senate Government Operations Committee, on December 10, 1974, the bill was modified to provide that budget requests would be sent concurrently to OMB and to Congress. When the President submitted his budget to Congress, he could alter the commissions' requests if he desired. However, he would have to include—within the budget document—both the commissions' unaltered requests as well as his proposals for their appropriations.[47]

No action was taken by the Senate on the Metcalf bill. He has introduced a new bill during the 94th Congress for concurrent submission of budget estimates of certain regulatory agencies.[48] Senator Philip Hart has sponsored legislation (S. 857, 94th Congress) to require certain regulatory agencies to submit budget estimates directly to Congress without clearance by OMB.[49]

Two other proposals affecting regulatory agencies have already been enacted. The Consumer Products Safety Act of 1972 created an independent regulatory commission, the Consumer Products Safety Commission. The act required the Commission to submit its budget requests simultaneously to OMB and to Congress: "Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the Congress." [50] In signing the bill, President Nixon described the budget provision as "unfortunate and should not be regarded as precedent for future legislation." [51]

Far more serious, as a departure from the principles of the 1921 Budget and Accounting Act, is the Trade Act of 1974. It provides that the estimated expenditures and proposed appropriations for the U.S. International Trade Commission (formerly the Tariff Commission) shall be included in the President's budget "without revision." [52] Budget-watchers on Capitol Hill, including myself, learned of the provision months after its enactment. President Ford made no mention of the provision when he signed the bill.[53]

Another innovation, tucked away unnoticed in a 1974 statute, sought to give budgetary indepedence to the Postal Service. The main purpose of the legislation was to extend the phase-in of certain postal subsidies. But Section 3 of the statute also devised a new procedure for submitting the appropriations requests of the Postal Service. It required the budget program to include separate statements of the amounts requested by the Postal Service for public service costs (rural delivery) and for foregone revenue (third-class mail). The act provided that the President shall include those amounts, "with his recommendation but without revision, in the budget transmitted to Congress under section 11 of title 31." [54]

President Ford implemented Section 3 of the Postal Service Act by placing its estimates, without revision, in the Appendix to the fiscal 1976 budget. Side-by-side he placed his own recommendations. So far so good. But in the regular budget document he included only his own recommendations, not those of the Postal Service.

OMB officials contended that the budget presentation satisfied the requirements of Section 3, since the "budget" consists of four separate documents, including the Appendix. But the customary meaning of the budget has been restricted to the document with the President's message, his estimates of budget receipts, etc. Moreover, on page 2 of the Budget Appendix for fiscal 1976 the term "Budget" is restricted to the document that "contains the information that most users of the budget would normally need, including the Budget Message of the President." And finally, OMB's argument conflicted with the definition of "budget" in the United States Code (which the 1974 Postal Service Act incorporated by reference). According to 31 U.S.C. 2: "The term 'Budget' means the Budget required by section 11 of this title to be transmitted to Congress." Section 11 states that the President "shall transmit to Congress during the first fifteen days of each regular session, the Budget, which shall set forth his Budget message, summary data and text, and supporting detail." There seems little doubt that Section 3 of the Postal Service Act intended that Postal Service estimates be placed in the President's regular budget, not the Appendix.

That OMB might have hedged a bit is understandable. Section 3 of the Postal Service Act of 1974 raised profound questions regarding the nature of a President's budget. If the budget is to set forth information in such form and detail "as the President may determine" (31 U.S.C. 11), can Congress require him to include unrevised agency estimates? The very essence of a President's budget has been his recommendation, his judgment. While that concept has been damaged in recent decades by the growth of "uncontrollables"—particularly mandatory entitlements—we have yet to acknowledge in any public debate that the concept is invalid and should be replaced.

If it was important in 1921 to vest in the President and the Budget Bureau a responsibility to eliminate duplication of organization or activities, surely with the size and complexity of the budget today that need is even more pressing. Once we begin to bypass the Presidential-OMB machinery, who will take up the slack? The Budget Committees? The Congressional Budget Office? Not as presently constituted, nor is any future adaptation likely. No amount of increase in staff size or computer capability is likely to develop a central legislative capability for coordinating the budget requests of departments, agencies, and commissions.

III. CONCLUSION

For a number of years we have listened to two competing models of the separation doctrine. One is criticized as "static," as an impractical attempt to partition legislative and executive powers. The other is regarded with greater favor because it is "pragmatic," emphasizing such properties as sharing and comity. Neither model is of much use to us here. No doubt it is unrealistic to assign the powers of government to watertight compartments. But equally unsatisfactory is the rather mushy idea of "sharing" or "comity." The text of the Constitution, the debates at the Philadelphia Convention, and decisions by federal courts are not of much help in disposing of the issues raised in this paper.

Still, we are left with an important and unresolved issue of the separation doctrine. Should the executive branch intrude on the ability of Congress to increase appropriations? Should the legislative branch intrude on the President's formulation of budget estimates? This is not a question solely of power. Each branch, as the record amply demonstraes, can encroach upon the other. The fundamental issue is less one of power and short-run abilities as it is a question of long-range implications for each branch and national policy.

I think there is merit in the idea of having each branch back off, examine the rights and prerogatives of the other branch, and then do in the best way what it is best equipped to do. Congress should not be in the business of making budgets. The President, after he exhausts his veto power, must recognize that a public law not of his liking is a public law nonetheless. The performance of Gerald Ford is a welcome relief from the confrontation politics of Richard Nixon, but there are limits and limitations to Ford's stress on the "four C's": communication, conciliation, compromise, and cooperation. Compromise on some points is not in the interest of either branch. The time appears ripe to reassess legislative and executive responsibilities and to redefine boundaries. The system is large enough to accommodate the usual conflicts without confrontation, to have a modest amount of overlapping without confusion and loss of accountability. It is something to think about.

FOOTNOTES

[1] H. Rept. No. 14, 67th Cong., 1st Sess. 5 (1921).

[2] 42 Stat. 20, sec. 201(a).

[3] "Budget Systems," *Municipal Research*, No. 62 (June 1915), at 312, 322, 327, 340. See also William Franklin Willoughby, *The Problem of a National Budget* (New York: D. Appleton, 1918), at 146–49.

[4] Charles Wallace Collins, "Constitutional Aspects of a National Budget System," 25 *Yale Law J.* 376 (March 1916).

[5] Id. at 377.

[6] Id at 380.

[7] Id. at 381.

[8] Id. at 382–83.

[9] *Plan for a National Budget System*, H. Doc. No. 1006, 65th Cong., 2d Sess. (1918). This document includes Collins' study entitled "Consolidation and Strengthening of Federal Finance Through the Adoption of a National Budget System."

[10] *Annual Report of the Secretary of the Treasury, 1918–19*, at 121 (from McAdoo's testimony on October 4, 1919, before the House Select Committee on the Budget).

[11] Id. at 117.

[12] David Houston, *Eight Years With Wil-*

son's Cabinet (2 vols., Doubleday, Page & Co., 1926), II, 88.

[13] H. Rept. No. 14, 67th Cong., 1st Sess. 6–7 (1921).

[14] Richard F. Fenno, Jr., *Congressmen in Committees* (Boston: Little, Brown, 1973), at 48. Emphasis in original. See also Richard F. Fenno, Jr., *The Power of the Purse* (Boston: Little, Brown, 1966), at 102–08.

[15] *Cong. Q. Wkly. Rept.*, July 20, 1962, at 1126, 1236; cited by Jeffrey L. Pressman, *House vs. Senate: Conflict in the Appropriations Process* (New Haven: Yale University Press, 1966), at 85. See also 80–90.

[16] Fenno, *The Power of the Purse*, at 632.

[17] Arnold Kanter, "Congress and the Defense Budget: 1960–1970," 66 Am. Pol. Sci. Rev. 129, 140 (March 1972).

[18] Louis Fisher, *Presidential Spending Power* (Princeton: Princeton University Press, 1975), at 161–65.

[19] *Public Papers of the Presidents, 1966*, II, 981.

[20] *Public Works for Water and Power Development and Atomic Energy Commission Appropriations* (Part 6), hearings before the House Committee on Appropriations, 92d Cong., 1st Sess. 17 (1971). Statement by OMB Deputy Director Caspar W. Weinberger.

[21] Id. at 19. Statement by Weinberger.

[22] Fisher, *Presidential Spending Power*, at 175–201.

[23] S. Rept. No. 93–688, at 75.

[24] *National Association of Collegiate Veterans* v. *Ottina*, Civ. Action No. 349–73 (D.D.C. 1973); *Minnesota Chippewa Tribe* v. *Carlucci*, Civ. Action No. 628–73 (D.D.C. 1973); *National Association of State Universities and Land Grant Colleges* v. *Weinberger*, Civ. Action No. 1014–73 (D.D.C. 1973).

[25] *Local 2677, the American Federation of Government Employees* v. *Phillips*, 358 F. Supp. 60, 73 (D.D.C. 1973).

[26] *Commonwealth of Pennsylvania* v. *Lynn*, 362 F.Supp. 1363, 1372 (D.D.C. 1973), footnote omitted. This was reversed on July 19, 1974 by the U.S. Court of Appeals for the District of Columbia Circuit; *Commonwealth of Pennsylvania* v. *Lynn*, 501 F.2d 848 (D.C. Cir. 1974). See James E. Mitchell, *Pennsylvania* v. *Lynn: The Rest of the Iceberg*, 52 *J. Urban Law* 421 (1974), and Fisher, *Presidential Spending Power*, at 192–97.

[27] *National Council of Community Mental Health Centers* v. *Weinberger*, 361 F.Supp. 897, 902 (D.D.C 1973). The President's budget estimates are given statutory recognition in continuing resolutions, which provide stopgap funding authority for agencies that await final action on regular appropriation bills. In cases where an appropriation bill has not been passed by either House, the rate of agency operations shall not exceed the current rate or the rate provided for in the budget estimate, whichever is lower. Also, because of special circumstances, provision is made in certain instances to base the rate of operations on the budget estimate. And in cases where there is no budget estimate, or if the budget request has been deferred for later consideration, projects or activities are continued at the current rate or as specifically provided. E.g., see H. Rept. 94–289, at 2.

With respect to certain health, welfare, and retirement programs, the House Appropriations Committee found in 1975 that some budget estimates were "grossly understated and others are of questionable adequacy." To insure that the federal commitment would be honored, the Committee recommended language that would provide payments as mandated by law. The affected programs were the food stamp, school lunch, and child nutrition programs, payments to beneficiaries under the Federal Coal Mine Health and Safety Act and the Railroad Retirement Act, retirement pay and medical benefits for commissioned officers of the Public Health Service, and grants to States for public assistance. H. Rept. 94–289, at 3.

[28] H. Doc. 93–361, at 6. Also reprinted as S. Doc. 94–5.

[29] 121 Cong. Rec. p. 6305 (March 12, 1975).

[30] H. Rept. 94–26, at 12.

[31] 121 Cong. Rec. p. 4170 (Feb. 25, 1975).

[32] *Budget Rescissions and Deferrals, 1975* (Part 1), hearings before the Senate Committee on Appropriations, 94th Cong., 1st Sess., at 283.

[33] 121 Cong. Rec. p. 4158 (Feb. 25, 1975).

[34] *Supra* note 32, at 33. Congress invited HEW deferrals and rescissions as part of a compromise arrangement on the Labor-HEW appropriation bill for fiscal 1975; see the conference report, H. Rept. 93–1489, at 21.

[35] *Supra* note 32, at 279.

[36] *The Budget of the United States Government, Fiscal Year 1976*, at 7–8.

[37] Fisher, *Presidential Spending Power*, at 148–58.

[38] Under Section 1015(a) of the Impoundment Control Act, if the Comptroller General finds that the President has impounded funds without transmitting a special message, he shall report to both Houses. His report is received "in the same manner and with the same effect" as if it were a special message from the President. P.L. 93–344, 88 Stat. 336.

[39] OMB Circular No. A–10, Revised, dated Jan. 18, 1964, para. 8.

[40] H. Rept. No. 14, 67th Cong., 1st Sess., at 5.

[41] Id. at 4.

[42] Id.

[43] 42 Stat. 20, sec. 201(a).

[44] Id. at 21, sec. 206.

[45] OMB Circular No. A–11, Revised, Transmittal Memorandum No. 44, dated June 16, 1975, § 11.1.

[46] For the latter, see *Amending the Budget and Accounting Act of 1921*, hearing before the Senate Committee on Government Operations, 93d Cong., 1st Sess. (1973).

[47] S. Rept. 93–1319, at 21–22.

[48] S. 363. See 121 Cong. Rec. p. 1060 (Jan. 23, 1975).

[49] 121 Cong. Rec. p. 4400 (Feb. 26, 1975).

[50] P.L. 92–573, 86 Stat. 1229, sec. 27(k)(1).

[51] *Public Papers of the Presidents, 1972*, at 1050.

[52] P.L. 93–618, 88 Stat. 2011, sec. 175(a)(1).

[53] *Wkly. Comp. of Pres. Doc.*, XI, 10–11 (Jan. 3, 1975).

[54] P.L. 93–328, 88 Stat. 288.

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## HAWK MISSILES TO JORDAN

Mr. CASE. Mr. President, a satisfactory agreement has been reached with the administration on the sale of Hawk missiles to Jordan.

When we first learned of the proposed sale to Jordan of 14 batteries of Hawk missiles, grave concerns were felt. Could the Hawk weapons be used for offensive purposes against Israel? Our chief objective since July was to reduce the danger of an offensive combat use of Hawks.

One way to reduce the offensive threat would be to reduce the number of missile batteries offered for sale to Jordan. Unfortunately, the King of Jordan had been led to believe that he had received guarantees from the administration that he would receive the full 14 batteries.

Another way to approach the problem was to assure that the Hawks would be deployed so that their only use could be as defensive weapons.

After considerable discussions with the Department of State and the Department of Defense, assurances from our own Government and the Jordanian Government were worked out. A letter from the President to the Congress spells out these assurances and states the conditions of the sale.

The heart of the matter is that the Government of Jordan has informed us that it intends to use the Hawk missiles solely for the defense of the Amman-Zerka complex and other fixed sites, that is air bases and radar stations located generally to the east and south of Amman. This means that the missiles can be used only within Jordanian controlled territory.

To further insure the missiles will remain in these locations, the President's letter states that:

> The Hawk batteries will be permanently installed at these locations as fixed, defensive, and non-mobile antiaircraft weapons.

Moreover, the letter goes on to state that:

> The training to be provided by the United States will be training appropriate to non-mobile weapons.

This means that these weapons could not be used in a combat offensive in any outbreak of war in the Middle East.

This resolution of the problem assures there will be no potential strategic threat to Israel as a result of this sale by the United States. It means that good relations with Jordan can be maintained and that the balance of power in the Middle East is not affected.

I ask unanimous consent that the text of the President's letter on this matter be printed in the RECORD.

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

THE WHITE HOUSE,
*Washington, D.C. September 17, 1975.*

Hon. NELSON A. ROCKEFELLER,
*President of the Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: With respect to the sale of HAWK anti-aircraft missiles to Jordan, I am writing to inform you of the following:

Initial deliveries will consist of one battery each in October, November and December of 1976. Deliveries of the next three batteries will be made during the period of January-March of 1978. Deliveries of the remaining eight batteries will begin approximately 30 months from the date of the Jordanian signature of the Letter of Offer and will be made over a period extending into 1979.

The Government of Jordan has informed us that it intends to use the HAWK missiles solely for the defense of the Amman-Zerka complex and other fixed sites, that is, air bases and radar stations located generally to the east and south of Amman. The batteries will be permanently installed at these locations as fixed, defensive and non-mobile antiaircraft weapons. The geographic situation of these sites and the planned configuration of the HAWK installations will clearly demonstrate the intent of the Jordanian Government to use the weapons for purely fixed defensive purposes. The training to be provided by the United States Government will be training appropriate to non-mobile weapons.

As you know, pertinent legislation and agreements obligate the Government of Jordan to use arms supplied by the United States Government only for purposes of the legitimate self-defense or internal security of Jordan and to refrain from transferring

or subjecting the arms to the control of a third party without prior written United States consent. We consider that the latter provision would prohibit the placement of the HAWK weapons under any bi-national or multi-national command structure or military force of which Jordan might become a part, if such an arrangement would have the effect of transferring title or control outside the Jordanian Government without prior written United States Government consent.

I want to assure you that the Executive Branch will seek to implement the sales contract consistent with the principles expressed in this letter. We will monitor the situation closely to this end. I wish to recall to you that the Letter of Offer will contain a provision that "under unusual and compelling circumstances when the best interests of the United States require it, the United States Government reserves the right to cancel all or part of this order at any time prior to the delivery of defense articles or performance of services."

Moreover, if at any time the employment of the HAWK batteries by the Jordanian Government appears to depart from this pattern of defensive deployment or national control, the State Department will so inform the appropriate committees of the Congress and will consult with them concerning any action which should be taken in consequence.

Sincerely,

GERALD R. FORD.

Mr. STONE. Mr. President, the impending sale of Hawk missile batteries to Jordan causes me grave concern for the stability of the tenuous Middle East peace. I have written my Senate colleagues urging them to join me in opposition to the sale of these missiles. I wish to insert the text of my letter and its attachment, the formal announcement of Damascus Radio of the Syrian-Jordanian Joint Supreme Political Command, in the RECORD at this time. I am also inserting a letter from the State Department delivered to me today which does indicate our attempt contractually to prevent third country access to this vital system. However, as my letter states, what would be the case in a war situation?

I ask unanimous consent that my letter and the other material referred to be printed in the RECORD.

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

On September 2, the Administration sent Congress its second notice of intent to sell fourteen batteries of advanced Hawk missiles to Jordan. These missiles which have achieved 94% reliability in demonstration tests, higher than any other missile system in existence, are being demanded of us by King Hussein. The King has stated that he will turn to the Soviet Union for an air defense system if we do not comply with his request.

Simultaneously, it was announced by Damascus Radio on August 22, 1975, that Jordan has formed a Joint Supreme Political Command with Syria with the purpose of "mobilizing the resources of the Arab nation and throwing these resources into the battle against the Zionist enemy." Their Joint Command includes "approval of coordination and integration plans between the two armed forces in the two countries." I am attaching a copy of this announcement.

The situation has thus changed greatly since the first request for this sale. Because of the newly formed Joint Command, such a sale is neither in the national security nor the national interest of the United States. The Administration seeks to give fourteen batteries of the most reliable missile defense system in the world to a nation which has entered into joint military command with Syria. Syria has approximately 4,000 military technicians, many of them missile specialists, supervising their operations. The Hawk missile is the basis for the air defense in the United States and in NATO. If we send these advanced Hawks to Jordan, they might as well be shipped directly to the Soviet Union! There can be no assurance that the Hawks will not fall into the hands of Syria and thus the Soviets.

The State Department and King Hussein state openly that Jordan will turn to the Soviets if we do not meet this demand. I doubt it. Even if King Hussein should not object to the presence of Soviet "technicians" on his territory, the most advanced Soviet antiaircraft missile used in conflict, the SA–6, has a maximum kill-rate of only 10%. The advanced Hawk system is far superior.

The United States has nothing to gain by this sale, but everything to lose. President Anwar Sadat has expelled Soviet missile technicians from Egypt. Until Syria emulates Egypt's example, we should not enter into a transaction that may render our own defenses vulnerable.

Our Chief of Staff, General George Brown, has testified that the maximum number of missile batteries Jordan could possibly need for its own defensive purposes is six. Any more than that only confirms the suggestion that they may well be used for offensive purposes and will be a force for destabilizing the Middle East. King Hussein has publicly stated that he refrained from attacking Israel in 1973 solely because he lacked an effective air defense system.

Although Undersecretary of State Joseph Sisco has now given me written assurance that our sales contract with Jordan will include protection not only against third party title and control, but also against third party access to the Hawks, no assurance could be totally effective in a war situation, because Jordan and Syria have pledged a united military front and joint command of their military forces. I urge you to consider the risks to our own national interests inherent in this sale.

We have just witnessed a responsible step toward peace pledged by Egypt and Israel. The sale of advanced Hawks would be a step in the wrong direction.

I strongly urge that you disapprove this sale.

Warm personal regards.

Cordially,

RICHARD (DICK) STONE.

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SYRIAN-JORDANIAN JOINT STATEMENT ISSUED

Damascus Domestic Service in Arabic
1122 GMT 22 Aug 75 Jn

[The Syrian-Jordanian joint statement released on 22 August in Damascus and Amman on the visit of Jordan's King Husayn to Syria—read by Syrian announcer in joint hookup with Amman radio]

[Text] In reply to the invitation extended by His Excellency President Hafiz al-Asad, president of the Syrian Arab Republic, His Majesty King Husayn ibn Talal, monarch of the Hashemite Kingdom of Jordan, made a visit to the Syrian Arab Republic between 18–22 August 1975. On this visit, he was accompanied by Premier, Foreign and Defense Minister Zayd ar-Rifai; His Excellency Mudar Badran, chief of the Royal Hashemite Court; His Excellency Salah Abu Zayd, minister of culture and information; His Excellency Salim Masa'idah minister of finance and acting minister of industry and trade; Staff Lt Gen Sharif Zayd ibn Shakir, chief of staff of the armed forces; Staff Maj Gen Awwad Al-Khalidi, his majesty's military adviser; and Yanal 'Umar, chief of royal protocol.

His majesty the great guest and the delegation accompanying his majesty were accorded a warm popular and official welcome, in which senior officials in the state and the armed forces and the masses of the people participated expressing the respect harbored by the Syrian Arab Republic for the great guest and the love and appreciation for the fraternal Jordanian people, prompted by the fraternal bonds existing between the two fraternal countries which reflect the unity of history, march and objective between them.

During his majesty the king's stay in the Syrian Arab Republic, his majesty and the delegation accompanying him visited the liberated city of Al-Qunaytirah and saw the extent of the effects of Zionist enemy's savagery and malice. His majesty and delegation accompanying him also visited Latakia province and a number of industrial, historic and tourist sites. They acquainted themselves with a number of achievements in the Syrian Arab Republic.

During the visit, official talks were held between His Majesty King Husayn and his brother His Excellency President Hafiz al-Asad. The talks were pervaded with an atmosphere of brotherhood, totally reciprocated trust, total determination on the joint Arab interest and belief in the unity of destiny as a reflection of the noble Arab bonds existing between the two fraternal countries. The talks also led to total agreement in viewpoints regarding all the issues discussed. On the Syrian side, the talks were attended by Prime Minister Muhmud al-Ayyubi; Deputy Prime Minister and Foreign Minister 'Abd al-Halim Khaddam; Information Minister Ahmad Iskandar Ahmad; Finance Minister Muhammad Sharif; and Chief of Staff Maj Gen Hikmat ash-Shibabi, Foreign and Defense Minister Zayd ar-Rifa'i; His Excellency Mudar Badran, chief of the Royal Hashemite Court; Salah Abu Zayd, culture and information minister; Salim Masa'idah; finance minister and acting industry and trade minister; Staff Lt Gen Sharif Zayd ibn Shakir, chief of staff of the armed forces; and Staff Maj Gen Awwad al-Khalidi, his majesty's military adviser.

In the Arab field, the two great leaders studied the situation in the Arab homeland. They were in total agreement regarding the need to seek to entrench Arab solidarity that was manifested in the October war of liberation and on which the resolutions of the Rabat and Algiers summit conferences were based. They affirmed the importance of continuing work to implement these resolutions in various fields. The two leaders stressed the great importance of working to overcome peripheral matters and the need to remove these from in front of the main battle. They highlighted the special importance of mobilizing the resources of the Arab nation and throwing these resources into the battle against the Zionist enemy, out of their belief that building the military power of the Arab nation in general and that of the frontline forces in particular is the sure guarantee to achieve victory, regain the rights and total liberation of the land, proceeding from a fact affirmed by the development of events, namely that there is no substitute for military power and military preparedness to confront enemy intransigence and maneuvering.

On the situation in the area, and after assessing the situation in the area and the circumstances from which it is passing, the two leaders affirmed that the Zionist enemy's maneuvers regarding comprehensive withdrawal from the occupied Arab lands, and his refusal to recognize the national rights of the Palestinian people, make this situation more explosive. They affirmed their conviction that peace is linked to the following two principles:

1. Comprehensive withdrawal from all the occupied Arab lands.

2. Recognition of the national rights of the people of Palestine.

Any attempt made by the enemy to escape from these two facts by partitioning that situation along the lines of confrontation—thus dividing the issue in order to submerge the main issue, namely the Palestinian cause—will make the situation more serious. The viewpoints of the two Arab leaders were in agreement regarding the need to work within the framework of the unity of the issue. This essentially requires the realization of more cooperation between the two countries and the rest of the Arab countries and backing the PLO so that it can shoulder its national responsibility because the two leaders are convinced of the importance of making the Palestinian personality emerge. This conviction was affirmed by the two leaders at the Rabat summit conference.

In the international field, the two leaders reviewed international issues and affirmed their belief in the right of all peoples to freedom, independence and progress. They agreed to continue efforts to support and back the issues of the friendly peoples, particularly the people of the Third World, support and develop Arab-African cooperation, strengthen the nonalined front and establish international relations that will serve the cause of the Arab struggle for its objectives.

In the field of bilateral relations: Proceeding from the unity of fate and goal, out of the belief in steadfastness to cope with the challenge represented by the decisive and fateful struggle which the Arab nation is waging in defense of its land, honor, existence, security and future against all the forces of imperialist domination and racist Zionism; proceeding from a fact manifested by Arab history, namely that the unity of the homeland and the capabilities it provides and the political, economic and military resources it makes available are the decisive reply to the imperialist and Zionist challenges and are the means to regain dignity, to liberate the land, and to retrieve our rights; out of the desire to fulfill the aspirations of the one people in the two fraternal countries; out of desire to apply the national policy drawn up by the two leaders—His Excellency President Hafiz al-Asad and His Majesty King Husayn ibn Talal—; out of the belief of the two countries in their inevitable unity and the need to work to restore the situation to what it was before the divisions effected by foreign imperialism: out of all this, agreement has been reached on the following:

1. The formation of a supreme political command composed of His Excellency President Hafiz al-Asad, president of the Syrian Arab Republic, and His Majesty King Husayn ib Talal, king of the Hashemite Kingdom of Jordan, to be called the supreme Syrian-Jordanian command council.

2. The supreme command council shall issue decisions, instructions and directives on the recommendations and proposals referred to it by the supreme ministerial committee.

3. The supreme command council shall issue decisions, instructions and directives on all matters and questions that it will discuss, particularly regarding the following:

A. The approval of the coordination of the policy of the two countries in various Arab and international fields, the unification of their stands regarding all issues under discussion and the approval of coordination plans in order to reach a unified foreign policy for the two countries.

B. Discussion of the issues of peace and war and making the joint and coordinated decisions and stands regarding them.

C. Approval of coordination and integration plans between the two armed forces in the two countries.

D. Drawing up of the bases and taking the necessary joint measures to protect the domestic and national security of the two countries and to protect relations between them.

E. Approval of the economic policy intended to achieve integration and unity between the economies of the two countries through coordination of economic and social development plans and the establishment of joint economic companies and establishments as well as the unification of the markets of the two countries and approval of a unified customs policy.

F. Approval of an educational policy intended to deepen the national feelings and to raise the standards of education in a manner that will lead to the achievement of an educational renaissance serving the goals of the Arab nation in building an advanced society.

G. Approval of the policy of coordination and integration in the information field in a manner that serves the goals of the Arab nation.

4. The supreme command council shall meet once every 3 months or any time it is deemed necessary.

5. Coordination and cooperation among the vocational and popular organizations in the two countries—dealing with such topics as women, workers, students, youth and trade union organizations—shall be effected.

His Majesty King Husayn ibn Talal expressed his extreme thanks for the warm welcome and reception accorded him during his visit to the Syrian Arab Republic and wished all progress and prosperity for the fraternal Syrian Arab people and health and happiness to His Excellency President Hafiz al-Asad.

His Majesty King Husayn extended an invitation to His Excellency President Hafiz al-Asad to visit the Hashemite Kingdon of Jordan. President al-Asad accepted the invitation with thanks and appreciation.

AL-ASAD, KING HUSAYN ARRIVE IN LATAKIA

(Damascus Domestic Service in Arabic 1115 GMT 20 Aug 75 JN)

[Excerpts] Latakia—Latakia today received with all aspects of love and appreciation President Hafiz al-Asad and his illustrious guest His Majesty King Husayn ibn Talal. On this occasion, the jewel of the coast was decorated and arches of triumph were raised in its streets. The Syrian and Jordanian flags waved throughout the town, which was decorated with the pictures of the two Arab leaders.

Our radio team reports that hardly had the President, his wife, His Majesty King Husayn, Her Majesty Queen Alia, and Her Highness Princess Aliyah appeared at the park than warm cheers resounded reiterating "one people, one army" and greeting Arab unity.

At the ramp to the helicopter, the two great leaders were greeted by Latakia Governor 'Abd ar-Razzaq Shakir, his wife, and the major general commanding the coastal area and his wife.

REPORT ON VISIT

(Damacus Domestic Service in Arabic 1815 GMT 21 Aug 75 JN)

[Excerpts] Latakia—President Hafiz al-Asad, his distinguished guest His Majesty King Husayn, and the accompanying delegation spent the second day of their visit to Latakia province by touring Al-Buruluy forest and Kasab village.

The province's inhabitants continued for the second day in succession to express their warm welcome for the two distinguished Arab leaders. The citizens welcomed with extreme pleasure and amity the motorcade of the two great leaders. Cheers for Arab unity and solidarity came from everywhere. The citizens cheered for one people, one army, and for the long life of the unity of the two fraternal countries.

It is noteworthy that the visit of His Excellency President Hafiz al-Asad, his brother His Majesty King Husayn, and the accompanying delegation to the province and town of Latakia will end today, and they will return to Damascus tomorrow.

DEPARTMENT OF STATE,
*Washington, D.C., September 17, 1975.*

HON. RICHARD STONE,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR STONE: You asked that I send you in writing the information you requested of Under Secretary Sisco this morning concerning the access by Third Country technicians to the Hawk system we wish to sell to the Kingdom of Jordan.

The Letter of Offer contains the standard provisions which carry out Section 3A of the Foreign Military Sales Act. The provision (Section 8 Part B, Standard conditions, Letter of Offer) which prohibits transfer of the articles provided goes on to prohibit access to information relating to these articles. Specifically Section 8 says:

". . . It shall not disclose, dispose of, or permit use of any plans, specifications or information furnished in connection with this transaction, except to the extent authorized in writing by the USG. To the extent that any items, plans, specifications, or information furnished in connection with this transaction may be classified by the USG for security purposes, the Purchaser shall maintain a similar classification and employ all measures necessary to preserve such security, equivalent to those employed by the USG, throughout the period during which the USG may maintain such classification. The USG will notify the Purchaser if the classification is changed. The Purchaser will ensure, by all means available to it, respect for proprietary rights in any defense article and any plans, specifications, or information furnished whether patented or not."

This clause will be included in the present contract. It effectively prohibits the access of foreign technicians to the Hawk system and related technology. The Government of Jordan fully understands this provision.

I hope that this information serves your purposes. If I can be of further assistance please do not hesitate to call me.

Sincerely,

FRANK G. WISNER,
*Special Assistant.*

## THE KILLING OF THE HUMAN LIFE AMENDMENTS

Mr. HELMS. Mr. President, I have been informed that the Subcommittee on Constitutional Amendments has voted today to kill every legislative proposal which would have guaranteed the right of life to the unborn. Like the innocent children who are daily slaughtered in the privacy of abortion clinics, these proposals will never see the light of day for discussion on the Senate floor.

I acknowledge that this is a controversial issue; indeed, the arbitrary action of the Supreme Court in Roe against Wade has completely reversed our legal standards of human rights for the unborn. It is to be expected that anything so revolutionary should be a matter of strong feelings and intense debate. But the action of the subcommittee in killing all legislation stifles that debate, and will create a deep division in our society. I understand that not only was Senate Joint Resolution 6, the so-called Helms amendment, killed, but also every other proposal offered, including attempts at compromise was likewise killed.

I still believe that this Nation needs a mandatory human life amendment. If

we abridge the rights of the unborn, we abridge the rights of every human being; the sentence we pass upon the innocent will be executed upon ourselves.

The majority of the men and women of America are concerned that the integrity of the family, the dignity of womanhood, and the life of the unborn must be preserved. If this Nation is to continue in decency they must rise up and urge their Senators and Representatives that this matter be reconsidered; it must at least come to the floor for discussion so that every Member of this body can go on record for or against the rights of human beings. If we allow this matter to be buried quietly, then all of us become accomplices in the unnecessary deaths of millions.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

## DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION ACT, 1976

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 8069, which the clerk will state.

The legislative clerk read as follows:

A bill (H.R. 8069) making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies, and so forth, and for other purposes.

The Senate resumed the consideration of the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. 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. GRIFFIN. Mr. President, I ask unanimous consent that a member of my staff, James Hill, have the privilege of the floor during deliberations and voting on the HEW-Labor appropriation bill.

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

Mr. GRIFFIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MAGNUSON. 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. MAGNUSON. Mr. President, at the outset I will present the usual requests.

I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

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

The amendments agreed to en bloc are as follows:

On page 2, in line 24, strike out $2,388,400,000" and insert "$2,394,400,000".

On page 3, at the end of line 8, strike out $597,500,000" and insert "$599,000,000".

On page 5, line 18, strike out "$81,300,000" and insert "$82,800,000".

On page 5, in line 19, strike out "$1,056,300,000" and insert "$1,054,800,000".

On page 6, in line 23, strike out "$20,300,000" and insert "$20,700,000".

On page 6, in line 24, strike out "$264,100,000" and insert "$263,700,000".

On page 8, in line 11, strike out "$81,560,000" and insert "$83,643,000".

On page 8, in line 16, strike out "$20,390,000" and insert "$20,911,000".

On page 10, in line 6, strike out "$108,221,000" and insert "$118,221,000".

On page 10, in line 11, strike out "employees" and insert "employers".

On page 10, in line 20, strike out "$27,000,000" and insert "$29,500,000".

On page 14, in line 1, strike out "$553,685,000" and insert "$560,302,000".

On page 14, in line 4, after "leprosy" insert "and $1,000,000 is herein authorized to be expended for salaries and related costs of fifty new positions".

On page 15, in line 10, strike out "$135,501,000" and insert "$135,126,000".

On page 16, at the end of line 23, strike out "$107,115,000" and insert "$112,471,000 including $1,000,000 herein authorized to be expended for salaries and related costs of fifty new positions".

On page 17, in line 16, strike out "$703,564,000" and insert "$803,564,000 including $1,880,000 herein authorized to be expended for salaries and related costs of ninety-four new positions, and $25,000,000 for construction and renovation which shall remain available until expended".

On page 17, at the end of line 25, strike out "$329,059,000" and insert "$379,059,000 including $1,000,000 herein authorized to be expended for salaries and related costs of fifty new positions".

On page 18, at the end of line 10, insert "including $400,000 herein authorized to be expended for salaries and related costs of twenty new positions".

On page 18, in line 20, strike out "$173,972,000" and insert "$176,972,000 including $820,000 herein authorized to be expended for salaries and related costs of forty-one new positions".

On page 19, after "546,000" insert a comma and "including $1,460,000 herein authorized to be expended for salaries and related costs of seventy-three new positions."

On page 19, at the end of line 16, insert a comma and "including $1,320,000" herein authorized to be expended for salaries and related costs of sixty-six new positions".

On page 20, at the end of line 1, insert a comma and "including $460,000 herein authorized to be expended for salaries and related costs of twenty-three new positions".

On page 20, at the end of line 11, insert "including $600,000 herein authorized to be expended for salaries and related costs of thirty new positions".

On page 20, in line 20, strike out "$15,526,000" and insert "$20,526,000 including $400,000 herein authorized to be expended for salaries and related costs of twenty new positions".

On page 21, in line 4, strike out "$42,608,000" and insert "$50,000,000 including $600,000 herein authorized to be expended for salaries and related costs of thirty new positions".

On page 21, at the end of line 13, insert "including $200,000 herein authorized to be expended for salaries and related costs of thirty new positions".

On page 21, at the end of line 22, strike out "$128,731,000" and insert "$131,731,000 including $160,000 herein authorized to be expended for salaries and related costs of eight new positions".

On page 22, in line 21, strike out "$28,815,000" and insert "$29,565,000 including $320,000 herein authorized to be expended for salaries and related costs of sixteen new positions".

On page 23, in line 4, strike out "$93,000,000" and insert "$41,000,000".

On page 23, in line 11, strike out "$19,612,000" and insert "$17,896,000".

On page 23, in line 19, strike out "$4,903,000" and insert "$4,474,000".

On page 24, in line 4, strike out "$557,654,000" and insert "$601,998,000 including "$4,000,000 herein authorized to be expended for salaries and related costs of two hundred new positions".

On page 24, in line 9, strike out "$84,242,000" and insert "$84,104,000".

On page 24, in line 20, after "000" insert a colon and *"Provided,* That, $1,000,000 is herein authorized to be expended for salaries and related costs of fifty new positions".

On page 25, in line 10, strike out "$2,500,000" and insert "$5,400,000".

On page 25, in line 19, strike out "$360,709,000" and insert "$360,529,000 including $1,000,000 herein authorized to be expended for salaries and related costs of fifty new positions,".

On page 26, in line 9, strike out "$78,790,000" and insert "$78,255,000".

On page 27, in line 25, strike out "$23,142,000" and insert "$20,842,000".

On page 28, in line 2, strike out "$5,785,000" and insert "$5,210,000".

On page 28, in line 21, strike out "$15,785,000" and insert "$5,210,000".

On page 28, in line 21, strike out "$15,000,000,000, of which $50,000,000" and insert "$15,009,400,000, of which $55,000,000".

On page 31, in line 18, strike out "$57,878,000" and insert "$60,878,000".

On page 31, in line 20, strike out "$14,470,000" and insert "$15,219,000".

On page 36, in line 8, after "States" insert a colon and *"Provided further,* That all of the permanent positions authorized for this appropriation shall be full-time permanent positions without limitation as to the duration of the positions".

On page 37, in line 22, after "States", insert a colon and *"Provided further,* That all of the permanent positions authorized for this appropriation shall be full-time permanent positions without limitation as to the duration of the positions".

On page 39, in line 1, strike out "$1,500,049,000" and insert "$1,528,358,318, of which $720,000,000 shall be for activities under section 110(a) of the Rehabilitation Act of 1973, $309,318, shall be for section 110(b) of such Act, and for carrying out sections 201 and 304(b)(3) of such Act, $2,500,000, to remain available until expended".

On page 39, in line 15, after "Act" insert a colon and "Provided further, That the level of operations for the nutrition services for the elderly program shall be $200,000,000 per annum".

On page 40, in line 22, strike out "$87,289,000" and insert "$85,249,000".

On page 41, at the end of line 2, strike out "$22,670,000" and insert "$22,160,000".

On page 41, in line 12, strike out "$26,300,000" and insert "$24,950,000".

On page 42, beginning with line 23, strike out

SEC. 205. None of the funds contained in this title shall be available for additional permanent Federal positions in the Washington area if the proportion of additional positions in the Washington area in relation

to the total positions is allowed to exceed the proportion existing at the close of fiscal year 1966.

and insert

SEC. 205. None of the funds contained in this title shall be available for additional permanent positions in the Washington area if the total authorized positions in the Washington area is allowed to exceed the proportion existing at the close of fiscal year 1966.

On page 46, in line 6, strike out "$101,313,000" and insert "$105,623,000".

On page 46, in line 10, strike out "$21,083,000" and insert "$25,591,000".

On page 46, in line 6, strike out "$101,000" and insert "$526,452,000: Provided, That the appropriation for "Community services program" contained in title I, chapter VI of Public Law 94-32 (Second Supplemental Appropriations Act, 1975) is amended by striking out "September 30, 1975" and inserting in lieu thereof "December 31, 1975".

On page 46, in line 21, strike out "$114,975,000" and insert "$129,746,000".

On page 47, in line 9, strike out "$17,704,000" and insert $17,904,000".

On page 47, in line 12, strike out "$4,426,000" and insert "$4,476,000".

On page 47, in line 18, strike out "$409,000" and insert "$468,000".

On page 47, in line 21, strike out "$102,000" and insert "$117,000".

On page 48, in line 1, strike out "$67,461,000" and insert "$68,071,000".

On page 48, in line 17, strike out "$16,865,000" and insert "$17,018,000".

On page 52, beginning with line 12, strike out

SEC. 407. Funds contained in this Act used to pay for contract services by profitmaking consultant firms or to support consultant appointments shall not exceed the fiscal year 1973 level: *Provided*, That obligations made from funds contained in this Act for consultant fees and services to any individual or group of consulting firms on any one project in excess of $25,000 shall be reported to the Senate and House of Representatives at least twice annually.

and insert

SEC. 407. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein, except as provided in section 204 of Public Law 93-554.

On page 53, after expenses, insert a semicolon and the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 in the current fiscal year and $625 in the period July 1, 1976, through September 30, 1976, from funds available for "Salaries and expenses, Federal Mediation and Conciliation Service".

Mr. MAGNUSON. Mr. President, we are about to discuss a very important bill—a bill of significant magnitude. I have a short statement, the Senator from Massachusetts also has a short statement, then the bill will be open for amendments.

The Labor-HEW appropriations bill before us will continue the high priority which Congress has placed on Labor, Health, and Community programs.

I say continue because where increases are provided, many programs will simply be brought back to last year's level—others will not even be able to maintain certain initiatives because the cost-of-living increases have been too high, as much as 16 percent, for instance, in medical research.

In past years Congress has strongly and successfully resisted the inadequate and, I think sometimes unreasonable, Presidential budget requests for the vitally needed programs in this bill.

LOW BUDGET REQUESTS

Yes, our bill is about $1 billion over the President's budget request—but it is $7 billion below last year's level and only $286 million—that is 1 percent—over the House allowance. The insufficient Presidential requests would have fallen far short of matching the much-talked-about commitmcnts to jobs, disease prevention, medical research, and community programs—programs which we consider to be of top priority.

FALSE BUDGETARY ASSUMPTIONS

This year, more than ever before, the budget requests are much more realistic: Two false and misleading assumptions were made when this budget was put together at OMB.

First, the President assumed that Congress would accept all of his rescission proposals in fiscal 1975. To date, we have accepted none.

Second, OMB assumed that the State and local communities could pick up the cost of operating a great number of HEW programs. Well, this may be a good idea in good times, but certainly not when these people are in worse shape financially than they have been in a long time. To just dump these programs on the communities would be a financial disaster—but more importantly, to our citizens who would have vital services cut off because the communities simply are not in a position to take over these programs now.

The result of these assumptions was a budget request which was as much as 40 percent below even the 1975 level. This simply is unacceptable. Each and every American depends upon this bill, and with times as rough as they are—this is no time to let them down.

Now, I will turn to the bill itself.

LABOR

In the Department of Labor, the committee has generally concurred with the budget request in the area of employment and training programs, extending last year's level of services, including approximately 310,000 public service jobs. With more than 8 million people unemployed, we recognize this is a modest effort. It is intended primarily to help the most severely disadvantaged individuals, including veterans and the long-term unemployed. Two changes from the House-passed bill are noteworthy: We added $68.8 million to strengthen the services of the more than 2,600 local State employment offices, including $10 million to expand Statewide job-matching systems; and we restored $6 million for manpower training programs which had been cut by the House, specifying its use for national contract programs of proven effectiveness.

For the Occupational Safety and Health Administration, we have included an additional $10 million to provide 833 additional Federal compliance officers. Even though this raises the total number of compliance officers to 2,265, it still allows for inspections covering only 7 percent of the Nation's businesses. We still have a long way to go to prevent the 5,100 deaths and 6 million injuries which occur every year in our Nation's work places, but we feel this is all the additional staff that can be quickly recruited and effectively utilized at this time. The bill also includes $5 million for consultative services with employers, to help ease the burden on small employers in complying with the act, rather than solely imposing fines for inspection violations.

HEALTH

Health is the first wealth of a nation. This Nation has built an impressive health record. Life expectancy is 20 years longer now than in 1900, and many diseases have been practically eliminated, largely due to research over the years supported through HEW appropriations. We can be proud that today, as a result of past research, we can stand here and discuss new cancer treatments, or the fact that last year—for the first time—heart attacks and strokes in this country declined.

All of these successes, and many more, are in no small part due to a congressional commitment to health programs.

But each improvement raises our horizons—each success enables us to concentrate on the remaining dangers—and on new challenges and threats to our well-being.

This bill continues to place a high priority on health programs—particularly in the area of preventive medicine. For health, we are $895 million over the President's request—but less than $470 million over the fiscal 1975 level and $170 million over the House allowance.

At a time when more people than ever before are in those vulnerable age groups—our children and elderly—which need the greatest amount of health services, this is no time to turn our backs.

PREVENTIVE MEDICINE

There is no better way to stem the rapidly-growing rate of medical care and costs than through preventive medicine. Going to the root of the problem—not just treating the symptoms. With the knowledge that we can prevent what afterwards cannot be cured, we must vigorously move ahead in this vital area.

This bill provides $324 million to see to it that nearly nine million mothers and infants will receive proper nutrition and medical care. This will save untold millions in the future, not to mention the tremendous personal and family suffering which disease creates. Funding for this program comes at a time when this rich, powerful Nation has slipped from 15th to 17th place on the world list of infant mortality rates—an unforgivable fact and one which must be corrected immediately, or else we will be paying the consequences for generations to come.

There are also some very selective increases for biomedical research in this bill. We recognize this as a necessary first step in finding cures for many dreaded diseases.

We have made progress in cancer and heart research—we cannot slow our efforts now. We have found effective treatments for the common cataract, as well as advances in stroke prevention, cover-

ing the whole gamut of the ills of mankind. We have a long way to go, though, with stronger efforts on diabetes and multiple sclerosis as a top priority.

This all cost money, Mr. President. The Senator from Massachusetts and I often have been asked, "Is it worth it?" Let me use one example. The first bill of mine that was passed in Congress established the National Cancer Institute; that was back in 1938. At that time, four out of five people who had cancer died. We now have that ratio down to two and a half out of five. That is significant progress, but we can do better if we continue our efforts. These are the things in which we place high priority. We also placed a high priority on some things which have come up in the past 15 or 20 years.

The committee has also placed a high priority on alcohol, drug abuse, and mental health community programs. This is an area where people can be helped most directly. In many cases, it is a less expensive and more effective way, as opposed to the alternative of institutionalization. What we are doing here is establishing a nationwide chain of community health centers which will be in place when national health insurance is enacted. We all know that this is ahead of us in one form or another. Without these centers and without sufficient training in the health professions, no matter what kind of national health insurance bill we might pass, it is apt to fall flat on its face.

PUBLIC ASSISTANCE

Public assistance programs continue to grow. The bill contains $15 billion for cash assistance, medicaid, social services, and child welfare srvices. These are all relatively uncontrollable programs, so far as the appropriation of money is concerned. As the economy continues to decline, these programs, according to law, will have to be increased. This is not a matter between the committee and the budget. It is a matter of law.

With respect to social security appropriations, we have taken the very important step of insisting that the 6,000 new employees being hired to administer the supplemental income security program be permanent staff, not temporaries as requested by the budget. We feel it is vital if we are to put an end to the inefficiency, demoralization, and mismanagement that predominate in the supplemental security income program. We feel that well-trained, permanent civil service personnel should be available to handle the complex problems associated with these benefit payments.

Mistakes, such as the massive overpayments that have recently been reported in the media, are bound to occur with temporary staff, who often are just becoming familiar with their jobs when their 12-month term of employment expires. Nevertheless, Senator BROOKE and I have plans to make a thorough review of the overpayment situation in the supplemental security income program, since we recognize many factors may be involved. We will also be looking into the organizational problems of the welfare programs, as well as the problems of waste, duplication, and overlap.

The very successful Head Start programs are in this bill, as are the vocational rehabilitation grants to States programs. The bill also specifies a spending level which will provide nutrition services to 400,000 elderly and deserving people—a badly needed and very helpful program. It does not meet the nationwide need, but it is a beginning.

ANTIPOVERTY PROGRAMS

For the antipoverty programs, the committee has provided some modest increases over the House-passed bill. The budget had proposed to wipe out virtually all existing poverty programs, except community development and local initiative activities; fortunately, the House restored the existing programs at their current level. Since we believe the poor should not be the budget-axe victims of inflation and recession but, rather deserve our special attention in the face of economic hard times, we have the following improvements to the House-passed bill:

Doubled the size of the emergency energy conservation program, which primarily winterizes the homes of low-income, elderly people in rural areas;

Expanded emergency food programs serving millions of nutritionally starved individuals;

Provided initial funding of the newly authorized program for migrant workers and their families, including day care for children, health services, and improved housing and sanitation;

Specified funds for rural housing rehabilitation projects, to help low-income families obtain adequate housing; and

Augmented education and training services for economically disadvantaged veterans.

"PEOPLE" BILL

All of these programs relate to people. This is what this bill is all about—this is a "people" bill, one in which Congress in the past has shown where its priorities are in trying to help our citizens to a better life through labor programs, quality health care, and help when help is needed.

Mr. President, I urge adoption of this vital measure without delay, and with a minimum amount of amendments, Senator BROOKE and I point out that people are waiting for enactment of this bill. Their needs are easily recognized, and our priorities are in the right place.

We went over this bill very carefully, and I believe it is adequate for many of the things that many Senators want. I believe we had requests from 30 Senators which would have raised the bill about $4 billion or $5 billion. We tried to adjust ourselves to their dedication to certain programs and to do the best we could, and I believe we have come up with a fair and adequate bill. The needs are easily recognized, but we think our priorities are in the right place. This is a people's bill.

Mr. President, I yield to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, the pending bill, H.R. 8069, making appropriations for the Departments of Labor and Health, Education, and Welfare, is a measure of major significance to this Nation.

Together with the education appropriations bill Congress recently enacted, Labor-HEW funding legislation touches the lives of most, if not all, Americans in one way or another.

The pending Labor-HEW bill is one that often has been characterized as containing the major "social programs" of the United States. I prefer to think of it as a measure which embodies our most compassionate instincts as a nation.

It is a bill which helps many through such programs as manpower training, public service jobs, maternal and child health care, rehabilitation of the handicapped, and nutrition for the elderly, to cite only a very few of the programs it funds.

It is a bill which holds hope for all. Through the research carried out principally by the National Institutes of Health, we are attacking such age-old diseases as cancer which kill or bring suffering to millions.

This research holds hope not only for Americans but for the people we share it with throughout the world. As the global leader in the field of biomedical research, the United States must continue this essential and humane work and, if necessary, expand upon it.

Thus, I believe we have developed a bill which is commensurate with our needs not only in the field of health, but also in labor, welfare, and related areas.

The total amount in the Senate bill is $36,265,952,318. This is $286,311,318 over the House allowance and $1,108,043,381 more than the budget estimates. However, the bill is slightly more than $7 billion under comparable appropriations for fiscal 1975. A substantial portion of this decrease is the result of a 2-year appropriation in 1975 for unemployment benefits and for public service jobs.

Included within the total amount of the bill is $8.9 billion for the July 1, 1976 to September 30, 1976, transition period after which all fiscal years will begin on October 1. In addition, the committee has deferred consideration of budget requests totaling $1.1 billion, because these lack authorizing legislation.

The question as to whether the bill as reported is within the congressionally authorized budget ceiling remains unresolved. The Senate Committee on the Budget, if we understand it correctly, puts our bill some $200 million over the ceiling. The House Budget Committee, on the other hand, claims our bill is some $400 million under the ceiling. We do not know which committee is right, but we hope the two can resolve their differences so we may know where we stand.

Let me review some of the highlights of our bill.

In the area of labor, it provides:

$400 million, which was the budget request and the House allowance, for public service jobs. Together with previous appropriations in this area, this amount will provide support to continue 310,000 public service jobs.

$562.2 million for employment services, the same level as the House, but $68.6 million above the budget. The Appropria-

tions Committee recommendation is designed to strengthen the program at this time of high unemployment. Ten million dollars of the increase over the budget will be used for computerized job-matching services.

$62.9 million, or $11.7 million over the House, for Federal inspections under the occupational health and safety program. Ten million dollars of that increase is to add 833 Federal compliance officer positions to increase enforcement under OSHA.

In the area of health, the bill provides:

$324.6 million for maternal and child health programs, which is $113 million over the budget estimates and some $5 million over the House. The committee level provides for a 10-percent increase for grants to the States at a time when the U.S. infant mortality rate is worsening. A portion of the increase over the House—under an amendment I proposed—is to continue funding of university-affiliated centers such as Boston Children's Hospital and the Shriver Center for the Retarded.

$91.5 million for Public Health Service hospitals, an increase of $6.9 million over the House. Almost $13 million of the committee recommendation is to add 393 positions for patient care not included in the budget.

$2.2 billion for biomedical research at NIH. This is about $115 million over the House allowance and $584 million over the budget request. This level of funding is for continuation of the strong attack on cancer, heart and lung diseases, arthritis and other afflictions. We also provide additional funds for the Aging Institute.

Within the $803.5 million provided for the National Cancer Institute, our committee, at my request, recommends $6 million to help with completion of the Sidney Farber Cancer Center in Boston. The new facility will enable the Children's Cancer Research Foundation, which operates the center, to expand its vital work to include adults, as well as children.

$601.9 million for alcohol, drug abuse, and mental health programs. Within this amount, the committee has restored mental health training to its fiscal 1975 level of $75.9 million. The committee cannot accept the $45.7 million reduction for mental health training proposed in the budget when shortages of needed personnel still exist.

$360.5 million for health resources, a decrease of $180,000 from the House allowance, but $35.2 million over the budget request. Increases are provided for eligible students who need financial assistance in order to pursue careers in the health professions. We also provide the maximum funding allowable—$21.5 million—for nursing student assistance.

One further—but important—note about the health section: Our committee has earmarked 881 positions in the bill for various health programs, including 481 at NIH. The committee has taken this step because, over a number of years, positions have been withheld from the health agencies—in effect, impounded. Health programs, including patient care and vital research, have suffered accordingly. Our proposal will not restore the balance completely, but it should help.

In the area of welfare, we provide more than $1.1 billion over the fiscal year 1975 level for public assistance, covering such relatively uncontrollable programs as medicaid, social services, and child welfare services.

For the supplemental security income—SSI—program, at which charges of massive overpayments have been leveled, our committee recommends that the 6,000 requested "term" positions—jobs lasting more than a year, but not indefinite in length—be authorized, instead of full-time permanent positions without any limit on duration.

Our distinguished chairman, Mr. MAGNUSON, and I already have announced plans for a thorough review of the SSI program's difficulties in connection with our hearings on the first supplemental appropriations bill.

For human development, our committee provides for expenditures of $200 million for nutrition services for the elderly, and for $720 million for grants to the States for basic vocational rehabilitation services.

I am glad the committee agreed to my amendment adding $1 million for spinal cord injury rehabilitation. This includes $250,000 for a model demonstration project for greater New England where no such project presently exists.

Under the HEW Office for Civil Rights, our committee provides for the full request for 60 new positions. Of this amount, 42 will be used to implement section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against the handicapped by recipients of Federal assistance.

For the Community Services Administration, formerly OEO, we provide additional funding for emergency food and medical services, emergency energy conservation, and migrant and seasonal farmworkers.

I also am pleased to report that the committee accepted my amendment restoring $610,000 cut by the House from the National Labor Relations Board. The restoration will assure that the Board gets all 97 positions it requested in order to meet its increasing workload.

Time does not permit covering more of the actions taken by our committee. I urge my colleagues to read the report for a fuller understanding of our recommendations.

I believe we have developed a responsible and responsive bill designed to meet vital human needs. The bill does not deserve to be vetoed and I hope there will be no veto. Rather, I urge its prompt passage so that the essential programs it funds may continue uninterrupted.

Mr. President, I am pleased to yield to the distinguished Senator from New Hampshire, formerly the distinguished senior Senator from New Hampshire, now the distinguished junior Senator from New Hampshire, and certainly, the outstanding ranking minority member of the Labor-HEW Appropriations Subcommittee for some years. It is very appropriate, Mr. President, that at a time when it would appear that NORRIS COTTON, who has served the Senate and this Nation so well, will be retiring from the Senate—who knows, he may come back again, but for now at least he will be retiring from the Senate—we have on the floor of the U.S. Senate the Labor-HEW appropriations bill with which he has worked with Senator MAGNUSON for so many, many years and worked so ably. I am very pleased at this time, Mr. President, to yield to my distinguished colleague, the Senator from New Hampshire (Mr. COTTON).

Mr. COTTON. Mr. President, I thank the distinguished Senator from Massachusetts for his kind words and for his yielding me a moment.

I have served as interim Senator for the last 2 or 3 weeks and have not taken any time of the Senate. This is my last day in the Senate. Incidentally, I want it known that as far as I am concerned while I naturally supported my party, my relations with the distinguished gentleman who will permanently take this seat have always been most pleasant personally. He appeared before our Commerce Committee several times as insurance commissioner of New Hampshire to discuss no-fault insurance. I hope he will enjoy and profit by his service in this distinguished body as much as I have in the happy years that I have spent here.

This is my last day, and I reassure my friends I cannot see any way on Earth that I would be coming back. But I wanted 2 minutes because of the fact that for many years I worked with the distinguished Senator from Washington, Senator MAGNUSON, the chairman of the committee, as ranking minority member of the Subcommittee on Labor, Education, and Welfare.

It was to me, as I look back over my 20 years in the Senate, the service that I like to remember and think the most about. Our work was cut out for us, and we did it—as frugally as possible—combating disease, perfecting cures, educating our youth, and doing those things that are so vital to the future of this Republic.

Naturally, being interested in the subject, I have examined the report of the subcommittee most carefully. There could be, perhaps, two minor points that, if amendments were offered, I would vote for, but I think the distinguished chairman and my successor, the distinguished ranking minority member of this subcommittee, have brought in a fine bill, and it is not exorbitantly over the budget. The things it deals with are most vital human needs, such as mental health, training for the handicapped, and the many items in this bill that reach to the very heart, Mr. President, of the future of our country.

On this, my last day in the Senate, it is going to afford me great pleasure, if we reach the final vote today, and I am privileged to cast my last vote in the Senate for this bill that is now before us and for which I think the committee should be highly commended.

As I say goodby, I want to thank all of the Members of the Senate for their many courtesies and kindnesses to me through the years.

It has been a great pleasure for me to

meet the new Senators, including the distinguished Senator now occupying the chair (Mr. FORD) who, I have discovered, is one of those Senators who I believe will restore confidence in the Senate of the United States.

He found at my desk, when he temporarily took over my offices, some objects that were rather important to me. They were mementoes of the past, from old friends which he promptly sent to me. I want to thank him again and wish him well here in the Senate and whatever else he may undertake.

Mr. MAGNUSON. Mr. President, it is pretty hard to add anything to what has already been said about NORRIS COTTON. I do not know whether he will be back or not. I did not think the last time he was going to be back, but here he is. Unusual things occur in New Hampshire—in politics, that is.

Mr. COTTON. You can say that again.

Mr. MAGNUSON. But I am so glad he could be here today, particularly when we are discussing this bill.

We worked many many weeks on the complex programs in the bill. But, NORRIS, you can go home with a feeling that whatever good has come out of HEW since it was inaugurated in 1954, you have been a significant architect and moving force. I wish you well.

Mr. COTTON. I thank my distinguished friend and former chairman for his kind words.

Mr. MAGNUSON. At this point, and in order to facilitate the study of the committee recommendation by Members of the Senate, their staffs, and others, I ask unanimous consent to have printed in the RECORD a tabulation that shows the progress of the bill to date.

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

*Current status of Labor-HEW appropriations bill (H.R. 8069)*

| | |
|---|---|
| Senate committee recommendation | $36,265,952,318 |
| House bill | 35,979,641,000 |
| 1976 President's budget | 35,157,909,000 |
| 1975 comparable appropriations | 43,307,434,000 |
| Subcommittee bill compared with: | |
| House bill | +286,311,318 |
| President's budget | +1,108,043,381 |
| 1975 comparable appropriations* | —7,041,481,682 |

*A substantial portion of this decrease is the result of a two-year appropriation in 1975 for unemployment benefits ($5.7 billion) and Public Service Jobs ($2.5 billion).

SUMMARY OF ESTIMATES AND APPROPRIATIONS

The following summary table compares appropriations for 1975, 1976 budget estimates, amounts contained in the House bill, and the Senate Committee recommendation:

| | 1975 appropriation | 1976 budget estimates | House bill | Committee recommendation |
|---|---|---|---|---|
| Department of Labor | $14,105,787,000 | $3,478,703,000 | $3,475,558,000 | $3,495,141,000 |
| Department of Health, Education, and Welfare: | | | | |
| Health Services Administration | 497,548,000 | 426,782,000 | 553,685,000 | 560,302,000 |
| Center for Disease Control | 95,998,000 | 99,601,000 | 107,115,000 | 112,471,000 |
| National Institutes of Health | 1,937,359,000 | 1,681,354,000 | 2,150,755,000 | 2,266,181,000 |
| Alcohol, Drug Abuse, and Mental Health | 668,115,000 | 524,343,000 | 608,218,000 | 655,462,000 |
| Health Resources Administration | 306,319,000 | 339,329,000 | 374,709,000 | 374,529,000 |
| Assistant Secretary for Health | 61,225,000 | 68,301,000 | 68,155,000 | 65,855,000 |
| Social and Rehabilitation Service | 14,172,932,000 | 15,392,446,000 | 15,387,878,000 | 15,400,278,000 |
| Social Security Administration | 9,160,165,000 | 10,713,556,000 | 10,641,664,000 | 10,641,664,000 |
| Human Development | 1,460,507,000 | 1,404,682,000 | 1,500,049,000 | 1,528,358,318 |
| Departmental Management | 126,801,000 | 147,442,000 | 138,275,000 | 134,885,000 |
| Total, HEW | 28,486,969,000 | 30,797,886,000 | 31,530,503,000 | 31,739,985,318 |
| Related agencies | 714,678,000 | 881,370,000 | 973,580,000 | 1,030,826,000 |
| Grand total | 43,307,434,000 | 35,157,909,000 | 35,979,641,000 | 36,265,952,318 |

Mr. BROOKE. Mr. President, I ask unanimous consent that Mr. Richard Vodra of Senator SCHWEIKER's staff be permitted to remain on the floor continuously during the consideration of this Labor-HEW bill.

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

Mr. PASTORE. Mr. President, I rise to commend the committee for increasing the funding under title VII of the elderly nutrition program.

In my State of Rhode Island, an average of 925 senior citizens each day enjoy a hot meal provided under the title VII elderly nutrition program. These meals are served at six different dining halls located throughout the State.

But the people who are fortunate enough to enjoy a hot meal every day under this program are only a fraction of the total number of elderly people who want to participate and who desperately need this kind of help.

Many elderly people who are trying to survive on social security retirement benefits can barely pay their rent and utility bills, let alone medical and food bills with their pension checks. They cannot even afford to buy the right kind of foods to keep them healthy. That is why this program is absolutely essential.

There are countless numbers of elderly people who want to join the hot meal program but they cannot because of limited funding. These poor people are either on long waiting lists or they live in areas where there is no elderly nutrition program. In Rhode Island alone there are about 1,200 people on the waiting list.

Our bill would virtually wipe out the waiting lists in Rhode Island because this appropriation would make it possible for 2,000 elderly Rhode Islanders to enjoy one hot meal a day.

This bill would bring many of these old people who need help, but are now shut out, into the elderly nutrition program. Specifically, the bill requires HEW and State administering agencies to increase the "level of operations" of the program so that $200 million is spent during the 1976 fiscal year.

As soon as possible, the annualized rate of expenditures for the nutrition program must be increased to an amount that will assure that $200 million is spent for this year's title VII operations.

Our bill accomplishes this mandate by appropriating $125 million and by directing that this amount, plus an additional $75 million appropriated in previous fiscal years and forward funded into this year, be spent by State and local agencies during fiscal year 1976. We expect the HEW Secretary to reapportion funds near the latter half of the fiscal year, so that States that need the money the most can use unspent funds from other States.

By directing an expenditure of $200 million for the elderly nutrition program in fiscal year 1976, it is expected that a modest amount of program expansion will be effectuated and waiting lists for title VII benefits will decrease.

I am pleased to associate my remarks with the actions of the committee and I hope that our passage of the appropriations bill today will help to feed many needy senior citizens through the elderly nutrition program.

In addition, of crucial importance to my State would be the help this bill would provide us in creating jobs to help put some of our thousands of unemployed people back to work.

Rhode Island has the highest unemployment rate in the Nation—16 percent. In fact, Rhode Island has been the most economically depressed State in the Nation for more than 8 months.

The funds provided in our bill for title II of the Comprehensive Employment and Training Act—the title that creates public service jobs in highly depressed areas—would result in appropriations of $2,807,000 for Rhode Island. This would be sufficient to put 316 unemployed people back to work.

Under title I of CETA, this bill would provide $7,506,000 for my State which is enough to create 834 jobs for unemployed people.

Mr. MOSS. Mr. President, I intend to send an amendment to the desk in just a moment, but I would like to add a word of appreciation for NORRIS COTTON who just delivered what he said would probably be his last speech in the Senate.

I served with Senator COTTON on the Commerce Committee, and I found him to be a great Senator. It is sort of a second goodby since we thought we had gone once before. I feel just as strongly

this time about his leaving as I did when he first left.

Let me say, Mr. President, I wish to commend the chairman of the subcommittee and the ranking Republican member for their great work in putting together the bill that is before us now and presenting it to the Senate.

I recognize the great complexity of this bill, the magnitude of it in dollar numbers, and also the pressures that exist in this area for various funding of various programs that are of great importance in our country, and I think they have done a most commendable job.

Mr. MAGNUSON. I thank the Senator.

Mr. MOSS. Mr. President, I have a very minor amendment which I send to the desk and ask that it be considered.

The PRESIDING OFFICER (Mr. FORD). The clerk will state the amendment.

The assistant legislative clerk read as follows:

On page 39, line 1, strike "$1,528,358,318" and insert "$1,528,758,318".

On page 39, line 5, strike $2,500,000" and insert "$2,900,000".

Mr. MOSS. Mr. President, this is a very minor amendment in dollar numbers considering the magnitude of the bill that is being considered, but it is of greatest importance in its impact. I recognize that the committee has striven to fund all of the programs that it felt could be funded within the limitations of the financial constraints that are upon us.

Mr. President, the Columbia Lighthouse for the Blind, a charitable institution in the District of Columbia, serves more than 1,500 blind and visually handicapped persons each year with a wide range of important services. The community services department provides social case work, senior citizens' and children's activities, and a talking book service. The rehabilitation center conducts diagnostic evaluation, personal and vocational training, and a job placement service. The workshop employs some 50 people in the production of various products. All of these services help clients to lead full and independent lives.

Mr. President, the Lighthouse is now being forced by Metro subway construction to vacate its present premises and to build a new facility. The total cost of this project is estimated to be $1,750,000, including:

| | |
|---|---|
| To retire the present mortgage | $100,000 |
| To purchase land | 225,000 |
| For preparation of land and architectural fees | 125,000 |
| To construct a new building | 1,060,000 |
| For equipment and furnishings | 100,000 |
| For contingencies and fund-raising expenses | 130,000 |
| Total | 1,750,000 |

The proposed facility would merely accommodate present services, although it will replace a building never designed for the purposes it now serves.

Thus far the Lighthouse has obtained $785,000 of the necessary funds, including a Hill-Burton grant of $290,000 and $495,000 from sale of the present property to the Washington Metropolitan Area Transit Authority. The D.C. Human Resources Department has just approved an additional $200,000 in unobligated 1973 and 1974 Hill-Burton funds. An effort is being undertaken to raise approximately $265,000 in contributions from the community. Thus a deficiency of $500,000 remains. This would supply $400,000 of this deficiency. The need for this sum is urgent, for Metro will take possession of the present property on April 1, 1976.

I strongly urge the Senate to approve $400,000 for construction of a new Columbia Lighthouse building, under section 301 of the Rehabilitation Act of 1973—Public Law 93-112. Until recently, this section and section 12 of the previous law have not been funded on a regular basis. However, the Congress appropriated a total of $12.3 million in fiscal years 1970, 1971, 1972, and 1974 for facilities in Chicago, West Virginia, and Arkansas.

The Lighthouse has an even greater claim to Federal assistance. It was founded in 1900 in the National Capital to serve as a model rehabilitation center for the entire country, and it immediately received a grant of $5,000 by act of Congress. Other appropriations followed until the First World War. At various times the Lighthouse has served as a convalescent home and training center for war-blinded veterans and as an agent for the U.S. Government in distributing welfare payments. Through the Departments of State, Labor, and HEW, the Lighthouse received a large number of foreign visitors interested in American programs for the handicapped.

Under the Wagner-O'Day Act as amended, the Columbia Lighthouse workshop has supplied mops, brooms, mattresses, and neckties to the Armed Forces and other agencies. These activities have employed 35 to 50 blind persons in recent years. The National Industries for the Blind, which represents nonprofit agency workshops under provisions of Public Law 92-28, proposes to establish a research, development, and training laboratory at the Lighthouse. Such a demonstration center would, among other things, provide the Government with better information on the management and productivity of the workshops with which it contracts. Development of such a program, however, depends on construction of a new facility.

Favorable consideration of this amendment would not result in any duplication of services, for the Lighthouse is the only institution of its kind in the metropolitan area. Rather, it would insure the continuation and improvement of programs which are vital to the well-being of thousands of blind citizens.

Mr. President, I think it is of greatest importance that we permit this fine, ongoing institution, which has been in existence since 1900 in the District of Columbia, to continue its activities and to serve those handicapped citizens of the National Capital.

Mr. MAGNUSON. Mr. President, I have had some discussion with the Senator from Massachusetts (Mr. BROOKE) and the Senator from Utah (Mr. Moss) about this matter and the case is well deserved. If there is no objection, we will accept this amendment.

I want it understood that this is a fund in which other Lighthouses for the blind, of which I think there are about 17, are eligible, but it will only be enough to give top priority to one, such as this one, that really has a serious problem.

I have one in Seattle; I am sure in Boston they have them. But this is a unique problem. I am happy to accept the amendment.

Mr. BROOKE. Will the Senator yield?

Mr. MAGNUSON. Yes.

Mr. BROOKE. I wish to say that I agree. This is certainly a meritorious case. The fact is that the Metro has taken over this building, something over which the Lighthouse for the Blind had no control at all. In addition, the fact that it has come out and raised so much money on its own, but just cannot go any further, I think makes it important this be done.

I commend the Senator from Utah for offering the amendment and I join with my distinguished chairman in accepting it.

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

The amendment was agreed to.

Mr. MOSS. Mr. President, I thank the chairman of the committee.

Mr. MAGNUSON. Mr. President, I do not know where all the Senators are who wanted to submit amendments or discuss this matter, but they are not here.

Mr. President, I suggest the absence of a quorum in order to get the Senators here. Otherwise I would just as soon have third reading and pass the bill.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MAGNUSON. 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. JOHNSTON. Mr. President, I have an amendment at the desk and on behalf of myself and Mr. CHILES I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

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

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

The amendment is as follows:

On page 10, line 18, before the period insert a semi-colon and the following: "or for the costs incident to the assessment of any penalty of more than $100 for a citation issued for any violation other than a serious violation (as defined in section 17 [k] of the Occupational Safety and Health Act of 1970 [29 U.S.C. 666 (j)]) of rules or standards during the initial inspection of any establishment or workplace that can be inspected under the Act."

Mr. JOHNSTON. Mr. President, what this amendment does is very simple. It restricts the use of funds by OSHA to

assess penalties of more than $100 when two factors are present: first, where the citation involved was for a nonserious violation; and, second, where the citation was issued on the initial OSHA inspection of an establishment.

Mr. President, under the present law, investigators from OSHA can go around without notice and assess a penalty of $1,000 for a nonserious violation at any kind of establishment, and that includes small establishments as well as large establishments.

All this amendment does is that in two instances, when it is nonserious and when it is on that initial inspection, the fine cannot exceed $100.

What the amendment does not do is the following: It does not prohibit the assessment of larger penalties for a serious violation issued at any time.

Mr. President, by the way, the law defines the difference between a serious violation and a nonserious violation. A serious violation is that which is likely to produce death or serious bodily harm. A nonserious violation is the other category, those things like drinking fountains, the height of electric plugs off the floor, and all of that great minutiae that is contained in several hundred pages of the OSHA regulations.

The regulations also do not prohibit the assessments of larger penalties when a firm fails to abate a violation.

In other words, if a violation is discovered on the first inspection and an abatement order is given, then failure to abate that situation, failure to correct the defect, can result in the larger penalty.

Third, it does not prohibit the assessment of larger penalties for any violation, serious or nonserious, discovered on any inspection after the first.

What this amendment does is deal with that first inspection.

What is the reason for this amendment, Mr. President?

It is because the Occupational Health and Safety Act is today being administered in a manner far broader than Congress intended in 1970. Precise compliance with the law by many employers is virtually impossible and, therefore, the imposition of large civil penalties for very minor violations serves primarily to create anxiety among businessmen and not to further the purpose of the occupational health and safety law.

When OSHA was passed, Mr. President, it was directed to the truly serious problems of the working place; to real dangers that existed in places of employment; to the matters that maim or kill; and to toxic substances that inflict long-term serious disease. But, Mr. President, I invite the Senate to look at these regulations and to some of the minutiae, some of the ridiculous lengths to which they go.

For example, there are 11 pages in these regulations governing ladders—complicated mathematical formulas that describe the construction of ladders, geometric diagrams of ladders—11 pages covering ladders.

There are regulations covering the number of toilets in a working place.

This is supposed to be health and safety and yet it covers the number of toilets in a work place.

Mr. President, if an inspector comes around and finds that a particular establishment has the wrong kind of ladder design or insufficient toilets, they should not fine $1,000 for that kind of violation on the first instance.

It covers specifications related to drinking fountains. It covers standards for housekeeping and the cleanliness of a business.

It covers specifications for whether or not sinks in bathrooms should have hot and cold water. What hot and cold water have to do with health and safety, insofar as this OSHA law is concerned, I do not know, Mr. President.

It concerns the methods of stacking cartons in storage areas.

Precise compliance with this law, Mr. President, for most employers is virtually impossible.

I say impossible because how is a relatively small business to be able to read and digest these hundreds of pages of regulations about drinking fountains, hot and cold water, the number of bathrooms, 11 pages on ladders, et cetera, ad nauseum.

The challenges of operating a business, particularly where there is only one manager, are immense. It involves producing a product or buying a product for resale, marketing that product, personnel problems, everchanging accounting rules, tax laws, and now on top of that we are going to put several hundred pages of safety and health regulations.

Mr. President, I think the Senate and the Congress support the idea of health and safety. Obviously we do and we ought to. But let us at least give the businessman some relief so that if the infraction is nonserious and if it is on a first inspection, the fine cannot exceed $100.

Mr. President, I think that is more than fair. It is more than proper. It does no violence to the law. It does no violence to the protection of health and to the protection of safety.

We can still assess the larger fine if it is on any inspection after the first. We can still have abatement proceedings. We can still fine for serious violations. But this, I think, is a first step of relief for the businessman, and particularly for the small businessman, who cannot become familiar with this raft of regulations.

Mr. President, I ask unanimous consent that the names of Senators HARTKE, FANNIN, HANSEN, NUNN, BUCKLEY, HELMS, and ROTH be added as cosponsors of the amendment.

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

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

Mr. JOHNSTON. I am happy to yield to the Senator from Arkansas.

Mr. McCLELLAN. I commend the Senator for proposing this amendment. I think I understand it; but I am wondering how and by whom the determination is made whether it is a small infringement or breach or violation of the law. Who makes that decision as to small as differentiated from one that is large?

Mr. JOHNSTON. The law defines a serious violation.

Mr. McCLELLAN. I did not understand the Senator.

Mr. JOHNSTON. I say the law defines a serious violation. It rather precisely defines it in terms of whether it is likely to produce death or serious bodily harm. All the rest are nonserious violations.

Then, of course, OSHA has rulemaking power to further delineate and expand upon those definitions. So OSHA would have some influence in further expanding the distinction as to whether it is serious or nonserious. But there is a differential basis as to whether it is a serious or nonserious violation in the statute.

Mr. McCLELLAN. Am I correct in understanding that OSHA has authority, under its rulemaking power, to simply impose a fine or penalty, without having given notice or warning?

Mr. JOHNSTON. That is exactly right. In other words, an inspector could come by on a first visit to a very small shop, find that they had no hot water or no drinking fountains, and fine them $1,000 on the first visit.

Mr. McCLELLAN. Why, then, would not the Senator be willing to reduce the amount from $100 to $50? I personally think on some minor thing, they ought to be warned or given notice, and an opportunity to make the correction.

Mr. JOHNSTON. I would certainly accept that amendment.

Mr. McCLELLAN. I am simply making the suggestion. I do not know whether the Senator can get it adopted even with the $100, or not. But I have had many complaints from small business people who cannot get familiar with all these rules and regulations. I do think there ought to be some provision of law for them to give notice and give reasonable time for the correction of any defect, and for compliance. If we are going to reduce the amount, I suggest the Senator make it $50 instead of $100, because I feel that in many of those instances there is no justification for it whatsoever; that a notice of warning would get the desired results; and that a penalty would be unnecessary and could be arbitrarily imposed, and simply be an imposition rather than a service in the purpose of trying to bring about safe working conditions.

Mr. JOHNSTON. I appreciate the comments of the distinguished Senator from Arkansas. I have discussed the proposal of reducing the amount from $100 to $50 with my distinguished coauthor, the Senator from Florida (Mr. CHILES), and we agree that would be a good amendment.

So, Mr. President, at this time I ask that the amendment be modified by changing "$100" to "$50". The amount appears once in the amendment.

The PRESIDING OFFICER. The Senator has that right, and the amendment will be so modified.

Mr. JOHNSTON's amendment, as modified, is as follows:

On page 10, line 18, before the period insert a semicolon and the following: "or for the costs incident to the assessment of any penalty of more than $50 for a citation issued for any violation other than a serious violation as defined in section 17(k) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 666(j)) of rules or standards during the initial inspection of any establishment or workplace that can be inspected under the Act."

Mr. JOHNSTON. I yield to the distinguished Senator from Florida.

Mr. FORD. Mr. President, will the Senator allow me to make a unanimous-consent request?

Mr. CHILES. I yield.

PRIVILEGE OF THE FLOOR

Mr. FORD. I ask unanimous consent that John Wells of my staff be accorded the privilege of the floor during the consideration of H.R. 8069.

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

Mr. McCLELLAN. Mr. President, may I be added as a cosponsor?

Mr. CHILES. Mr. President, I ask unanimous consent that the name of the Senator from Arkansas (Mr. McCLELLAN) be added as a cosponsor of the amendment.

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

Mr. CHILES. Mr. President, I am happy to join with the Senator from Louisiana as a cosponsor of this amendment. I have introduced a bill that would provide for some reform of the OSHA provisions, which would provide no fine for the first inspection if there were no serious violations.

I think we should distinguish between a serious violation and a non-serious violation. A serious violation is one that could lead to bodily harm.

The Senator from Louisiana, the Senator from Florida, and I know the Senator from Arkansas are certainly not concerned with trying to say that there should not be a fine if something could lead to bodily harm. But for these nonserious violations that would not lead to bodily harm, it would be much better if we did not impose a large fine, because what we are trying to think about is, how do we make for improved worker safety?

The best way to have improved worker safety, really, is to have cooperation between the OSHA officials and the employers, so that they will really be going in and trying to make for better working conditions. If they can do that in an atmosphere of cooperation rather than an atmosphere that they are going to go in and drop some tremendous fine, we will have a lot better spirit.

We find that many of our businessmen today feel that they have to fight their Government every step of the way, for the reason that many of these rules and regulations appear to harass them.

Nothing in this amendment will, I think, do anything other than better the climate, which will give us a better opportunity to provide for worker safety, because we are going to try to instill cooperation rather than a cops and robbers game in which they go in, on a first visit, without any kind of warning of what is wrong, and drop some kind of a heavy fine.

I think this would be a step in the direction of trying to provide a different atmosphere and a different spirit, and that is the real purpose of the bill I have introduced. Thus far we have not been able to get hearings on that measure, but for those reasons I do want to join as a cosponsor and urge the adoption of the amendment.

Mr. BROOKE. Mr. President, I must strongly oppose this amendment. I think the effect of the amendment would really be to gut the act itself.

The Senator from Louisiana and the Senator from Florida have described this amendment as one of limitation. The fact is that it actually does change the act itself.

The Labor Department is opposed to this amendment. They feel very strongly that such an amendment would be opening the door to future changes in the act which would diminish OSHA's enforcement capabilities. The fact is further that OSHA has only a staff to inspect about 5 percent of the 5 million covered work places. If it does not have the authority to issue whatever fines a violation merits, to give a strong incentive to employers to come into compliance before inspection, then it really is ineffective.

It has been estimated that some employers could go as long as 50 to 100 years without ever receiving an inspection. There certainly must be some incentive for them to shape up. I think the effect of the amendment of the Senator from Louisiana certainly would negate any such incentive that employers would have to make their workplaces safe for employees.

There are many who are opposed to this amendment. We have the distinguished chairman of the Committee on Labor and Public Welfare present on the floor; he wishes to speak in opposition to the amendment. The ranking minority member of that committee, the distinguished Senator from New York (Mr. JAVITS) wishes to be heard in opposition to the amendment.

As I have said, the Labor Department is opposed to it, and I think labor itself is opposed to it.

I had hoped and thought possibly that this amendment would be subject to a point of order, but apparently it is not because the form of the amendment does indicate that it is a limitation.

Mr. President, it is much more than a limitation. I would describe it as somewhat of a wolf in sheep's clothing. It tends to do one thing, but in fact it certainly would seriously impair the effectiveness of OSHA. I hope that this amendment will be defeated.

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

Mr. BROOKE. I am pleased to yield.

Mr. JOHNSTON. The Senator stated that this amendment would actually change the substance of the act. Is it not a fact that all this amendment does is reduce from $1,000 to $50 the amount that a proprietor can be fined for a first violation uncovered by a first inspection? It does not change the substantive rules at all.

Mr. BROOKE. I think that in itself is the effect by reducing the penalty that can be charged. That is a substantive change. I do not think that the Committee on Labor and Public Welfare has had any hearings at all on this particular subject as to what effect that would have. It would appear to me that that is a substantive change and not a procedural change.

If that, in fact, is what the distinguished Senator from Louisiana is arguing, that this is in substance a procedural change, I think it is certainly substantive, if it reduces the penalty to practically no penalty at all.

As I have said—I do not intend to repeat it—it certainly would be no incentive for these employers to make their employment establishment safe for employees. They just would not do it. They would not have to do it. As the Senator from Louisiana knows, we have in numbers practically an insignificant staff as it is.

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

Mr. BROOKE. Yes.

Mr. JOHNSTON. Is it not a fact that last year there were 81,000 inspections?

Mr. BROOKE. I do not have the figures. When the Senator speaks about 81,000 inspections, what he is talking about is in terms of the number of inspections that can be made. I take it he is reading from the RECORD there. There are 5 million work establishments covered by OSHA. I think we ought to know all the facts. When the Senator says 81,000, there are 5 million work establishments covered by OSHA. In 1974 I understand only 38,491 smaller work establishments were inspected by OSHA personnel. That is the figure that I gave earlier.

Computed at this breakneck speed, it is estimated that it would take 100 years for every work site employing less than 25 employees to be inspected. I am sure that is not what the Senator from Louisiana would desire.

Mr. JOHNSTON. In this bill we are increasing the number of inspectors by 300. I think 81,000 is a great number of inspections. All we are dealing with here are nonserious violations.

Has the Senator really looked at all these regulations?

How a small businessman could ever have a passing knowledge of what they say, how he could know about 11 pages on ladders, how he could know about hot and cold water, and all of those minute things, I do not know. I just think it is unfair to subject many employers, particularly the small employer, who cannot conceivably be familiar with these regulations, to a $1,000 fine for some nonserious violation. That just does not square with equity and fairness to me.

Mr. BROOKE. Mr. President, if the Senator will yield further, the Senator said we added some inspectors, and we have a very modest number, as the Senator from Louisiana knows. But all we

have done is increase the percentage of coverage from 5 to 7 percent for more than 5 million places covered under the legislation. So that certainly is not a large percentage increase. That is a 2-percent increase by the number of inspectors that we added in this bill. So we really have not begun to first authorize and then appropriate the sufficient numbers of inspectors to really do the job.

Where does the Senator get his 81,000 inspections made in 1974?

Mr. JOHNSTON. From the Labor Department.

Mr. BROOKE. I assume the Senator is correct. I am sure he would not recite it if it were not correct. Still that is a small number considering the more than 5 million work places that could be inspected and conceivably should be inspected.

The point I make is the incentive point. Once we begin to cut down on the penalty, as the Senator's amendment would do, then I just think we remove the incentive for these employers to improve the conditions so that the work conditions for employees around the country are safe. I am sure the Senator does not intend to have unsafe work conditions in these workshops across this country.

Mr. CHILES. Mr. President, if the Senator will yield at that point, he just said so that the work conditions are safe. I think that really gets to the heart of the amendment, because the amendment is only talking about reducing the fine where it is a nonserious violation. A nonserious violation is one that does not involve the safety or potential injury to a worker. So there is nothing in here that is going to do anything about making it an unsafe condition dealing with the safety, dealing with the health, and dealing with the possibility of injury of the worker. What the Senator from Louisiana and the Senator from Florida are trying to do is simply say we are not going to say to every small businessman in this country: "You automatically are an enemy of your Government. We are going to be able to come in to inspect. We are going to come on the premises. We are not going to give you any notice. We do not do that. We do not come with any warrant. We do not come with any provision of saying we are coming. We swoop down on you, and we can bring out our regulations of 11 pages on ladders, and things about how you paint a door and what you do about your hot water, and all that. We will fine you 1,000 bucks the first time we are there."

That is not anything that has to do with the workers' safety.

The thing that the Senator pointed out is he wants to deal with workers' safety. Yes, I want to deal with that, also, and we want to try to make the safest conditions we can.

The best way I think we can do that is have the OSHA people and the employer to work in cooperation and to determine how we can better the safety of the worker.

It is not to have this kind of atmosphere that we have now.

I wish the Senator from Massachusetts would go talk to some of his small businessmen and see just the feeling that they have about OSHA. I think that feeling is very bad. I have done it many times in my State. That kind of feeling is bad because I think that if we are going to really try to get to how we are to protect that worker's safety, we cannot do it with that kind of atmosphere that we have out there now, in which they feel like they are continually harassed and they do not know any time when the inspector is going to be there and impose this tremendous fine.

I really think that that would be the biggest thing that we could do to change that kind of attitude which would be to try to get this spirit of cooperation.

Mr. BROOKE. I do not know what experience the Senator from Florida has had. I have talked to small businessmen in my own State, as the Senator has suggested, and I certainly would be opposed to any atmosphere or certainly any procedure for harassment by OSHA. I do not think that is the purpose of it.

On the other hand, I do not see cases where OSHA sweeps or swoops down upon the small businessman and treats him unfairly. The inspectors are supposed to go to these places. I do not suppose they are supposed to send a calling card and announce, "I am coming on such and such a date." But they are supposed to go by and see if the place is safe, and not announce the time they come by and inspect them, on the theory that these places should always be safe for their employees. I think the Senator from Florida wants that.

Mr. CHILES. Now the Senator from Massachusetts is talking about safety again.

Mr. BROOKE. Yes.

Mr. CHILES. When we are talking about our amendment, remember we are not dealing with anything that is going to affect the possibility of injury to the worker, so we are not talking about that. We are talking about how we are going to paint lines and paint doors. We are talking about things like that which are nonserious violations.

Mr. BROOKE. The Senator is talking about serious and nonserious violations.

Mr. CHILES. Yes.

Mr. BROOKE. The Labor Department has been incorrectly labeling serious violations involving death and severe injury as nonserious violations, since citing violations to label them serious often required rather lengthy legal hearings. This amendment, as I understand it, would, therefore, limit even the most serious work hazards to penalties of $50. Originally the Senator had it at $100. Now it would be limited to $50.

Is that what the Senator intends to do?

Mr. CHILES. The definition in the regulation is those injuries not involving the possibility of serious injury—the distinction between a serious and a nonserious injury.

Mr. JOHNSTON. Mr. President, if the Senator will yield, I think this is a key distinction here. I hope that if we can get this point across and get it understood, the amendment will be accepted, because this applies only to nonserious violations which are defined in the act.

Mr. BROOKE. The act already makes fines for nonserious violations optional. Is that correct?

Mr. JOHNSTON. That is correct. It gives the power to fine up to $1,000.

Mr. BROOKE. And these guidelines have resulted in no penalties for 70 percent of the nonserious violations.

Mr. JOHNSTON. That is true. As a matter of fact, the average fine is less than $50. But what we are talking about is the possibility of that fine.

Unfortunately, inspectors in the Federal Government and bureaucrats in the Federal Government are not uniformly endowed with fairness, equity, and wisdom, as great a surprise as it may be to some Members of the Senate.

We do not want to give the inspectors the power to fine you $1,000 if you have a little, one-horse operation, such as that of my automobile repairman back in Shreveport, La., who said:

> Look, these guys can put me out of business. I don't make much money, and they're going to require me to raise my electric conduits by 3 inches—they're too low to the ground—and they're going to require me to put in bathrooms, hot water, and water fountains, and paint lines, and all of these minutiae.

We are saying that nobody should have the discretion to levy a fine of a thousand dollars for those nonserious violations.

Mr. BROOKE. I am going to yield to the distinguished chairman of the Committee on Labor and Public Welfare, but first I wish to say this: These inspections are not limited to Louisiana and Florida. They are national. They go all over the country.

Although I am very sympathetic and understand the serious problems affecting small business in the country, I still believe that this is sound legislation, that we have to protect the safety of employees, and I assume it does vary. Perhaps the Senator from Louisiana is aggrieved about something that has happened, some isolated case in his State, or in the State of Florida, or in some other State, but I do not think that what the Senator has described is wholesale.

I do not believe that the few inspectors we have are running roughshod over small businesses across the country and swooping down on them and being unfair to them and causing great hardships to them. I believe there are provisions within this legislation that protect the small businessman against that. We have tried to provide some protection. There have been amendments on previous appropriation bills, or attempts at amendments.

In the long run, OSHA has done a good job. We have given it some additional inspectors. If the Senator has a problem with respect to a particular inspector, as to practices and procedures, we have a way to take care of that. I would hate to see this amendment adopted by the Senate, because in my opinion and in the opinion of some others, it would tend to gut this legislation.

I yield to the distinguished Senator from New Jersey.

Mr. HELMS. Mr. President, will the Senator yield me 30 seconds, first?

Mr. BROOKE. I yield.

Mr. HELMS. Mr. President, I ask unanimous consent that Rom Parker, of my staff, be accorded the privilege of the floor during the discussion of this measure.

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

Mr. WILLIAMS. Mr. President, I appreciate this opportunity to give an interim report of what the Committee on Labor and Public Welfare is doing in response to the fact that the administration of the program under OSHA has been in many ways short of what we had expected when we legislated this measure into law. We had the full expectation that it would clearly and decisively go to improving the working places of this country so that the workers in those places would have a safer and a healthier place to work.

I understand completely the problems that come to Members of Congress from their constituencies, where it appears that the administration of the program and its enforcement have not been directed clearly to those goals but have been fraught with a multitude of picayune businesses of administration that have been annoying, at a minimum, and greatly frustrating, at a maximum. We have had all kinds of suggestions that this bill should be changed. They have come to us informally; not to the authorizing committee for this legislation, as I would have preferred.

We are dealing here with an appropriations measure, and this amendment goes deeply to the underlying law. It really amounts to amending basic law.

I regret that the Members who have offered this amendment have not come to me, as chairman of the Committee on Labor and Public Welfare, and to the members of the committee, and sought an opportunity to advance ideas for the improvement of OSHA. In that way, I think it would be more constructive.

Before I issue what I consider a necessary interim report on what we are doing in our deliberations with the Department of Labor to improve the administration of OSHA, I point out that in the last few moments a serious misunderstanding has been expressed about the nature of a serious violation. The law clarifies and will give us, I hope, a better appreciation of what we are talking about when we talk about a serious violation and a nonserious violation.

Section 17(k) of the Occupational Safety and Health Act provides:

> A serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists . . . unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

So we come to what a nonserious violation is by this definition of a serious violation, and that is death or serious physical harm.

Obviously, all the degrees cannot be described in legislation. There has to be a broader way of expressing a serious violation, and it is death or serious physical harm. Obviously, a serious violation is one that could cause a great degree of physical injury; a nonserious violation, some degree less. But it deals with physical injury.

Mr. JAVITS. Mr. President, will the Senator yield on that point?

Mr. WILLIAMS. I am happy to yield.

Mr. JAVITS. I am the ranking member of the committee. I feel exactly as Senator WILLIAMS does as to the general proposition.

I can think of nothing that would strip the self-policing activities of the small businessman down to more basic, underessential activity than cutting this penalty to $50. He would just wait around to be caught, because there would be no real inducement for him to correct himself.

As to the theory that he is a small businessman, so he is a nice, charitable, sweet man, the fact is that there are millions of small businessmen. I am the ranking member of the Small Business Committee, and the small businessmen, themselves, know that some of the worst violators of minimum wage laws and safety laws are in their own ranks.

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

Mr. JAVITS. Let me finish this point.

The point that is being made by Senator WILLIAMS is critically important, for this reason. The fact is that the Department of Labor now specifies, for example, dust, which is the base cause for many industrial illnesses, as a nonserious violation. The fact is that even carcinogens—that is, cancer-producing materials—in the air are classified as a nonserious violation; for example, those occurring in vinyl chloride.

The fact is that they classify noise, even if it is deafening, as a nonserious violation. Why?

Because in the compromise which we made with small business—and this I was a party to, just as Senator WILLIAMS was—we made a very, very strict interpretation of what is a serious violation so that, unless there is some imminent danger of death or substantial injury, everything else is a nonserious violation. I did not like it then, but I certainly would like it infinitely less if the penalty were cut down to $50.

One final statement on this very point: The fact is that the Secretary of Labor has very broad power to give variances on exemptions in respect of the act. Yet, notwithstanding many of the complaints to which the Senator from Florida and Louisiana have apparently given their attention in this matter, very few employers have sought variances from the Secretary. We believe it is because they cannot prove a case. Therefore, I think that this is a critically important factor in the argument which is made by our colleagues.

Mr. President, Senator WILLIAMS has the floor. If he will yield to Senator JOHNSTON, I shall be glad to answer any questions.

Mr. JOHNSTON. I should like to ask a question if the Senator will yield.

Mr. WILLIAMS. Yes; I yield.

Mr. JOHNSTON. The Senator says this will discourage the small businessman from complying with this law. I am wondering if the Senator really believes that the small businessman—a man who has a business of 10, 20, or 25 employees—as a practical matter can have any idea of what is in these hundreds of pages of regulations that govern everything from drinking fountains to the configuration of ladders. Does the Senator really believe that he can or should be expected to be familiar with those regulations?

Mr. JAVITS. As a practical matter, my answer to Senator JOHNSTON is yes. I shall say why.

I have heard the Senator's arguments a thousand times in these matters, and he may as well tell me that no small businessman can be expected to understand all the criminal laws of the United States and, therefore, he should be exempt from them.

Yes, we have a big body of law. We have State law, local law, and Federal law, but every small businessman knows when he is running a pretty clean shop. There are exceptions and we are ombudsmen and we protest about them. But when he is running a pretty clean shop, he generally has no difficulty with anybody—labor or anybody else.

Surely he does not swallow all the laws. That is a big volume. Nobody does. He does not sleep with them under his pillow. But he has a good idea when he is running a clean operation and that seems to be sufficient in our country.

I cannot accept that argument.

Mr. JOHNSTON. If the Senator will yield, there is a big difference between these hundreds of minute regulations, in which OSHA has the right to penalize and fine, and the criminal laws. In the first place, criminal laws cover only a few pages. Second, a man cannot be convicted or fined under criminal laws except by indictment and trial by jury and conviction. That is a long way from having to master thousands of rules and regulations.

Mr. JAVITS. There is judicial review in all these cases, even the little cases, if he wishes to invoke them. In our country, we always hear the argument that he has to defend in a suit. Anybody can sue anybody. I was sued as attorney general of New York for $100 million. I suppose I have had lots of suits like that. People do not like what I do, so they sue me. I have to defend. That, again, is the penalty we pay for being Americans.

I do not see how to avoid all those difficulties by cutting the penalty in these matters so that it gets silly and the fellow just does not care. It is like a parking ticket. He will take a chance on parking where it is illegal and he will pay $10. But this covers dust or carcinogens in the air where it is very, very serious and I think it just cannot be done.

I thank my colleague.

Mr. WILLIAMS. Emphasis has been put on the problems of the small businessman and the difficulty of understanding all of the regulations that have been promulgated under the OSHA program. In the Senate—in fact, indeed, in Congress—over the years, the administration of OSHA has arisen here on

the floor as amendments, generally to appropriations bills. I am sure that this has registered clearly in the affected departments. As one of the results, within the last year alone, both the Department of Labor and the Department of Health, Education, and Welfare, who also has a jurisdictional aspect here in terms of the health-related problems of working places, have spent hundreds of thousands of dollars in publications that are very clear and precise and easily understood—not as the register of regulations that has been exhibited here by the Senator from Florida, but in those kinds of publications that speak loudly, clearly, and simply to the regulations. So a great deal has been done in making known what the standards require.

That is in response to the feeling that the bureaucracy is just hitting people with regulations that come in telephone-book size in small print. They have been reduced to understandable publications. After this is over—and again, it is too bad it has to be after the debate on this amendment—I invite the attention of the Senators from Louisiana and Florida to these publications.

That reminds me of my earlier statement that we on the Committee on Labor, mindful of Members' problems on this act, are waiting for Members to come to us urging review of their particular ideas to improve OSHA. I know the Senator from Florida has legislation, and we, as I understand it, have invited him to advance to the committee his ideas for the improvement of the act. Quite frankly, I do not believe that the appropriations process is the best way to do it, without any consideration of the depth of impact of a particular amendment.

Mr. CHILES. Does the Senator from Florida understand that there might be a hearing on this bill?

Mr. WILLIAMS. Absolutely. I have made that clear through our staff talking to his staff.

Mr. CHILES. We have never been able to get any hearing on our bill. We would be delighted to get that opportunity to have a hearing.

Mr. WILLIAMS. That is our responsibility here, to hear Members' legislation to improve the law. We will be there when the Senator advances to be heard and he will be heard.

Mr. CHILES. The Senator will advance at any time. Normally, one is notified when one can have a hearing on his bill. If the Senator would like me to, I can notify the committee when I would like a hearing.

Mr. WILLIAMS. I respectfully suggest to the Senator from Florida that he talk to his staff, who will talk to my staff, on what has gone ahead in preparation for that hearing.

If the Senator from Washington wishes me to yield——

Mr. MAGNUSON. I shall wait until the Senator is through.

Mr. WILLIAMS. I want to take this opportunity to describe how we have approached our common problems with OSHA and have presented these to the Department of Labor and what is happening right now in a new Department of Labor, because we have a dramatic change of personnel in charge of the administration of this program.

Mr. BROOKE. Will the Senator yield?

Mr. WILLIAMS. Yes.

Mr. BROOKE. I think that what the Senator is saying is certainly very important, but we have so many amendments to this bill and the distinguished chairman is trying to get this bill acted upon before tonight. If the Senator could put that in the RECORD and if his assurance to the Senator from Florida is satisfactory that he is going to hold hearings on this matter and that would be acceptable, that would be fine with us. If not, then I am prepared to make a motion to table this amendment. I do not know whether the Senator will want a rollcall vote or not, but I think we have discussed it rather fully. Unless the Senator insists on this amendment, I am prepared to move to table it.

Mr. WILLIAMS. I earlier had understood that there were not any time limitations. If there are, I can suspend. Certainly, this is a basic view of developments in the Department of Labor. Let us put it very simply. I do not have to give this full report here, on the floor, and it can be included in the RECORD.

Secretary Dunlop has now been in office for enough time to appreciate fully that a great change is needed in emphasis in administration within the agency charged with responsibility upon the Occupational Safety and Health Act.

The present Assistant Secretary is on leave, and a new person is coming in. We understand that the person to be named has a background of depth and understanding in the industrial health area, and the Secretary of Labor has indicated to us that there will be a future major emphasis on the agents that are true killers in the working places—carcinogens and the other factors that are serious debilitators of the health of working people. The direction will be away from the picayune and inconsequential, with emphasis on those things that are truly serious, and anybody would recognize them as truly serious. This is part of our report.

I do not demand this opportunity to report on the new wave of administration that is in process over there at the Department of Labor, although I think the Members would be interested in this.

I will accept any procedure here. I am so greatly opposed to changing this substantive law that deals with health and safety this way, through a side door, back door, through the appropriations process. If there is something wrong, let us hit it head-on on the underlying law. This is not the way.

In the past year the Labor Committee has written detailed analyses of many aspects of OSHA criticizing the operation and requiring from the Department plans for correction of the problems. We are now about to receive followup reports on the Labor Department's progress in achieving their correction goals.

Also, the GAO has, at the committee's direction, been continuing their review of OSHA's operation and pointing out to the committee aspects of OSHA's operation which are in need of more intensive committee attention to improve the program.

A factor which must be considered in evaluating progress in the act's implementation is that during the past year we have had a complete turnover in the cast of characters responsible for implementing OSHA. We have new Secretaries of Labor and HEW, we have a new Assistant Secretary for Health and a new Director for NIOSH, we have a new Chairman of the Occupational Safety and Health Review Commission and we are still in the process of receiving a new Labor Department Assistant Secretary for Occupational Safety and Health.

These personnel changes have all been relatively recent and are still having significant and positive impact on the way the OSHA program is being run.

During the past 6 months the Occupational Safety and Health Administration has been in a state of rapid change due to the vigorous efforts of the new Labor Secretary, John Dunlop, to reorient the Occupational Safety and Health Administration to address the more profound questions of occupational safety and health, such as the hazards of cancer-causing industrial chemical exposures, and to disengage from the relatively less significant problems of the height of the fire extinguisher and the color of the exit sign.

I agree with Secretary Dunlop's assessment that the crucial issue at this time is employee job-related health problems and exposure to toxic cancer-causing substances. In line with that emphasis we are expecting any day to receive from the President the nomination of a well-known industrial health professional to be the new Assistant Secretary for OSHA. We are anxious to have a competent man in charge of this sensitive agency.

Considering our usual experience with the responsiveness of Government bureaucracies, I believe that the Labor Department has been unusually sensitive to the criticisms of its OSHA operation which it has received both from Senate and House committees and directly from our constituencies.

Many improvements in the OSHA operation have been made. Much effort has been put into making OSHA standards more intelligible and more accessible. Onsite consultation programs for employers have been made available to States both with and without State OSHA plans. Educational programs for employers and employees have been funded throughout the country through our system of junior colleges and through the American Industrial Hygiene Association.

New standards are being written with an extensive preamble which explains in simple lay language what is contained in the body of the standard in sometimes necessarily technical language.

I believe that this amendment addresses an issue which is no longer with us; it springs from an employer fear that was basically allayed 2 years ago.

It would certainly appear that the discretionary penalty system in the law is not being abused. The fines themselves are not in actuality a harassment or a

significant burden on the vast majority of businessmen—large and small. While 98 percent of the violations found are cited as nonserious, only 31 percent of these carry any monetary penalty. Of those nonserious violations which are hazardous enough to warrant fines, the average penalty is only $42. Even the average nonserious violation fines on the health standards are relatively low—$64 for carcinogens standard and $52 for the asbestos standard.

This is not at all to say that the discretion to levy higher penalties is not quite important. The fines of over $100 are reserved for those situations where, although there is not judged to be a high probability of death or serious physical injury, the health and/or safety of workers is in real jeopardy.

The fact that the compliance officer does not classify a hazard as a serious violation does not necessarily mean that the condition does not represent a real and possibly serious risk to the worker. Given OSHA's experience with the propensity for employers to contest serious violations and the consequent time and trouble that is involved in Commission and court defense of the citation, compliance officers—rightly or wrongly—often fall back on issuing a nonserious citation with a stiffer penalty in situations of serious hazard.

It is the combination of a heightened awareness and the possibility of being fined which has caused many businesses to increase the safety and health conditions of the workplace. According to a recent Harris poll, 48 percent of businessmen believe that OSHA has been good for American business and only 16 percent think that OSHA might affect their operation very seriously. Fifty-four percent of businessmen allowed that they wanted to do something about employee safety, because of the possibility of an inspection. Forty-one percent of small businessmen said that OSHA had been a major influence on their developing safety and training and engineering programs.

Many of us have been concerned about the effect of OSHA on small businessmen. It is evident from analyzing the statistics that inspections of small business are well directed into the relatively hazardous construction and manufacturing industries. Last fiscal year 74 percent of the inspections of small businessmen and 73 percent of the fines incurred by small businessmen were in the construction and manufacturing industries. On the other hand, the retail trade received only 5 percent of the inspections and 5 percent of the citations carrying penalties. Only 29 percent of the nonserious violations cited in small businesses carry any penalty.

We are coming into a period of awareness of the dimension of some of our more consequential occupational safety and health problems and it would be a very grave mistake to restrict the Secretary's discretion in levying penalties.

Today we are beginning to understand the devastating effect on our work force of the chemicals to which many of our workers have been exposed in the past 30 years. It is frightening but true that the coming years are going to see repeated instances of the discovery that individual chemicals such as vinyl chloride have been quietly poisoning our workers for the past three decades. Where will our enforcement effort be if we require the elimination of employer incentive to comply until he has actually been visited.

Based on a National Cancer Institute study by county, recent study by National Cancer Institute staff indicated that in the counties with the highest concentration of chemical plants, the incidence for lung, bladder, and liver cancer were, not surprisingly, significantly higher than in the rest of the United States. I might point out to the Senator from Louisiana that 6 of the 31 counties with the high cancer incidence related to working conditions were in Louisiana. Inhibiting the OSHA inspection procedure will mean inhibiting the control of dangerous carcinogens.

This amendment is a variation on a recurring theme which is probably more inappropriate today than it has ever been—both in terms of the businessman's perception of his need for relief and in terms of the Labor Department's need for the widest discretion as the problems it deals with become more complicated.

Last year at this time the Senate defeated by a 19-vote margin an amendment to eliminate first instance penalties for nonserious violations. I urge similar defeat of this amendment today.

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

Mr. WILLIAMS. Yes.

Mr. BROOKE. I cannot agree more fully with the distinguished chairman of the Labor Committee.

I am aware of the new procedures in the Department of Labor and what they are doing, and I perfectly agree with the Senator that this matter, if it comes up, should be coming up before his committee and there should be hearings on it; let us have some proposals and recommendations made by the Labor Committee before the Senate acts on it.

I think it is clearly legislation on an appropriations bill. It just does not belong on this bill. But apparently, because of the way in which the amendment was drafted, we have an informal ruling from the Parliamentarian that a point of order would not lie. If there had not been that ruling I am sure our distinguished chairman would have called for a point of order before this time. But, at any rate, I think the discussion has been a good one, it has been a healthy one, and if the Senator will put his report in the record and enable us to either have a motion to table or maybe even some agreement with the Senator from Louisiana, we could move on.

Mr. JOHNSTON. If the Senator will yield, Mr. President, we are ready to move ahead and go to a vote. We are ready to have an up or down vote, but we are ready to proceed maybe for another minute on each side and then ask for a vote at that time.

May I ask for the yeas and nays?

Mr. BROOKE. I have not made a motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BROOKE. I make a motion to table.

The PRESIDING OFFICER. There is not a sufficient second.

Does the Senator withhold his motion to table?

Mr. BROOKE. Yes, I withhold my motion to table.

Mr. BARTLETT. Mr. President, I wholly concur with the statement of the Senator from Louisiana that his amendment is a sensible step. I think it is very obvious to those who are interested in the productivity of this Nation that many of the OSHA requirements have hindered productivity, and certainly this is one of the areas of concern today in fighting inflation and in fighting the recession.

I commend the Senator from Louisiana and I ask unanimous consent that I be added as a cosponsor of his amendment because I do think it is important that we take those necessary steps to improve OSHA, recognizing that occupational health and safety are important, but that restrictions that are too severe, and penalties that are too great, deter the goal from being achieved. I commend the distinguished Senator from Louisiana for this step which, in my opinion, will improve OSHA tremendously.

Mr. WILLIAMS. Mr. President, will the Senator yield for one moment? I just want to take a moment here to express my gratification to those who are leading the debate on this bill before the Senate as the chairman of the subcommittee and the ranking member, the Senator from Washington and the Senator from Massachusetts.

Here they are dealing with a matter of deep and important substance to the Labor Committee, and they come to this with a sensitivity and knowledge for which I certainly am grateful, and it is remarkable to me that the Appropriations Committee members can have that time and opportunity to understand so completely the substantive legislation. But it is demonstrated here again, and I applaud the Senator from Washington and the Senator from Massachusetts.

Mr. BROOKE. I thank my colleague.

Mr. MAGNUSON. Mr. President, of course I, like my colleague from Massachusetts, strenuously oppose this amendment. It is purely, in my mind, something which changes the substantive law without any hearings and without going before the appropriate committee now reviewing the whole matter—and believe me it should be reviewed. But why they always want to tack these things on appropriations bills mystifies me. If the regulations are wrong, the Senator from Oklahoma ought to go down there and talk to the Labor Department. We do not write the regulations in the bill, and the Appropriations Committee does not have charge of doing anything about the bill. You may word it any way you want to, but this changes a basic part of the law.

I might agree with it, but I do not like seeing this sort of thing on an appropriation bill. It is the wrong place. We have gone through this over and over again here in the legislative process. We voted on the levels of fines and the numbers of employees. Heaven knows how many,

many times we have done that. Here comes an appropriation bill that only asks for an increase in the amount of money for the compliance inspectors. If the law is wrong then you ought to change it through the appropriate legislative process.

I agree with the Senator from Florida and the Senator from Louisiana, and I am sure the Senator from New Jersey does, too, that there ought to be an easier way to write regulations than by big books, and that it what the Senator is going into, is that not true?

Mr. WILLIAMS. Exactly.

Mr. MAGNUSON. So I strenuously oppose the amendment and I hope the Senate will turn it down.

Mr. JOHNSTON addressed the Chair.

Mr. BROOKE. Mr. President, I think I have the floor.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. BROOKE. Mr. President, I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, the objective of providing a safe and healthful working environment for every citizen is supported by everyone. That was what the Congress intended when it passed the Occupational Safety and Health Act.

It has become apparent, however, since this act took effect, that many of its provisions are not relevant to that goal, and that some requirements serve only to impose unnecessary and costly burdens on employers and to generate suspicion, confusion and ill will.

There are a lot of ways this act should be changed so as to achieve the goal of protecting health and safety of workers, while removing needless and expensive burdens on employers. To that end, I have cosponsored Senator CHILES' bill, S. 454, to make a number of revisions in the Occupational Safety and Health Act.

Since those who favor amending the act have been unable to gain the assistance of a majority of Senators, we are left with no alternative but to try to propose appropriate amendments on a piecemeal basis whenever the opportunity arises in an effort to correct some of the more glaring inequities of this act.

One of the most outrageous provisions of this law is the section authorizing OSHA officials to penalize employers during the first inspection visit for nonserious violations which frequently have no direct connection with the safety or health of workers.

I am pleased to be a cosponsor of the Chiles-Johnston amendment to prohibit the Labor Department from using appropriated funds to impose fines of more than $50 for nonserious OSHA violations.

An overwhelming majority of employers in this country are willing to do their utmost to comply with the OSHA regulations and to insure a safe working environment for their employees. The very law, itself, often frustrates and hampers employer efforts to comply, since many employers have neither the time nor the expertise to determine from the stacks of rules and regulations exactly what it is they must do to bring their operations into compliance with this most complicated of Federal laws.

To impose a hefty fine on an employer trying to comply with the law for a violation not related to worker safety or health is ridiculous, and should be prohibited.

Mr. President, I urge the Senate's approval of this amendment as a small step toward injecting some equity and commonsense in the area of OSHA enforcement. I further urge my colleagues to consider overall reforms of this act.

Mr. BAKER. Mr. President, I am pleased to support the amendment of my colleagues, Senator JOHNSTON and Senator CHILES, to prohibit the use of funds appropriated for the Occupational Safety and Health Administration for assessing penalties over $50 against firms which may be cited for nonserious violations of OSHA standards on the first inspection.

I have consistently supported the goals of the Occupational Safety and Health Act to insure safe and healthful conditions for the American worker, and I continue to feel that the act is basically sound. I believe it is clear, however, that the OSHA program has not produced a cooperative effort between Government and private industry to achieve a higher level of safety in the workplace. Rather, the program and the way in which it has been administered have created an adversary relationship between the Occupational Safety and Health Administration and businesses throughout the country, in which businesses have been confronted with a maze of complex, arbitrary, and often unreasonable standards and then fined severely for their failure or inability to comply.

It has long been my belief that Congress must recognize the deficiencies in the law and take positive action to correct them, and I am a cosponsor of S. 454, legislation offered by Senator CHILES to amend and improve the Occupational Safety and Health Act. Unfortunately, this measure has not been reported from the Labor and Public Welfare Committee as yet.

One of the greatest difficulties posed by the Occupational Safety and Health Act has been the lack of any provision for on-site consultative inspections at which OSHA inspectors can advise employers of their lack of compliance with safety standards and changes which the employer can make in order to comply with them. The present program results in OSHA inspectors citing employers for fines of up to $1,000 for nonserious violations of safety standards on first inspections. In many instances, the employer, particularly if he or she is the owner of a small business, has had no opportunity to fully comprehend the numerous and highly technical standards which have been promulgated by OSHA. In these cases, the issuance of such severe fines for small violations appears highly unreasonable, and even counterproductive. If OSHA inspectors were permitted to advise employers of their violations and how they can be corrected without being required to assess penalties for them, then the funds which would have been paid to OSHA could be constructively used to correct the unsafe condition.

The Johnston-Chiles amendment is a significant step toward improving this situation and diminishing the outrage against OSHA which has contributed to the lack of cooperation on the part of businesses with the program. The amendment would not prohibit the assessing of fines for serious violations, nor would it relieve the burden on the employer to correct his noncompliance with safety standards. It will, however, limit fines to $100 for violations discovered in a first inspection.

Mr. President, the task which Congress set before the Occupational Safety and Health Administration in the 1970 act is too large to accomplish by a Government agency alone. The goal of improved working conditions can only be achieved through a voluntary effort of Government and industry, and the Federal program should concentrate on assistance rather than correction. While I would prefer to see the Senate take favorable action on all of the changes in the law contained in S. 454 rather than attacking the OSHA problem by amending an appropriation bill, I encourage my colleagues to support the Johnston-Chiles amendment as a needed first step toward fashioning a truly effective job safety program in the United States.

Mr. THURMOND. Mr. President, I rise in support of the amendment offered by the Senator from Louisiana and the Senator from Florida. This amendment would prohibit the use of any part of the OSHA appropriation for the assessment penalties over $50 against firms which may be cited for nonserious violations of rules or standards on the initial OSHA inspection of that establishment. A serious violation is defined in the Occupational Safety and Health Act as one where there is a substantial probability that death or serious physical harm could result from an existing condition.

The present situation concerning OSHA is an unfortunate one. If an employer does not understand the vast number of complex OSHA regulations and requests assistance from OSHA personnel and an inspector comes to the worksite, the inspector may explain the regulations but he will also issue a citation for any violations he finds. If an employer needs help to understand the regulations and their implementation, it is doubtful he will be in compliance at the time of the OSHA inspector's visit.

Under present OSHA regulations, fines of up to $1,000 may be assessed against firms for even a nonserious violation. Many of the violations represent variances from highly technical and minor OSHA standards, which currently cover 326 pages in the Federal Register. It is not fair to expect businessmen, especially small businessmen, to study these regulations in enough detail to guarantee precise compliance.

Mr. President, this is a sound, sensible amendment. It will give the small businessman of this country a chance to have an OSHA inspector help him comply with the law, without fear of being fined excessively for every minute violation found by that inspector. At the same time, it will not exempt the employer from penalties for a serious violation. Additionally, it will not exempt an em-

ployer from penalties for a recurring violation.

Mr. President, I feel this amendment will go a long way toward relieving some of the inequities caused by OSHA, and I urge its adoption.

Mr. BROOKE. Mr. President, I agree with everything our distinguished chairman, Mr. MAGNUSON, has said.

As I look at this amendment, this amendment would limit to no more than $50 fines for such violations which are classified as nonserious. One of those would be environmental pollution, for example, such as steel mills polluting the air, which could create widespread health problems such as eye damage. That is a very serious matter, but that would be a nonserious offense, a nonserious penalty of $50.

Second, noise pollution which could permanently damage the hearing of an employee. That again is nonserious, and that would be a $50 penalty.

I add that because of colloquy I had with my distinguished colleague from Florida on the question of physical problems, and this is certainly a physical problem which would be classified as nonserious and come within the purview of this amendment.

I cannot say more strongly that I feel this is legislation on an appropriation bill, Mr. President. I do not agree with it. I think it is wrong, and I think it would be bad legislation. I, therefore, move to lay the amendment on the table.

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

The PRESIDING OFFICER. 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 to lay the amendment on the table. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Ohio (Mr. GLENN), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that the Senator from Iowa (Mr. CULVER) is absent on official business.

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

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. CURTIS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I also announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Illinois (Mr. PERCY) are absent on official business.

I further announce that the Senator from Kansas (Mr. DOLE) is absent due to illness in the family.

I further announce that, if present and voting, the Senator from Kansas (Mr. DOLE) would vote "nay."

The result was announced—yeas 39, nays 49, as follows:

[Rollcall Vote No. 395 Leg.]

YEAS—39

| | | |
|---|---|---|
| Bayh | Hathaway | Pastore |
| Biden | Inouye | Pell |
| Brooke | Javits | Proxmire |
| Burdick | Kennedy | Randolph |
| Case | Leahy | Ribicoff |
| Church | Magnuson | Schweiker |
| Clark | Mathias | Scott, Hugh |
| Cranston | McIntyre | Stevens |
| Eagleton | Metcalf | Stevenson |
| Ford | Mondale | Symington |
| Gravel | Montoya | Taft |
| Haskell | Moss | Tunney |
| Hatfield | Muskie | Williams |

NAYS—49

| | | |
|---|---|---|
| Abourezk | Eastland | McClure |
| Allen | Fannin | McGee |
| Baker | Fong | Morgan |
| Bartlett | Garn | Nelson |
| Beall | Griffin | Nunn |
| Bellmon | Hansen | Pearson |
| Bentsen | Hart, Gary W. | Roth |
| Brock | Helms | Scott, William L. |
| Buckley | Hollings | Sparkman |
| Bumpers | Hruska | Stafford |
| Byrd, Harry F., Jr. | Huddleston | Stennis |
| Byrd, Robert C. | Humphrey | Stone |
| Cannon | Johnston | Talmadge |
| Chiles | Laxalt | Thurmond |
| Cotton | Long | Tower |
| Domenici | Mansfield | Young |
| | McClellan | |

NOT VOTING—12

| | | |
|---|---|---|
| Culver | Goldwater | McGovern |
| Curtis | Hart, Philip A. | Packwood |
| Dole | Hartke | Percy |
| Glenn | Jackson | Weicker |

So the motion to lay on the table was rejected.

Mr. ABOUREZK. Mr. President, I call up an amendment to the Johnston amendment which I have at the desk, and ask for its immediate consideration. Will the clerk read the amendment?

The PRESIDING OFFICER (Mr. BURDICK). The amendment will be stated.

The legislative clerk read as follows:

After the word "work place" add the following: ", that has 10 or fewer employees,"

Mr. ABOUREZK. Mr. President, the whole purpose of the Johnston amendment is to insure that small businessmen are not harassed by this kind of procedure, but that the enforcement of OSHA violations will be applied to large businesses with 10 or more employees. This would save harassment of small businesses with 10 or fewer employees.

I ask unanimous consent that the name of the Senator from Minnesota (Mr. HUMPHREY) be added as a cosponsor of the amendment.

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

Mr. ABOUREZK. I yield to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, ten or fewer employees is much too small. I would not object to a limiting amendment, but it would have to be more than ten employees, because an 11-or 12- or 13-employee business is very small when you are talking about trying to read and pay the legal expenses of complying with hundreds of pages of regulations.

I wonder if the Senator would modify his amendment to apply it to 25 employees.

Mr. ABOUREZK. How about 20?

Mr. JOHNSTON. Twenty-five.

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

Mr. ABOUREZK. I yield.

Mr. HUMPHREY. The facts are that this amendment would exclude, I believe, about 20 percent of the work force, and it would exclude about 83 percent of the businesses. These are small, independent business firms. OSHA has big jobs and important things to do, and if they are going to have the penalties as low as $50, it ought to be only upon the very smallest of the enterprises. I think it makes good sense to have a very limited penalty on a very small enterprise. Frankly, I thought the penalty was too low, even though I voted not to lay the amendment on the table. I think $50 is not adequate for any kind of penalty, but if we are going to have $50 for a penalty, it ought to be related to those business enterprises that are really very small.

Mr. JOHNSTON. Mr. President, if the Senator will yield, the thrust of the amendment is that it does not prohibit the higher fine for anything other than a first visit and a nonserious violation.

Mr. HUMPHREY. I understand that. I think the amendment has genuine merit. I think the figure of $50, however, is hardly a slap on the wrist. It is more like a tickle on the ear. If we are going to do just the tickling process, we ought to relate it to what we used to call the "mama and papa" stores, and other business enterprises with 10 or fewer employees.

Mr. JOHNSTON. I would be willing to accept 25, because that is a great limitation, but 10 employees is too small on its face.

Mr. ABOUREZK. Mr. President, I ask unanimous consent that the name of the Senator from California (Mr. TUNNEY) be added as a cosponsor of the amendment.

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

Mr. ABOUREZK. Mr. President, if you apply this to 15 or fewer, you have taken out 86 percent of the work force.

Mr. HUMPHREY. No, 86 percent of the enterprises.

Mr. ABOUREZK. Of the establishments, I am sorry; and for 10 or less, 83 percent, and 25 or less, 90 percent. Is the Senator willing to compromise on somewhere between 10 and 25?

Mr. LONG. How about 23?

Mr. ABOUREZK. That is compromise?

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

Mr. ABOUREZK. I yield.

Mr. HANSEN. I would like to observe that the point that may be missed by many people is that any establishment with 25 or fewer employees in all likelihood has the owner and proprietor there on the job every day. He is going to be conscious not only of the health, welfare, and safety of those employees, but for his own as well.

I think there is a very clear distinction that can logically be drawn.

Mr. ABOUREZK. Mr. President, if I may interrupt the Senator from Wyoming, I tend to agree with what he is saying. The only problem is that we will not get enough support, I do not believe, with a 25 exclusion. I think we will get a great deal of support on an exclusion of

10 or a little more than 10, but I think we have to reach some kind of number that most of us can agree upon.

Mr. JOHNSTON. Mr. President, we will very reluctantly, after conferring with the Senator from Wyoming, accept 20.

Mr. HUMPHREY. Who said 20?

Mr. HANSEN. That was the offer from your side.

Mr. HUMPHREY. Mr. President, if we make the figure 20, we are exempting 89 percent of all business establishments.

Mr. JOHNSTON. What percentage of the work force?

Mr. HUMPHREY. Of the work force, we would be exempting about 20 percent. These are just concrete facts. If we come around to the figure of 15 percent, it exempts 86 percent of the establishments and 25 percent of the work force. Those are the small business enterprises that have been having a lot of trouble with these regulations. If we are going to have a minimum penalty of $50——

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

Mr. HUMPHREY. It seems to me that ought to be related to a very specific small enterprise.

Mr. MAGNUSON. Will the Senator yield?

Mr. ABOUREZK. The Senator from Wisconsin has asked to be recognized.

Mr. NELSON. Mr. President, did I understand the Senator to say that if we exempt establishments with 20, it would be 89 percent?

Mr. HUMPHREY. That is correct.

Mr. NELSON. And if we exempt 10, what would be the percentage?

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

The PRESIDING OFFICER (Mr. BUMPERS). The Senator will suspend. The Senator's request is appropriate. While we have many Senators interested in this point, I suggest we owe some courtesy to each of them, so that we do not have this confusion. The Senate will be in order.

The Senator from Minnesota may proceed.

Mr. HUMPHREY. Mr. President, the Senator from Minnesota wants this correct. I was looking at another line across here. Twenty or less is 89 percent of the establishments covered.

Mr. NELSON. And what is 10?

Mr. HUMPHREY. 10 is 83 percent.

Mr. NELSON. So we are quarreling about the difference between 83 percent and 89 percent?

Mr. HUMPHREY. But we are quarreling about numbers, too.

Mr. NELSON. What numbers, by percentages?

Mr. HUMPHREY. 10 percent is 12 million exempted, and with 20, we are talking about 18 million plus.

Mr. NELSON. What about 15?

Mr. HUMPHREY. At 15, we are talking about 16 million.

Mr. NELSON. What is the pending amendment? Is it 10?

Mr. ABOUREZK. Ten.

Mr. HUMPHREY. The pending amendment is 10, but the Senator from Minnesota, who is a cosponsor, was suggesting that a reasonable figure, if we wished to split any so-called differences, is 15 employees or less.

Mr. MAGNUSON addressed the Chair.

Mr. ABOUREZK. I yield briefly to the Senator from Washington.

Mr. MAGNUSON. If the Senator is through, I wish to talk a little bit about this.

Mr. ABOUREZK. I yield to the Senator from Washington.

Mr. MAGNUSON. First of all, all three Senators here have been talking about amending existing law through an appropriations bill. That issue should be talked about up in the Committee on Labor and Public Welfare.

The last amendment was so worded that the Parliamentarian said that a point of order did not rest.

This is an appropriations bill. First, Senators are amending the basic act. The Senator from Louisiana does that by his amendment. Now Senators propose doing it again.

We have gone around and around on this many times. I do not know why Senators want to jump on an appropriations bill, when the authorizing committee is now in the process of reviewing this issue.

I support what Senators are trying to do. But if I am going to do that, then let us have a legislative committee on every appropriations bill. That is what the Senators are doing.

Mr. President, I ask the Chair a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. Would this amendment be subject to a point of order? It changes the basic law, I believe.

The PRESIDING OFFICER. No further amendment is in order at this point. In order to change the numbers, the Senator from South Dakota would have to modify his amendment, which he has a right to do.

Several Senators addressed the Chair.

Mr. HUMPHREY. Mr. President, that is not the point.

Mr. MAGNUSON. That is not my question. That is not what I am asking.

Mr. HUMPHREY. Does a point of order rest against this amendment?

The PRESIDING OFFICER. No point of order would rest against the amendment.

Mr. MAGNUSON. The first amendment dealt with the fines which changes, in my opinion, the basic law. The Senator from South Dakota now wishes to deal with the number of employees.

The Senate has voted on those numbers over and over again. The Senator from Nebraska started with 25. Then he went down to 15. Then he went down to 10. The Senate voted against even one.

In an appropriations bill, Senators are trying to change the whole law. Apparently, not many Senators here in the Chamber heard the Senator from New Jersey promise the Senator from Louisiana that the Labor and Public Welfare Committee is in the process of holding hearings on his proposal and the proposal of the Senator from Florida. Why put it on this bill? I do not understand this.

I am for what the Senator is trying to do. I think some of the regulations are bad, but that is a legislative matter. I do not know why we do not have many legislative amendments on other appropriations bills. But every time an HEW bill comes up, there are scores of legislative amendments.

I do not know what we are going to do down there in the committee. I guess we better have hearings on legislation instead of appropriations. I cannot see any other answer.

No one appears down in the Committee on Appropriations and talks about these things. Although, the Senator from Louisiana did give us notice that he was going to bring amendments in the full committee. At that time I said they were legislation.

It puts us on the Committee on Appropriations in a very bad light when we have to vote against something, that is legislation on a bill, with which we might agree in principle.

There are not many money amendments pending. Instead, we are discussing issues which, apparently, no one can get done legislatively, so they want to tack provisions on an appropriations bill.

Several Senators addressed the Chair.

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

Mr. ABOUREZK. I will modify the amendment before I yield.

Mr. BROOKE. Will the Senator yield to me before he modifies his amendment? Will the Senator yield for a moment?

Mr. ABOUREZK. Yes.

Mr. BROOKE. Mr. President, as I understand it, the ruling of the Chair is that the Senator can only modify his own amendment and that an amendment will not lie to that amendment. Is that correct?

The PRESIDING OFFICER. That is correct.

I point out also that this amendment is in the nature of a limitation and, therefore, a point of order would not lie.

Mr. MAGNUSON. Mr. President, I want my question answered.

Mr. BROOKE. That is the question that was asked in the point of order.

Mr. MAGNUSON. But that is an easy way to get around the legislation. Senators stay up all night to figure out with the Parliamentarian what words to put in.

The PRESIDING OFFICER. The Senator may modify it.

Mr. BROOKE. I suggest to the Senator that he modify his amendment to 15 employees.

Mr. ABOUREZK. I intended to modify it to 15 employees.

Mr. BROOKE. Perhaps we could accept it, unless the Senator from Louisiana would desire to force a rollcall vote.

Mr. ABOUREZK. I have discussed it with them. They have agreed to modifying it to 15 employees.

Mr. President, I ask now that my amendment be modified to read "15 or fewer employees."

The PRESIDING OFFICER. The amendment is so modified .

Mr. MAGNUSON. Just a minute.

Mr. HANSEN. Mr. President, I ask unanimous consent that my name be added as a cosponsor.

Mr. BURDICK. Mr. President, I ask unanimous consent that my name be added as a cosponsor.

Mr. ABOUREZK. Mr. President, Senators BURDICK and HANSEN have asked unanimous consent to have their names added as cosponsors.

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

Mr. JOHNSTON. Mr. President, will the Senator yield a moment?

Mr. ABOUREZK. Yes.

Mr. JOHNSTON. Do I understand if we can limit this to 15 employees that it will be agreed among all parties that the sponsors of the bill would try to hold the provision in conference?

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

Mr. JOHNSTON. Yes.

Mr. MAGNUSON. No one has yet talked to me about this. I and Senator BROOKE are, after all, managers of this bill.

Mr. ABOUREZK. Mr. President, I ask unanimous consent that the names of Senators MUSKIE, CANNON, and STEVENS be added as cosponsors.

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

Mr. HANSON. The Senator has enough cosponsors to carry it.

Mr. MAGNUSON. Is the Senator asking me whether we will agree to it?

Mr. ABOUREZK. I have not yet but I will.

Mr. MAGNUSON. I will agree to it because apparently the Senator has the votes to do this.

But I tell the Senator when we get into the joint conference with the House, the conferees will want to deal with appropriations, not legislation.

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

The amendment of Mr. ABOUREZK, as modified, was agreed to.

Several Senators addressed the Chair.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I was seeking recognition.

Mr. JOHNSTON was recognized.

Mr. JOHNSTON. Mr. President, I will take one moment to clarify the situation. I think this is agreed to. I just want to get a commitment that when we go to conference that we will try to hold on to this amendment. If not, I will ask for the yeas and nays, because I think the sentiment of the Senate is overwhelming for the amendment as amended and, if we do not have that agreement, then I think we need to get on record to show what the strength is behind the amendment.

May we have that agreement by the sponsors of the main legislation?

Mr. BROOKE. Mr. President, will the Senator from Louisiana restate his request?

Mr. JOHNSTON. Yes.

I intend to have only a voice vote, if we can get the agreement that the managers of the bill will try to hold this amendment in conference. If we cannot get that agreement, then I want the yeas and nays, so we can show the overwhelming sentiment of the Senate in favor of the amendment.

Mr. BROOKE. I think the Senator from Louisiana should presume that the managers of the bill would always try to hold whatever the Senate votes. There will be no exception in this case.

Mr. JOHNSTON. If that is the case, then, Mr. President, I move final passage on voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of Mr. JOHNSTON, as amended.

The amendment was agreed to.

Mr. ABOUREZK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. MUSKIE. Mr. President, I do not have an amendment to offer, but I do have a statement on behalf of the Committee on the Budget that will take perhaps 10 minutes.

Mr. STEVENS. Mr. President, will the Senator yield 3 minutes to me without losing his right to the floor?

Mr. MUSKIE. Yes, I yield to the distinguished Senator from Alaska.

Mr. STEVENS. Mr. President, I call up my amendment which is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment.

The amendment is as follows:

On page 40, line 22 delete "$85,249,000" and insert in lieu thereof "$85,824,000.

Mr. STEVENS. Mr. President, there is an amendment to H.R. 8069, appropriating $575,000 for the President's Commission on Olympic Sports.

The Commission, created by Executive order on June 19, 1975, is charged with these basic functions:

The Commission shall conduct a full and complete study and evaluation of the United States Olympic Committee (a federally chartered corporation), its activities, and its present and former membership groups on a sport-by-sport basis as they relate to the effectiveness of United States teams in international competitions in the Olympic Sports.

. . . an analysis of the organizational and developmental problems in each Olympic sport . . . an analysis of the financial and facilities requirement of each sport and recommend ways to provide needed funds.

At present, the Commission's funds for its 1-year life are $569,000 of reprogrammed HEW moneys. This amount is clearly not enough to do the job requested by the President in his Executive order and reaffirmed on September 9, 1975, in his meeting with members of the Commission at the White House.

An additional $575,000 is necessary to insure that the Commission accomplishes its purposes. Specifically, the additional funds are necessary to:

Allow the Commission members to meet an adequate number of times to consider the testimony of the many witnesses who have perspectives of the problems of amateur sports in this country.

Allow sufficient numbers of witnesses to testify before the Commission.

Provide sufficient funds to enable the staff to respond to large volumes of requests for public information.

Provide funds to support the use of consulting groups comprised of athletes, coaches, and administrators to work with the Commission in the sport-by-sport analysis of problems affecting each of the Olympic sports.

Provide funding for necessary travel by both Commission members and staff to conduct the numerous factfinding interviews with the fullest possible range of persons—athletes, ex-athletes, coaches, officials, and administrators—who are knowledgeable about the U.S. Olympic Committee, its membership, and the 28 Olympic sports.

Provide a staff of 14 professionals and 7 clerical/secretarial support personnel needed to assist the Commission members with the basic facts and preliminary analyses required for the Commission members to produce Commission reports and judgments that are logically developed and responsive to the Executive order.

Mr. President, I have discussed this matter with the Senator from Washington, the manager of the bill, and I amend the amendment so that the figure will read $85,519,000. This would give the President's Commission the amount of money that HEW indicated at the time of our hearings would be necessary for them to complete their work. They are an especially chartered corporation, dealing with the very difficult problem of our relationship to Olympic sports.

I urge the managers of the bill to accept the amendment, so that we will fully fund this 1-year Commission.

The PRESIDING OFFICER. The amendment is so modified.

The question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Maine is recognized.

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

Mr. MUSKIE. I yield.

Mr. HELMS. Does the Senator desire to make his statement after all the amendments have been submitted?

Mr. MUSKIE. I would like to make it at this point, because I think Senators who hear the statement might find it useful background to consider in connection with any amendments that are offered.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. There is no amendment pending. The Senator from Maine is making a statement.

Mr. MUSKIE. That is right.

Mr. MAGNUSON. Several amendments have been submitted which will be called up when the Senator from Maine has finished.

Mr. MUSKIE. Mr. President, I undertake to make this statement, at this point, for two reasons. First, this is one of the large appropriations bills, and the Budget Committee is constantly asked how this fits into the budget resolution.

So it seems to me, at this point in the budget process, in connection with this bill, that it would be useful if I were to lay out for the Senate the nature of the new budget process, how it relates to an evaluation of appropriations bills of this kind, and what problems may be coming down the road. I begin by making some comments related to a newspaper column which appeared in the Washington Post this morning.

Mr. President, nobody promised us a rose garden when we undertook budget reform. We knew the task of addressing our National fiscal priorities and beginning the long hard road back toward a balanced budget would be a thankless one.

We knew those whose favorite programs would be cut would complain we were damaging the national interest, and those whose programs were allowed to grow might complain the growth was not fast enough. But we took on that responsibility. We waded into the briar patch of budget reform. We did so because of our conviction that failure to put the Congress and the country on the course toward fiscal responsibility and a balanced budget was to abandon our responsibility to our people. It was to condemn our own and our children's future to the burden of massive deficits and limitless and largely unplanned growth in Government.

I think it is fair to say, at the end of our first year, that the Budget Committees of the House and Senate, with the help and support of the Membership and committees of both bodies, have gained a toehold in the struggle toward fiscal responsibility. We have established a scorekeeping system which, though still imperfect, gives us a way of viewing our spending decisions as we make them against that congressional budget. We have decided in at least two areas, the school lunch program and the military procurement bill, to send bills back to conference which, in each case, threatened to cost $200 to $300 million more in spending than our congressional budget contemplated.

We on the Budget Committee, both Democrats and Republicans, have addressed the Budget Committee's work in a bipartisan spirit. An overwhelming majority of the committee has supported each of our committee decisions and key votes. So has the Senate. We have not looked for thanks for our efforts. Any reward for this work will come slowly. It will come in the form of a return to the sound fiscal management Congress owes the taxpayers.

But we have made a beginning. And in making that beginning, we have been criticized in quarters we had to anticipate would assail us. This morning's newspaper contains an error-ridden attack on the military procurement conference report. I ask unanimous consent that at the conclusion of these remarks, that article and a memorandum stating the accurate facts be included in the RECORD.

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

(See exhibit 1.)

Mr. MUSKIE. I do not intend to further respond at this point to that political column. But it is worth noting that its conclusion that "Congressional budget reform is really a Senate shell game to fleece the Pentagon" stands in stark contrast to the analysis of the same vote by such organizations as the Americans for Democratic Action and the Council on National Priorities and Resources, whose positions criticizing the Pentagon budget are well known.

Shortly after the Senate's action in rejecting the military procurement conference report, which is the subject of this morning's political gossip column, the Council on National Priorities and Resources issued a report, which I ask to be included at the conclusion of these remarks, entitled "Senate Budget Committee Secures Defeat of Defense Authorization Bill—Grave Implications for Domestic Programs." That report concludes:

> Muskie and the liberals on the Budget Committee seem to have been seduced by the conservatives . . . This action will most likely exact a heavier toll on programs oriented to human needs.

The ADA report on this vote stated:

> Any major increases in social programs, such as expanded food stamp benefits, or any major social initiatives—such as National Health Insurance—will be extremely difficult to achieve with the budget limits. If Muskie can defeat Stennis and the Pentagon, he almost assuredly can defeat the Child Nutrition Act amendments conference report.

I ask unanimous consent that both these reports be printed in the RECORD at the conclusion of my remarks.

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

Mr. MUSKIE. Mr. President, subsequently, as all Senators are aware, we did return the child nutrition conference report to the Conference Committee for further reductions to make it more consistent with the budget resolution.

I do not mean to complain this morning about the burdens faced by all members of the Budget Committee and of the Senate as we strive toward fiscal responsibility. Distortions like this morning's newspaper carried are a well-known part of the Washington game. Rather, I address this point simply to assure the Senate that, as chairman of the Budget Committee, I will not be swayed by such criticism from a course of steady-as-she-goes toward a balanced budget, and I know this is true of the other members of the committee and all Senators. We are grateful for your support this year. We look forward to its continuation.

I understand, of course, that criticisms of the recommendations we make will come from the whole spectrum of political ideologies and a wide range of citizens' concerns. The only way to avoid this kind of criticism is simply to open up the Treasury to unrestricted pressures and to give a blank check to anybody who wants support from the Federal Government.

Turning now to the Labor/HEW appropriation bill before the Senate, we are concerned that, although in general that bill is consistent with the spending allocations contained in the first budget resolution, nonetheless, certain spending in the health area which it contains will cause an increase in the health function of the budget. This increase derives not only from the substantial administration reestimates of the increase in the costs of existing programs mandated by law, but also from new spending provided by the appropriation itself. I understand the argument can be made that this additional money should be included in this bill to provide trading leverage with the House of Representatives, whose bill is lower in cost and does not contain this particular problem. I understand the amount involved is less than 1 percent of the total cost of this bill. Under these circumstances, I do not suggest the Senate recommit this bill to the Committee on Appropriations at this point for further reduction, since that reduction may come in the conference between the two Houses.

And if it does not, the Committee on the Budget can recommend recommitting that bill to the conference to make those reductions. However, should amendments be offered to reduce those amounts during this debate, they will have my support.

Mr. President, before proceeding to the details of the labor, health, education, and welfare appropriations bill for 1976, I wish to clear up some of the confusion that has arisen over how to "Keep Score" on the budget. I think the confusion has been frustrating to the Committee on Appropriations; I think it has been frustrating to other Senators who have tried to get the details of the budget, and it surely has been confusing to those who have undertaken to make comparisons between the scorekeeping performance of the House of Representatives and that of the Senate. The procedures involved in the first budget resolution this year did not address specific programs in a manner that would permit comparison of individual appropriation bills to the resolution targets. In the process leading to the first budget resolution, the Committee on the Budget considered broad functional aggregates only, and indeed, I believe that is the proper approach.

Under the terms of the Congressional Budget Act, the job of dividing up the budget resolution totals distributed to appropriation bills is the responsibility of the Committee on Appropriations after Congress adopts the budget resolution. Under the act, the Budget Committees are to stipulate to the Appropriations Committees the total, by function, avail-

able within the budget resolution for all appropriation bills. The Appropriations Committees are to report back to their respective houses how they have divided that total by subcommittee. That report, which we shall receive next year, forms the basis for subsequent comparison of individual appropriation bills with the budget resolution targets.

In this first year of activity, we did not attempt to apportion the targets to the various committees that provide spending authority, and the Committee on Appropriations, therefore, has not been able to provide the Senate with the split by individual bill. Given that situation, the best we can do this year is to provide an up-to-date status report on each of the budget functions in which the Labor-HEW appropriations bill falls.

This one bill includes programs which are found in six different functional categories of the budget. However, it does not include all of the programs that are found in each of those functional categories. The bill cuts across those six functions. The frustrating problem that faces the Committee on Appropriations and the Committee on the Budget this year is to identify that part of each function that relates to this particular appropriation bill.

Mr. McCLELLAN. Will the Senator yield?

Mr. MUSKIE. Yes, I yield.

Mr. McCLELLAN. Why did the committee on the Budget find it necessary to make the process so confusing? I do not understand how it works. Why could the committee not follow the appropriation bill so its analysis would be simple, understandable, and we would all know what we are doing and what we are expected to do?

Mr. MUSKIE. No. 1, the Committee on the Budget did not create this problem. This problem was created in the budget process as it developed from 1921 until the enactment of the budget reform legislation last year. The budget which the President sends to us is not broken down by Appropriations Subcommittees, it is broken down by the 17 functions. So if we are to make recommendations to the Senate based upon our evaluation and disagreements with the President's budget, we have to take into account those 17 functions and then try to relate those functions into the appropriation bill that the Senator is concerned with.

Mr. McCLELLAN. It does make it very confusing.

Mr. MUSKIE. I agree with the Senator completely.

Mr. McCLELLAN. And that is one of our troubles. I think the members of the Committee on Appropriations are just as concerned about the budget problem and sound fiscal policies as is the Committee on the Budget. But we get different budget ceilings, we get them submitted in different forms. Whereas this bill is reputed to spend more than the concurrent resolution by the Senate Committee on the Budget, we also hear that the total of this bill is under the concurrent resolution according to the House Budget Committee. Is that not correct?

Mr. MUSKIE. It is not quite that black and white.

Mr. McCLELLAN. Well, now, that gets more confusing. Why—if we are given a certain amount for these functions, when we total them up, can we not tell whether this bill exceeds the congressional budget resolution?

Mr. MUSKIE. My speech is in answer to that question.

Mr. McCLELLAN. I think the Senator said so.

Mr. MUSKIE. I shall be glad to get into it.

Mr. McCLELLAN. I think the Senator said so a few moments ago.

Mr. MUSKIE. Before I get into the detail of the six functional categories, if I may say to the distinguished Senator from Arkansas, in answer to his first question, we are undertaking a dialog with the Office of Management and Budget to try to work out an accommodation between those functional targets that the budget now is built around, and the Committee on Appropriations. They understand our frustrations. They have indicated a willingness to work it out. The simplest thing would be to have the functions broken down within the Appropriations Committee by appropriation bill.

The second thing the Budget Reform Act requires us to do next year is develop a crosswalk—that is, a procedure for translating the functional targets into the appropriation bills with which the Senator's committee has to work. Under the Budget Act, the Committee on Appropriations breaks that down itself. We do not do it for them.

Mr. McCLELLAN. I understand that. What I am trying to emphasize is that there is now much confusion, there is lack of cooperation, and there is need to eliminate the confusion and to establish the cooperation.

Mr. MUSKIE. I agree with that.

Mr. McCLELLAN. But it is now a state of abject confusion.

Mr. MUSKIE. I do not think that is the case. I think we have been moving pretty well up to this point. I think we all pretty well understand.

Mr. McCLELLAN. I asked the Senator the simple question, a moment ago, if this bill does not go over the concurrent resolution. He went off talking about something else, instead of answering me yes or no.

Mr. MUSKIE. I did not go off to answer something else. I said that if I might complete the answer to his first question, I would answer the second question.

But, in the meantime, the Senator has raised another point.

Mr. McCLELLAN. Just answer this.

Mr. MUSKIE. I am trying to answer your question.

Mr. McCLELLAN. We are getting more confused. I asked a simple question whether it goes over the Senator's budget. Now, the Senator cannot answer it because he has to go into something else. That is the point, that is what is wrong.

Mr. MUSKIE. If the Senator had not interrupted me to ask a question, he would have had his answer now.

Mr. McCLELLAN. I have been waiting.

Mr. MUSKIE. The Senator wants to restrict my response to the format of his question.

Mr. McCLELLAN. I would like to have a yes or no answer to my question. That is what I am asking for.

Mr. MUSKIE. I am perfectly willing to answer any question the Senator has. But when he asks a question, I think I have the prerogative of answering it as fully as I can and commenting on any editorial comments the Senator feels disposed to make.

Mr. McCLELLAN. Well, if the Senator does not want to say yes or no——

Mr. MUSKIE. I prepared a speech——

Mr. McCLELLAN. I will say yes, the bill is over the concurrent resolution, and sit down. If the Senator wants to say it is not over, let him say so.

Mr. MUSKIE. I will say yes or no in due course.

One of the reasons the Senator is confused is because too many people have looked for simple answers to a very complex problem, and no one is more aware of its complexity than the Senator who has been chairman of the Appropriations Committee for all these years. But now I will get to the Senator's question.

I have referred to the fact that H.R. 8069 funds programs found in six functional categories of the budget: Community and regional development; education, manpower and social services; health; income security; veterans benefits and services; and law enforcement and justice. Three of the six functions—income security, veterans and health—are over their outlay targets. The threat to these three targets is primarily due to underestimates on the part of the executive for mandatory spending programs.

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

Mr. MUSKIE. Yes, I yield.

Mr. McCLELLAN. I asked only a simple question whether this bill exceeds the concurrent resolution. I do not know why it takes a half-hour's speech to answer it. Maybe it is yes or no. If it is not, if the question cannot be answered yes or no, just say so.

Mr. MUSKIE. I have not found the Senator reluctant to take as much time as he needs on the floor to explain any point he wants to make.

Mr. McCLELLAN. I give the Senator the rest of the day. I am not interrupting.

Mr. MUSKIE. I have tried to put together an explanation of this process which would be useful to at least 99 Senators and, I hope, 100. So, Mr. President, I would like to give my colleagues a brief review of where we stand with respect to the target for each of the six functions at this time.

For community and regional development, the Labor-HEW appropriations bill for fiscal 1976 contains $0.6 billion in budget authority, and $0.5 billion in outlays. If my colleagues will turn to page 27 of the Senate budget scorekeeping re-

port, they will see that this is compatible with the target for this function and, in fact, leaves a margin in both budget authority and outlays.

H.R. 8069 provides budget authority of $6.9 billion and $5.1 billion in outlays for manpower and social services programs. Page 31 of the scorekeeping report shows that the spending in the education, manpower and social services function is also under the target by $1.2 billion in budget authority and $0.7 billion in outlays. I must point out, however, that there are many possible demands for spending in this function which have not yet been considered by the Appropriations Committee, which are enumerated on page 33 of the scorekeeping report, such as over $2 billion for temporary public service employment, $0.5 billion for education for the handicapped, and $0.1 billion for the Developing Disabilities Act.

The Labor-HEW appropriation bill contains $15.5 billion in budget authority and $11.3 billion in outlays for programs in the Health function. This is $0.9 billion over that portion of the President's budget request which the appropriations committee considered, and $0.2 billion over the House-passed bill. Page 35 of the scorekeeping report shows that the health function is over the target for budget authority by $0.4 billion and outlays by $2 billion. Of this overage, $1.2 billion is accounted for by the pending legislation on health insurance for the unemployed which, if not enacted, would reduce the outlay overage to $0.8 billion. Some $0.7 billion of this outlay remainder is due to upward reestimates for uncontrollable spending programs which were submitted by OMB after the enactment of the first concurrent resolution on the budget.

Excluding the $1.2 billion for health insurance for the unemployed and $0.7 billion for reestimates, health remains $0.1 billion in outlays over the target and I must point out that there is major health legislation which has not yet been considered in the Senate, as shown on page 37 of the scorekeeping report.

H.R. 8069 includes $13.2 billion in budget authority and $11.7 billion in outlays in the income security function. The scorekeeping report shows on page 39 that outlays in this function are over target by $0.4 billion. These programs are almost all uncontrollable entitlement programs. Those paid out of trust funds, such as social security, have permanent budget authority and are not a part of this bill. Others, such as AFDC and SSI, are in the appropriations bill, but their costs are not in fact limited by the amounts in this bill. If the costs of these programs prove to be higher, there will have to be a supplemental appropriation next spring to meet these higher costs. For the few controllable accounts in this function, the Senate committee bill reduces the President's request by $89 million, roughly the same figure as in the House-passed bill.

Although this bill contains only a small sum for veterans benefits, it provides an opportunity for me to point out continuing difficulties in the veterans benefits and services function. I would like my colleagues to turn to page 43 of the scorekeeping report which indicates this function is over target by $1.1 billion in budget authority and $0.9 billion in outlays. As you may remember, when the veterans appropriation bill was before the Senate, I had an opportunity to discuss with Senator PROXMIRE the spending pressures on this function. Since the President submitted his budget to Congress in February, there have been $1.4 billion in upward reestimate in mandatory spending programs. This puts increasing pressure on those programs which are controllable and all other legislation which is currently pending.

The last function included in this bill is law enforcement and justice, found on page 47 of the scorekeeping report. The $25 million in budget authority and $22 million in outlays for this function in this bill is consistent with the target.

So the real answer to Senator MCCLELLAN cannot be yes or no. There is $86 billion in Presidential requests still to be reported by the Appropriations Committee.

The chairman will answer his own question, in part at least by the amounts in those bills.

If I may summarize what I have been saying about the six functions which have programs funded by this bill.

With respect to No. 450, if this bill is enacted as it was reported to the Senate, function 450, community and regional development, will be $4.4 billion, under the budget target for budget authority, and $2 billion under the budget target for outlays.

With respect to function 500 education, manpower, and social services, if it is enacted as it was reported, that function will be $1.2 billion under the target for budget authority, and $0.7 billion under the target for outlays.

With respect to function 550, Health, the amount over or under the target is effected by what happens to unemployment insurance. If that is enacted, then that function would be over the target by $0.4 billion in budget authority and $2 billion in outlays. If it is not enacted, then the health function will be $0.8 billion under the target in budget authority and $0.8 billion over in outlays. Again, I point out that $0.7 billion of the $0.8 billion overage in outlays is due to upward reestimates by the executive for mandatory spending programs.

With respect to function 600, Income Security, if H.R. 8069 is enacted, we are $0.3 billion under the target in budget authority, $0.4 billion over in outlays, again primarily due to reestimates.

With respect to function 700, veterans benefits and services, if this bill is enacted, we will be $1.1 billion over the target in budget authority, $0.9 billion over in outlays.

With respect to function 750, law enforcement and justice, we are consistent with the target in budget authority and under target for outlays by $0.1 billion.

May I make the point that against this we have to take into account that in some of these functions there is legislation pending which potentially has a large price tag. Some of that legislation, if enacted, would take us over the target, and I urge Members to look at the scorekeeping report in order to get this perspective.

Furthermore, I want to point out that due to reestimates in mandatory spending programs, it is quite clear that if we enact spending legislation, which is already enacted or in process or requested by the President, we could exceed the budget resolution targets by $9.4 billion in budget authority, when the total is adjusted to comparability, and by $6 billion in outlays.

The pressure of reestimates, the pressure of rising interest costs, and other pressures, may have already taken us, above the budget deficit target which we established last spring.

Finally, Mr. President, I ask unanimous consent to have printed in the RECORD at this point two tables which will show the summary of the six functions, both with respect to budget authority and with respect to outlays as affected by the pending bill.

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

AMOUNTS (IN BILLIONS) BY WHICH 1976 BA IN FUNCTIONS IS OVER (+) OR UNDER (—) TARGETS IN H. CON. RES. 218

| Budget function | President's request | House HEW-Labor bill | Senate HEW-Labor bill | Senate bill plus pending legislation |
|---|---|---|---|---|
| Community and regional development (450) | [1]—4.6 | [1]—4.5 | [1]—4.4 | [1]—1.1—+2.0 |
| Education, manpower and social services (500) | —1.3 | —1.3 | —1.2 | +4.9—+5.2 |
| Health (550) | —.5 | +.2 | [2]—.8 | +1.4 |
| Income security (600) | [1]—.4 | [1]—.3 | [1]—.3 | [1]+.5 |
| Veterans benefits and services (700) | +1.1 | +1.1 | +1.1 | +1.4 |
| Law enforcement and justice (750) | ([3]) | ([3]) | ([3]) | +.2 |
| Total for 6 functions | —5.7 | —4.8 | [2]—5.6 | +7.3—+10.7 |

[1] Senate appropriations figures were adjusted to show BA on the same conceptual basis as that used in H. Con. Res. 218.

[2] If S. 625, health insurance for the unemployed, is counted in this column, the Health figure is +.4, and the total is —4.4.

[3] Less than $50,000,000 under target.

AMOUNTS (IN BILLIONS) BY WHICH 1976 OUTLAYS IN FUNCTIONS ARE OVER (+) OR UNDER (−) TARGETS IN H. CON. RES. 218

| Budget function | President's request | House HEW-Labor bill | Senate HEW-Labor bill | Senate bill plus pending legislation |
|---|---|---|---|---|
| Community and regional development (450) | −2.2 | −2.1 | −2.0 | −0.3–+0.4 |
| Education, manpower, and social services (500) | −.9 | −.8 | −.7 | +2.3–+2.6 |
| Health (550) | +.4 | +.7 | [1] +.8 | +2.5 |
| Income security (600) | +.5 | +.4 | +.4 | +1.2 |
| Veterans benefits and services (700) | +.9 | +.9 | +.9 | +1.2 |
| Law enforcement and justice (750) | −.1 | −.1 | −.1 | +.1 |
| Total for 6 functions | −1.4 | −1.0 | [1] −.7 | +7.0–+8.0 |

[1] If S. 625, health insurance for the unemployed, is counted in this column, the health figure is +2.0, and the total is +0.5.

Mr. MUSKIE. Mr. President, may I, in closing, congratulate the distinguished Senator from Washington (Mr. MAGNUSON). It is not easy to try to work in this complicated area, particularly when we try to accommodate functional totals with appropriations bills. He has done it with his usual attention to detail and to the merits of programs involved.

What I have had to say today is not designed in any way to be a criticism of him or his efforts.

I feel a particular responsibility to vote against increases because if I do not set some kind of an example nobody will, and I have to take some political heat for some of those votes.

With respect to the appropriations process as a whole, and I think we have to look at it that way, the Appropriations Committee deals with budget priorities, not for a single appropriation bill, but in the context of all of its appropriation bills.

In most, if not all, of the years that I have been here, the Appropriations Committee has cut Presidential requests on the appropriations side and I would be surprised if that is not the case this year. It may well be that some of these tentative overages may be more than offset by cuts in subsequent appropriation bills or in conference.

I simply want Senator MAGNUSON to know that I understand that there are many steps in the appropriations additionally, we have another opportunity in the second budget resolution to take all of the reestimates, and economic changes into account. I simply thought it might be advantageous at this point in the appropriations process to make these observations.

EXHIBIT 1

THE SENATE SHELL GAME

The most recent "scorekeeping" report by the Senate Budget Committee, showing excessive defense spending and reduced non-defense spending, suggests that the much acclaimed congressional budgetary reform is really a Senate shell game to fleece the Pentagon.

In fact, Congress clearly is *reducing* defense spending and increasing non-defense spending. The reason this does not show up in the monthly scorecard is an accounting change by the Senate staff which, at least temporarily, appears to reduce non-defense for future spending by a huge $27 billion. That accounting change will probably be corrected in time, but the figure juggling reflects a clever anti-Pentagon operation only now becoming clear.

The budgetary reform, while actually cutting Pentagon spending more deeply than domestic programs, gives the opposite impression. If we cut school milk funds, demand liberal budget reformers headed by Sen. Edmund Muskie of Maine, you must reduce missiles and aircraft carriers. The result: enough conservative Republicans joining Muskie to create a new Senate anti-defense coalition endangering long-range defense programs.

Architect of this coalition is Muskie, who preaches "fiscal discipline" but is firmly committed to cutting back the Pentagon and boosting social welfare spending. Such "reordering of priorities" is the goal of Muskie's Senate Budget Committee staff (including its defense specialist, Andrew Hamilton, a former soft-line staffer on the National Security Council).

The game began stacked against defense in the Muskie committee's original targets. The defense target was set below President Ford's request ($3 billion less for current spending, $7 billion less for new budget authority). The non-defense target was set above President Ford's request ($21 billion more for current spending, $17 billion more for new budget authority).

From that uneven beginning, the Muskie committee moved into a budget accounting quagmire navigable by few technicians and no U.S. senators. The committee's Sept. 2 scorecard shows Congress $4 billion over the committee target in defense budget authority and $9 billion under its target in non-defense budget authority.

How can this be when Congress cuts defense and increases just about everything else? The scorecard answers in a footnote: An accounting change removed $27 billion in long-term authority for public housing. Without that change, non-defense budget authority would be $9 billion above even the Senate's high target. This target may be lowered later to correspond to the accounting change, but the Muskie committee for now has given a false impression of defense profligacy and non-defense parsimony.

This fits Muskie's Senate tactics. On July 10, he rose to oppose a $180 million addition to the school lunch program on grounds it exceeded his committee's targets. He was overwhelmingly supported by the Senate, amid speculation Muskie had turned from spender to tight-fisted fiscal conservative.

That speculation ended when Muskie dropped the other shoe Aug. 1, the last day before the August recess. Muskie again rose in the Senate to reject the defense procurement bill's final version on grounds it exceeded the target by $5.4 billion (a misleading figure partially caused by the Muskie staff's accountancy). Muskie's message: If you cut school lunches, cut defense as well.

Defense advocates scarcely consider swapping free lunches for missiles a fair trade considering the overall rise in social welfare spending. But Muskie's argument enlisted five conservative Republicans—Henry Bellmon of Oklahoma, J. Glenn Beall of Maryland, Robert Dole of Kansas, Pete Domenici of New Mexico and William Roth of Delaware. They provided the difference as the Senate rejected the bill 48 to 42.

It is no coincidence that all these conservatives except Roth belong to Muskie's budget committee. Relatively junior in seniority, they view the new budgetary process as their avenue to power.

Thus, a new anti-defense coalition has been built on internal Senate politics, on balancing minor social welfare cuts with major defense cuts and on impenetrable budgetry accounting. The Aug. 1 roll call reflects a possible landmark change in Capitol Hill defense politics that deeply worries the Pentagon. On Sept. 5, Muskie helped cement his coalition by successfully opposing the final version of the school lunch bill, thereby perpetuating the notion of tradeoff.

Defense officials hope to break the coalition by convincing its conservative Republicans that they are victimized by figures which magnify defense spending and shrink non-defense spending. But the impulse for stronger national defense immediately following the Indochina debacle seems to be fading. The desire to equate elimination of free school lunches for children of $200-a-week workers with cuts in military preparedness may be irresistible.

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U.S. SENATE,
COMMITTEE ON THE BUDGET,
*Washington, D.C., September 17, 1975.*

**To: Senator Muskie.**

**From: Sid Brown.**

**Subject: Comments on the September 17 Scorekeeping Article in the Washington Post.**

1. There *is* a reordering of priorities as between defense/international programs on the one hand and domestic programs on the other hand. But this is *not* a Budget Committee reordering. It is the will of the entire Congress as expressed in the First Concurrent Resolution on the Budget. It should be kept in mind that the President's budget requested major new program increases in Defense and almost no new program increases in the domestic area.

2. There has never been any attempt to cover up the $27 billion budget authority item in the Senate Budget Scorekeeping Report (actually the figure is $27.6 billion). It is clearly footnoted in Summary Table 1 on page 9 and in the two functional tables in which it is located (Community and Regional Development and Income Security).

3. The treatment of the $27 billion item in the Senate Budget Scorekeeping Report is exactly the same as in the scorekeeping reports of the Congressional Budget Office.

4. We removed the $27 billion from the scorekeeping totals because that is what the Senate did in passing the HUD/Independent Agencies appropriation bill. The House version of this bill left this amount in, and the bill is now in conference. Until we know the outcome, we believe it is best for the Senate Scorekeeping Report to follow the Senate action. If the Conference outcome is to go the Senate way, we will make a comparability adjustment in the First Budget Resolution totals so as to show the "remainder" entries on the proper comparable basis. Meanwhile, the present treatment is clearly explained in three textual notes to the scorekeeping tables which are clearly apparent to anyone who reads those pages.

5. The $27 billion item affects *budget authority only*. It does not affect outlays which are the most important element in scorekeeping this year.

6. The Budget Committee opposition to the

school lunch bill shows that we are just as concerned with over-spending in the domestic area as in the defense/international area. Why would we oppose the school lunch bill if we had "doctored" the Scorekeeping Report in an attempt to show that domestic programs were under target?

7. It should be noted that the five "conservative" Republicans mentioned in the article as opposing the military procurement bill also voted to recommit the school lunch bill. In fact the Senate voted 76–0 to recommit the school lunch bill. This is hardly an example of attacking defense and letting domestic programs off the hook.

8. The original targets of the Senate Budget Committee did indeed cut National Defense budget authority by $6.7 billion and National Defense outlays by $2.8 billion from the President's request (the September article uses figures of $7 billion and $3 billion respectively). But for all other programs, the Committee recommended only $8.8 billion more in budget authority and $14.7 billion more in outlays than requested by the President—not the figures of $17 billion and $21 billion cited in the article.

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EXHIBIT 2

COUNCIL ON NATIONAL PRIORITIES AND RESOURCES,
*August 7, 1975.*

SENATE BUDGET COMMITTEE SECURES DEFEAT OF DEFENSE AUTHORIZATION BILL GRAVE IMPLICATIONS FOR DOMESTIC PROGRAMS

In an unprecedented move August 1st, the Senate rejected the conference report for the FY 1976 Defense Authorization Bill (H.R. 6674) by a vote of 48 to 42. The winning coalition—consisting of fiscal conservatives and liberals critical of the Pentagon—was led by Edmund Muskie, Chairman of the Senate Budget Committee and Henry Bellmon, ranking Republican on the committee. Opposition to the report centered on two issues:

It authorized appropriations exceeding the $100.7 billion spending target for national defense implicit in the first concurrent budget resolution by some $900 million in budget authority and $300 million in outlays.

Authorization of $60 million in advance procurement funds for a nuclear strike cruiser, slipped in during the conference, was considered a gross violation of the budget procedures outlined in the Budget Act.

Fifteen of the 18 Senate Budget Committee members voted to reject the conference report along with a majority of the Senate Appropriations Committee. The outcome certainly enhances the standing of Muskie and his new committee; the prestige of the Armed Services and Appropriations Committees seems to be undercut as a result.

The floor action by Muskie and Bellmon is the first manifestation of their strategy to defend the first budget resolution by opposing conference reports which, in the view of the Senate Budget Committee, would "bust" the budget.

Although the rebuff to the Pentagon and the Senate Armed Services Committee is laudable on its own merits, the *quid pro quo* underlying this action will most likely exact a heavier toll on programs oriented to human needs. The first such victim will be the conference report on the school lunch program (H.R. 4222), which, in Muskie's view, exceeds the spending target by $430 million. A vote on this conference report will be taken in September when the Senate returns. As Muskie put it during the debate, "it is a pernicious fallacy to assert that we can be true to the budget process if we exceed a budget target in one area without deciding at the same time where we are going to cut the budget in another area".

The hard reality is that the Muskie-Bellmon strategy of hewing to the targets set in the first budget resolution has the disastrous effect of prolonging the recession. It is now clear that the first resolution, adopted in May, falls far short of providing an adequate economic stimulus. For example, the fiscal policies established by the resolution would sustain intollerably high levels of unemployment—7.8 to 8.2 percent—through 1976. Since even liberals have an aversion to voting for budget deficit, the Muskie-Bellmon ploy to promote "fiscal responsibility" will serve only to discourage needed initiatives in Congress to speed economic recovery. Muskie and the liberals on the Budget Committee seem to have been seduced by the conservatives. It is interesting to note that the House Budget Committee has not chosen to play their cards this way.

To put this situation in the proper perspective, consider the following:

The spending figures set forth in the first concurrent resolution are *targets not ceilings* which are intended to *guide not control* the subsequent deliberations of Congress on particular authorization and appropriations bills. By acting in the name of the Senate Budget Committee while providing leadership to oppose conference reports, Muskie is giving the first resolution a controlling role not intended by the Budget Act.

Only after the second resolution is adopted it is not in order for the House or Senate to consider any legislation which would increase spending or cut revenues. Even the second resolution could be revised to accommodate changing circumstances.

Instead of opposing conference reports on authorization bills, the proper time to deal with budget targets is during debate on appropriations bills. As Senator McClellan noted, "anything in the appropriations bill that exceeds what the Budget Committee thinks is proper is subject to amendment, subject to change, subject to debate, and the issue can be resolved". In the case of the Defense Authorization, that particular bill funded only 24 percent of the total military budget. Even if the manpower levels set in the bill were to be translated into dollars and cents, the bill would cover 56 percent of the military budget at most. On the other hand, the Defense Appropriations Bill to be taken up this fall, will cover 91 percent of the budget (the remainder is appropriated in seven other bills).

The Pentagon is not likely to take this setback gracefully. The Budget Committees will surely be under more intense Pentagon pressure in the future. Given the predominance of pro-Pentagon conservatives on both the House and Senate Budget Committees, we may find that setting budget priorities means dividing a limited pie among domestic interests after the Pentagon gets its piece.

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AMERICANS FOR DEMOCRATIC ACTION,
*Washington, D.C., August 8, 1975.*

AN ANALYSIS OF THE DEFEAT OF MILITARY PROCUREMENT CONFERENCE REPORT

On August 1, 1975, the Senate rejected the fiscal 1976 military procurement conference report (HR 6674). The defeat was a major surprise; never before had a military budget conference report been defeated and almost never does Armed Services Chairman John Stennis suffer a major defeat.

The fight on the conference report developed suddenly, and in fact did not jell until July 30, two days before the vote. Until that time, Senate Budget Chairman Edmund Muskie had indicated an interest in a major fight against the conference report *if and only if* there was a significant chance of success. He did not want to risk a smashing defeat for the budget process. Muskie hoped to fight the bill on the grounds that 1) this authorization bill "busted the budget" by $900 million in budget authority and $300 million in outlays and 2) the conferees added $60 million in long lead time items for a nuclear strike cruiser which had not been considered by the Senate and had been requested by the President in the middle of the conference meetings.

Serious support for the Muskie effort came when the ranking minority member of the Budget Committee, Henry Bellmon, agreed to join the fight against the conference report. Then the fight became bi-partisan. Muskie and Bellmon sent around a Dear Colleague letter opposing both the military bill and H.R. 4222, the Child Nutrition Act Amendments conference report which was also ready for the Senate floor (it was subsequently pulled until after the August recess). Thus it became a brilliant double play against both "guns" and "butter" because both conference reports supposedly exceeded budget limits.

The Budget Committee fight on budgetary grounds made the difference in the 42–48 vote which defeated the conference report. A total of 13 of the 16 Budget Committee members opposed Stennis, including such Democratic middle-of-the-roaders as Hollings and Chiles, and Republicans like Bellmon, Dole, Beall and Domenici. The fight was broadened from simply "pro-defense" versus "anti-defense" to budgetary restraint versus high military spending.

The changed terms of the debate carried to Muskie's side such additional middle types as Bentsen, McIntyre, Glenn, Randolph, Johnston, Packwood, Roth and Stafford. The victory was won despite the desertion of a number of liberals including Hathaway, Ribicoff, Tunney, Williams, Inouye, Montoya and Symington.

Of course different Senators used different reasons to explain their votes. Bentsen was concerned more about the strike cruiser. McIntyre was upset over conference action on the B–1. Most of the liberals objected to the high level of military spending notwithstanding the budget ceiling. Tunney voted with Stennis to protect the B–1; Symington was still miffed that Muskie had opposed his earlier "ceiling amendment" when the military procurement bill first came up.

The debate on the conference report was one of the better ones. Muskie handled himself extremely well in the floor debate. There was a good deal of direct debate between Stennis and Muskie. Muskie won despite the fact that there were some weaknesses in his case, including 1) why did he fight the authorization bill rather than wait for the appropriation bill when further cuts would be made, 2) some of the figures used by Muskie appeared somewhat arbitrary in determining how much the military bill exceeded the budget, 3) Muskie failed to fight the military procurement bill when it was originally on the Senate floor.

There are a number of lessons to be drawn from the defeat of the military procurement conference report:

1. Muskie's power in the Senate is enhanced immeasurably; he bested Stennis.

2. The budget process is well under way to being institutionalized, at least in the Senate.

3. The budget process can now be employed as an effective method to control military spending; specifically, it will be useful in the fight to trim the defense appropriation bill due in September or October in the House and Senate.

4. The Pentagon will obviously take the budgetary process much more seriously, and can be expected to fight to keep the defense function high in future years budget resolutions. And the Pentagon rarely loses.

5. The budget priorities fight will be more clearly fought out; with the Pentagon and its allies fighting harder for the military share of the budget, other organizations and interests trying for higher health benefits or education money or housing subsidies will have a tough fight against the military for their share of the budget.

6. Any major increases in social programs, such as expanded food stamp benefits, or any major social initiatives—such as national health insurance—will be extremely difficult to achieve with the budget limits. If Muskie can defeat Stennis and the Pentagon, he almost suredly can defeat the Child Nutrition Act Amendments conference report.

7. The power of the Appropriations Committee has been diminished by the enhanced Budget Committee power; McClellan fought with Stennis and lost. The Appropriations Committee went 15–8 with Muskie against McClellan. The four Senators (Magnuson, Hollings, Chiles and Bellmon) who are members of both Appropriations and Budget all chose to vote with Muskie.

Mr. McCLELLAN. Mr. President, all I have been trying to do here is ascertain what the facts are. I am not against this bill, I am not arguing against this bill. I simply tried to ascertain if this bill, as it is reported, exceeds the budget target in the concurrent resolution initiated by both Budget Committees.

I believe the chairman of the Labor-HEW Subcommittee of the Committee on Appropriations has information about a discussion of these facts from the Committee on the Budget and I would ask the Senator, if he has a report from the Senate Budget Committee, does this report state whether the bill before us does exceed the budget target of the Budget Committee?

Mr. MAGNUSON. Well, the Senate Budget Committee does not now challenge our figure. Both bills, the education bill which was taken——

Mr. McCLELLAN. I am talking only about this bill before the Senate today.

Mr. MAGNUSON. This bill is about $415 million below the congressional budget.

Mr. McCLELLAN. The Senator is talking about the House Budget Committee figure, is he not?

Mr. MAGNUSON. Yes.

Mr. McCLELLAN. Does the Senator not have in the same statement he is holding in his hand, the statement that this bill, according to the Senate Budget Committee, is about $200 million over the budget? Does the Senator not say in his statement that he has a letter to that effect?

Mr. MAGNUSON. Yes, and I will put that in the RECORD. The Congressional Budget Office frankly and honestly states that it just does not know where we are now. Frankly, Mr. President, we have done our best to try to keep within the ceilings. We view them very seriously. Regardless of what is said now, it appears that when this bill is combined with the education bill we will be under the ceiling by about $800 million. I want to make it clear though that I have always been in complete agreement with the distinguished chairman of the Senate Budget Committee that resources are scarce and we must hold down spending.

Mr. McCLELLAN. I will ask the Senator to read the paragraph just above that, just preceding the one he just read.

Mr. MAGNUSON. "One letter from the House committee says that we are nearly $450 million below the ceiling. The Senate Budget Committee, on which I serve, will put the figure at about $200 million over the congressional budget."

There are three groups.

I wish to insert at this point in the RECORD, the correspondence we have received on this subject.

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

COMMITTEE ON THE BUDGET,
*Washington, D.C., August 29, 1975.*

DEAR COLLEAGUE: The Congressional Budget Office will issue its second scorekeeping report for the FY 1976 budget after the August recess. That report will provide a comprehensive survey of the current status of congressional actions on the budget.

I indicated in my letter of July 29, 1975, that I would forward to you in August an analysis of the status of House passed legislation and a comparison to the first congressional budget resolution. I want to emphasize that we are only beginning the process of developing a comprehensive scorekeeping report, and I will be discussing these developments both formally and informally with you in the coming weeks.

For your further information I am now enclosing Table A that shows the estimates for the actions of the House to date, and Table B that mentions some problem areas we still face. These two charts show that we are still below the target on outlays but that there is very little room for any additional initiatives. Table C details the bills passed to date, both appropriations and other spending legislation, together with other actions taken in this Congress which will cause outlays in FY 1976.

This information reflects the traditional pattern whereby the House reduces annual appropriation estimates while spending pursuant to other programs, both permanent and new, whose outlays are affected by economic conditions, are equal to or may be in excess of the savings made by the House in the appropriations process. For example, the severity of economic conditions causes various permanent programs such as unemployment compensation, veterans benefits, food stamps, and aid to dependent children to rise. The attached charts show the interaction between these programs and the specific appropriation and other spending bills in the House so far this year.

Very truly yours,

BROCK ADAMS,
*Chairman.*

TABLE A.—CURRENT HOUSE STATUS OF 1ST BUDGET RESOLUTION FOR FISCAL YEAR 1976, AS OF SEPT. 2, 1975

[In billions of dollars]

| | 1st budget resolution assumptions about current House status | | Current House status | | Difference over (+) under (−) resolution | |
|---|---|---|---|---|---|---|
| | Budget authority | Outlays | Budget authority | Outlays | Budget authority | Outlays |
| Permanent appropriations, prior year balances, and offsetting receipts | 137.1 | 200.1 | 136.5 | 201.8 | −0.6 | 1.7 |
| House action (bills enacted into law and bills which have passed the House) [1] | 140.3 | 91.9 | 136.8 | 87.9 | −3.5 | −4.0 |
| Total | 277.4 | 292.0 | 273.3 | 289.7 | −4.1 | −2.3 |

[1] See table C for details of House action.

Current House action to date has resulted in a net $2.3 billion *below* the estimates and assumptions made in the First Budget Resolution. This is divided into the following two major categories:

I. Permanent appropriations (appropriations from which funds are made available without current action of Congress) are running $1.7 billion over assumptions made in the First Budget Resolution:

| | |
|---|---|
| A reestimate of the rate of FHA foreclosures has increased outlays | +0.4 |
| Medicare estimates have increased due to higher patient delivery care costs | +0.7 |
| Current outlay estimates for the milk price support program are over assumptions made in the budget resolution | +0.2 |
| In the national defense function the budget resolution assumed no funding for the Southeast Asia FY 1975 supplemental. Current House estimates do not reflect this outlay reduction | +0.4 |
| Miscellaneous net changes on permanent appropriations | * |
| Total | +1.7 |

II. Current status of bills by the House is $4 billion under assumptions made in the First Budget Resolution:

| | |
|---|---|
| The agriculture appropriation bill passed by the House is $2.8 billion under the First Budget Resolution. Funding, however, for the food stamp program is provided in this bill only through January 31, 1976 | −2.8 |
| The budget resolution assumes higher outlays for unemployment benefits to the jobless than current estimates | −1.0 |
| The Education Division appropriation bill (veto override schedule) is below the First Budget Resolution target | −0.5 |
| Miscellaneous net changes as a result of House action to date | +0.3 |
| Total | −4.0 |

Although current House action is $2.3 billion *below* the outlay assumptions made in the First Budget Resolution, current spending estimates and pending appropriation legislation must be monitored closely if Congress is to keep within its outlay target of $367.0 billion −2.3

*Less than $50 million.

Food stamp funding may be understated by as much as $2.1 billion for the remainder of the fiscal year.

An increase of $.4 billion may be necessary to meet AFDC payments.

Unemployment costs to meet the needs of the 65-week benefit program may be understated by $1.0 billion.

Congress will have to keep within its First Budget Resolution targets for the four remaining appropriation bills: Defense, military construction, foreign aid and District of Columbia.

In addition, the current volatility of the economy with respect to unemployment and a reoccurrence of inflation caused by a rise in oil prices may adversely affect the projected deficit of $68.8 billion.

TABLE C.—HOUSE ACTION SO FAR ON FISCAL YEAR 1976 APPROPRIATION AND OTHER SPENDING LEGISLATION AS OF SEPT. 2, 1975

[In billions of dollars]

| | 1st budget resolution assumptions about current house status [1] | | Current house status | | Difference over (+) under (−) resolution | |
|---|---|---|---|---|---|---|
| | Budget authority | Outlays | Budget authority | Outlays | Budget authority | Outlays |
| Appropriation bills: | | | | | | |
| Education Division (H.R. 5901) | 5.3 | 2.2 | [2] 4.9 | [2] 1.7 | −.04 | −0.5 |
| Legislative (Public Law 94-59) | .8 | .7 | [3] .8 | [3] .7 | 0 | 0 |
| Labor, HEW (H.R. 8069) | 36.7 | 29.2 | 36.0 | 28.5 | −.7 | −.7 |
| HUD, Independent Agencies (H. R. 8070) | 51.8 | 18.8 | 51.4 | 18.5 | −.4 | −.3 |
| State, Justice, Commerce and Judiciary (H.R. 8121) | 6.1 | 4.2 | 5.7 | 4.0 | −.4 | .2 |
| Public Works (H.R. 8122) | 8.1 | 4.7 | 7.2 | 3.9 | −.9 | −.8 |
| Transportation (H.R. 8365) | 3.9 | 3.1 | 3.7 | 2.9 | −.2 | −.2 |
| Agriculture (H.R. 8561) | [4] 14.2 | [4] 10.5 | 10.8 | 7.7 | [4] −3.4 | [4] −2.8 |
| Interior (H.R. 8773) | 4.3 | 3.0 | 4.1 | 2.8 | −.2 | −.2 |
| Treasury-Postal Service (Public Law 94-91) | 6.5 | 6.1 | [3] 6.3 | [3] 6.0 | −.2 | −.1 |
| Continuing Resolution (Public Law 94-41) | 0 | 2.1 | [3] 2.4 | [3] 2.3 | 2.4 | .2 |
| Subtotal | 137.7 | 84.6 | 133.3 | 79.1 | −4.4 | −5.6 |
| (Pending House action): | | | | | | |
| Defense | (89.5) | (62.2) | | | | |
| Military construction | (3.8) | (.8) | | | | |
| District of Columbia | (.5) | (.4) | | | | |
| Foreign aid | (3.3) | (1.5) | | | | |
| Subtotal | (97.1) | (64.9) | | | | |
| Total, appropriation bills | (234.8) | (149.5) | | | | |
| Other spending legislation: | | | | | | |
| School lunch and child nutrition (H.R. 4222) | ([5]) | ([5]) | 1.0 | 1.0 | [4] 1.0 | [4] 1.0 |
| Veterans disability (Public Law 94-71) | .4 | .4 | [3] .5 | [3] .5 | .1 | .1 |
| Energy conservation (H.R. 6860) | 0 | 0 | 1.8 | 0 | 1.8 | 0 |
| Executive pay raise (Public Law 94-82) | 0 | 0 | [3] .1 | [3] .1 | .1 | .1 |
| Railroad unemployment (Public Law 94-92) | 0 | 0 | ([3] [5]) | [3] .1 | 0 | .1 |
| VA physicians pay (H.R. 8240) | ([5]) | ([5]) | ([5]) | ([5]) | 0 | 0 |
| Federal share highways (Public Law 94-30) | 0 | .2 | ([5]) | [3] .6 | 0 | .4 |
| Unemployment benefits (Public Law 94-45) | 2.2 | 2.2 | ([5]) | [3] 1.2 | −2.2 | −1.0 |
| Total, other spending legislation | 2.6 | 2.8 | 3.4 | 3.4 | .8 | .7 |
| Net of supplementals, rescissions, deferrals, and other miscellaneous action | ([5]) | 4.5 | .1 | 5.4 | .1 | .9 |
| Grant total, House action | 140.3 | 91.9 | 136.8 | 87.9 | −3.5 | −4.0 |

[1] As the House and Senate add or eliminate items to individual bills the assumptions in the 1st budget resolution may vary with respect to specific bill totals; however, total budget authority and outlays assumed in the resolution do not change.

[2] Vetoed July 25, 1975.

[3] Reflects final public law enactment.

[4] Funding for the child nutrition program was assumed in the budget resolution through the agriculture appropriation bill (H.R. 8561) at the following level: budget authority, $1,392,000,000; and outlays, $1,918,000,000. Therefore the combined effect of action taken to date in H.R. 8561 and H.R. 4222 results in the child nutrition program being over the amounts assumed in the Budget Resolution by $330,000,000 in budget authority and $317,000,000 in outlays.

[5] Less than $50,000,000.

Note: Detail may not add to totals due to rounding.

CONGRESSIONAL BUDGET OFFICE,
*Washington, D.C., September 2, 1975.*

Mr. HARLEY M. DIRKS,
*Chief Clerk, Subcommittee on Labor; Health, Education and Welfare, Committee on Appropriations, U.S. Senate, Washington, D.C.*

DEAR HARLEY: This is in response to your question as to how H.R. 8069, the 1976 Labor, Health, Education and Welfare and Related Agencies Appropriation Bill, as passed by the House compares to the first concurrent resolution targets. I apologize for not giving you an answer sooner, but I had asked Catherine Kolnacki of our budget scorekeeping staff to discuss your question with you personally.

The short answer to your question is that there are no specific provisions in the first concurrent resolution or the accompanying conference report for individual appropriation bills. Therefore, we are not able to calculate how much H.R. 8069 is under or over the 1976 budget targets.

Next year it should be possible to compare the House-passed appropriation bill for Labor-HEW with the budget resolution targets. Section 302 of the Congressional Budget Act (P.L. 93-344), which was not implemented this year, provides for an allocation of the total outlay and budget authority targets by the budget resolution conferees among each committee of the House and Senate which has jurisdiction over bills and resolutions providing new budget authority. This section also provides for the Committee on Appropriations of each House to subdivide among its subcommittees the total outlays and budget authority allocated to the Committee. Thus, the Labor-HEW appropriations subcommittee in each House will have a portion of the total budget resolution targets for outlays and budget authority allocated to it which can be compared to the totals contained in the appropriation bill(s) reported by each subcommittee.

All that we can tell you this year is how the funds in H.R. 8069 are distributed by functional category. This distribution is shown in the attached table and is derived from our budget scorekeeping tables contained in the attached CBO staff working paper.

While H.R. 8069 as passed by the House exceeds the President's request by $826,284,000 in budget authority and $405,000,000 in outlays, it appears as of this date that the bill is within the congressional budget targets for all functional categories it affects except health. In the health function, estimated outlays for four House-passed appropriations bills which contain health funds are greater than the amount requiring current congressional action under the budget resolution targets (see page 32 of the CBO staff working paper). To some extent, this result is due to an upward reestimate of 1976 spending from previously enacted budget authority which apparently was not anticipated in the budget resolution target for health outlays. In the other five functional categories affected by H.R. 8069, House action to date on appropriation and other spending legislation is within the amounts for budget authority and outlays requiring current action by Congress under the first concurrent resolution.

I hope that this information will be useful to you. We will be happy to answer any questions you might have regarding our budget scorekeeping tables, or to discuss further with you the question you asked.

Sincerely,

ALICE M. RIVLIN,
*Director.*

DISTRIBUTION OF H.R. 8069 BY MAJOR FUNCTIONAL CATEGORIES

[In millions of dollars]

| Functional category | New budget authority | Estimated outlays in 1976 |
|---|---|---|
| Community and regional development (450) | 576 | 489 |
| Education, manpower and social services (500) | 6,801 | 5,041 |
| Health (550) | 15,340 | 11,162 |
| Income security (600) | 13,223 | 11,746 |
| Veterans benefits and services (700) | 16 | 15 |
| Law enforcement and justice | 25 | 22 |
| Total | 35,980 | 28,474 |

Note: May not add due to rounding.

Source: "CBO Staff Working Paper No. 2 for 1976 Congressional Budget Scorekeeping," Sept. 2, 1975.

Mr. McCLELLAN. The only point I wanted to make, Mr. President, is that there is such confusion as to what are the actual congressional budget ceilings. We go into the Appropriations Committee and undertake to try to live within the President's budget. But we do not know whether we are within it or not. But in this instance, the Labor-HEW subcommittee has done well this year in trying to report a bill something near the budget. But, according to the report from the Budget Committee of the Senate, the bill before us does exceed the budget target of that committee by over $200 million.

Mr. MAGNUSON. That is right.

Mr. MUSKIE. Mr. President, will the Senator yield so I may respond?

Mr. McCLELLAN. I yield.

Mr. MUSKIE. As far as I know, the only communication we sent to the Subcommittee on Labor-HEW Appropriations was a letter dated September 8, 1975, in which we undertook to answer a question put to us by the Appropriations Labor-HEW Subcommittee as to the status of H.R. 8069 as it came from the House.

I ask unanimous consent that that letter be printed in the RECORD. I think it speaks for itself.

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

U.S. SENATE,
COMMITTEE ON THE BUDGET,
*Washington, D.C., September 8, 1975.*

Hon. WARREN G. MAGNUSON,
*Chairman, Subcommittee on Labor-HEW Appropriations, Committee on Appropriations, U.S. Senate.*

DEAR MAGGIE: I understand that the staff of your Subcommittee on Labor/HEW Appropriations has asked the Congressional Budget Office whether the House passed Labor/HEW appropriation bill (H.R. 8069) fits within the budget targets contained in the statement of managers accompanying the Conference Report on our First Concurrent Resolution on the Budget (H. Con. Res. 218). I also understand that CBO felt unable to give a definitive answer, citing the fact that the statement of managers did not provide information on the relation of the targets to individual appropriation bills.

It is true that the proceedings leading to the First Concurrent Resolution on the Budget this year did not address specific programs in a manner that would yield an answer to the question posed by your staff. Nor, do I believe, should the Budget Committee deal with line items in most cases. As you know, the job of dividing up the budget resolution totals distributed to appropriation bills is the responsibility of the Appropriations Committee after adoption of the budget resolution under the terms of the Congressional Budget Act. Under the Act, the Budget Committees are to stipulate to the Appropriations Committees the total, by function, available within the budget resolution for all appropriation bills. The Appropriations Committees are to report back to their respective houses how they have divided the total by subcommittee. That report forms the basis for subsequent comparison of individual appropriation bills with the budget resolution targets. In this initial year of activity, we did not attempt to apportion the targets to the various committees that provide spending authority, and the Appropriations Committee has therefore not been able to provide the Senate with the split by individual bill.

Recognizing, however, your immediate need for information on this year's Labor/HEW bill, we have attempted to compare the bill as passed by the House with the budget resolution targets. This can only be a rough approximation because, as I have said, the deliberations in the Senate and in Conference on the budget resolution were not intended to reach the degree of detail necessary for a definitive comparison. Leaving aside the mandatory or uncontrollable programs in the Labor/HEW bill such as SSI or Medicaid—which must be funded at whatever level is now determined by law either now or in a later supplemental—we believe the discretionary or controllable portion of the bill as passed by the House is about $70 million below the levels assumed for these programs in the budget resolution.

Although the Budget Committees did not make line item decisions, the staff has arrived at the $70 million estimate based on the general policies the Committees followed in setting the spending targets by budget function. For Income Security programs, the Committees rejected the President's proposed legislative changes, reestimated the costs for certain mandatory spending programs, and assumed continuation of current law. For the Health function, we assumed continuation of all health programs at a minimum of their 1975 funding level, rejected the President's proposed legislative changes to medicare and medicaid, and left some room for legislative initiative. The Education, manpower, and Social Services function was increased approximately $5.3 billion in budget authority over the President's budget request to bring ongoing programs up to their FY 1975 level and to permit some increases ($3.0 billion) and to provide additional funds for public service employment ($2.3 billion).

I would close with one note of caution. The deliberations on the budget resolution last April and May have to be considered in the light of subsequent events. Since that time the pressures on the budget have increased, due to higher requirements in several mandatory programs over which we have no control, passage of new legislation, and other factors. A glance at the latest Senate Budget Scorekeeping Report clearly shows this.

I am attaching a table which shows where we are currently on each budget function affected by the HEW-Labor bill. The table shows how the House passed bill changes outlays in each of these functions.

In the deliberations on the Second Concurrent Resolution on the Budget, which will commence shortly, we will need to reassess what we did last spring in light of these changed conditions. The budget reconciliation process may require us to make the difficult choice between accepting a higher deficit or further paring down program budgets. I cannot at this time predict what will occur. But I know you are aware of the difficult trade-offs we will be facing.

With best wishes, I am

Sincerely,

EDMUND S. MUSKIE.

Mr. MUSKIE. The letter states that as a matter of rough judgment, by the Budget Committee staff, the bill passed by the House was $70 million below the levels assumed for these programs in the budget resolution.

That statement has to be taken in the context of the fact, that the functional targets do not relate directly to program totals. In this letter, we were simply trying to give the best guidance we could to the subcommittee.

Mr. MAGNUSON. I have the letter which the Senator has had printed in the RECORD.

I do not have as much time to be in the Budget Committee because I am also responsible for this important bill. The major problem, as I view it, is that the Budget Committee talks about functions. Appropriations bills deal with specific programs. Unfortunately, we do not have a system for crosswalking, or reconciling the two.

If we took the education bill enacted last week and this bill together, then we are about $800 million under the ceiling.

Then we run into another thing that the Budget Committee has never taken up: we are appropriating for many programs, on a 2-year basis. Unemployment insurance, public service jobs, and some of the defense appropriations which involve building a ship are good examples. You cannot do that between July 1 and June 30.

The main problem, again, is that the Budget Committee embraced this functional approach without following up with a reconciliation.

Now we are getting into a real problem. I do not know how we can operate by functions too well. Maybe we can, though I do not know how.

Mr. MUSKIE. I can only say to the Senator that the functional breakdowns have existed for years. We did not create them. They are part of the executive budget.

Mr. McCLELLAN. I believe I have the floor, Mr. President.

Mr. MUSKIE. Will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. MUSKIE. Let me make a second point. We do not go into the program detail that the Appropriations Committee does. If we were to do the actual allocation by appropriation bill, we would be doing the Appropriations Committee work. That is not our responsibility or desire.

Mr. MAGNUSON. After what I am getting into today, the Senator from Maine can have it. Does he want it?

Mr. McCLELLAN. Mr. President, I believe I have the floor. I would like to make this observation. I believe what has come out of this colloquy is a clear demonstration of the chaos that is developing in this situation. It is very important, I believe that we try to get these budget categories coordinated so one of us will not be talking about apples and somebody else talking about oranges. Then we can come to a determination of what we are doing, whether we are over, under, or what the situation is. As it is now, there is the statement that the chairman of the Labor-HEW Subcommittee prepared for the RECORD which indicates there are three different interpretations of the current situation. He then concludes by saying:

> The Congressional Office of the Budget frankly and honestly states that it just does not know where we are.

That is the state of confusion I am talking about and which I am trying to emphasize today, hopefully so that we can find some way to make the budget process more coordinated.

Mr. MUSKIE. Will the Senator tell me what he was quoting? If it is something out of the Budget Committee, I would like to know what it is.

Mr. McCLELLAN. I am quoting from the statement that the subcommittee chairman has prepared and which he read into the RECORD. He read that part I just repeated.

Mr. MUSKIE. But is that from the Senate Committee on the Budget?

Mr. McCLELLAN. I do not know. He says, "The Senate Budget Committee, on which I serve as its ranking Democrat, would put the figure at nearer $220 million over"—meaning over the level in the concurrent budget resolution. I was taking these figures, I may say to my friend, from the material that is here on the desk of the chairman of the

Labor-HEW Subcommittee. If I am not mistaken, I heard Senator MUSKIE say in his opening statement that this bill was over the budget and that the situation might be resolved in conference. If it was not, then we would have the opportunity later to do what we have done in other conferences, to send it back.

Mr. MUSKIE. I said in my opening statement, if I may try to summarize——

Mr. McCLELLAN. I think that is what the Senator stated.

Mr. MUSKIE. My statement was that this year the only method for reviewing any appropriation bill is to look at the individual functions within it. H.R. 8069 has six functions for which ceilings were set in the Budget Committee report. For the outlay targets of those six functions, if this bill is passed, we are over the budget target for three functions: Income security, health, and veterans benefits and services.

I cannot be any more precise than that. This bill, as such, was not identified in the budget resolution. I cannot tell the Senators what the target for this bill was, as such, combining the six functions. I can only tell the Senators what the impact of this bill is on the functions for which targets were set. The detail within those are the responsibilities of the Appropriations Committee.

Mr. MAGNUSON. Will the Senator yield?

Mr. MUSKIE. The Senator from Arkansas has the floor.

Mr. MAGNUSON. When we started to markup this bill, which was before the recess, it is true that we could not get from the Budget Committee a precise figure on this particular bill.

Mr. MUSKIE. That is right. And I cannot give one now.

Mr. MAGNUSON. That is my point. I still think we have to sit down and figure out some way to coordinate between what the Budget Committee calls functions and direct appropriations.

All I know is I sit downstairs and have to listen to all these people speak on human needs, and I cannot easily think of these needs in terms of budget functions. On the other hand, I am gravely concerned over total spending.

Mr. MUSKIE. May I say something else to the Senator? Next year, when Congress sets the functional targets, then it is my responsibility, as Chairman of the Budget Committee, to tell the Appropriations Committee what part of the totals are subject to appropriation; then you take that appropriation figure and you will break it down among your subcommittees. The Budget Committee will not do it; the budget resolution will not do it; you will do it. Then you will have established your own crosswalk between the original targets that you set, and the final result that shows up in appropriations bills. That is how it will work.

I think that will be the most difficult job of all——

Mr. McCLELLAN. Mr. President, I I yield one-half minute to the Senator from South Carolina, without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

## VISIT TO THE SENATE BY MEMBERS OF THE SOUTH AFRICAN PARLIAMENT

Mr. THURMOND. Mr. President, we are honored to have with us today some members of the South African Parliament. I would like them to stand as their names are called, and be introduced to the Senate.

The Honorable J. M. Henning.
The Honorable M. F. Truernicht.
The Honorable Hyman Miller.
The Honorable C. C. Henderson.
The Honorable P. H. Meyer.
The Honorable H. J. Coetsee.

We are very pleased to have these distinguished gentlemen visit with us in the Senate Chamber at this time.

[Applause, Senators rising.]

## DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION ACT, 1976

The Senate continued with the consideration of the bill (H.R. 8069) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

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

Mr. McCLELLAN. I am glad to yield the floor. The only thing I want to do here is demonstrate the chaos and confusion that now prevails. We cannot get an accurate determination of whether this bill exceeds the budget or does not. If this happens or that happens, we are told the bill will do so and so, but in total we cannot get a determination here today of whether or not the bill exceeds the congressional budget or does not exceed the budget.

If we cannot get this information after the bill is reported, I do not know how the Appropriations Committee can know these facts while it is considering the measure and before it is reported.

Mr. BROOKE. Will the Senator yield?

Mr. McCLELLAN. I am glad to yield to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, I certainly support the Budget Committee and what its chairman has been attempting to do, but it does make it very difficult for us on the Appropriations Committee to move if we do not know what the budget ceiling is, when we are trying to stay below that budget ceiling.

One thing further: even if we stay below the budget ceiling, when you have your functional categories, is it the intent of the Budget Committee that if we are actually below the budget ceiling overall, but we are over, say, in health, for example, does the Budget Committee intend to go that far, to get, then, into the various categories? If we are under the overall ceiling for the Labor-HEW appropriations bill, but if we exceed the ceiling on health, would the Budget Committee therefore be opposed to that?

Mr. MUSKIE. Health is a separate function, and is so identified in the budget resolution. But the education function includes manpower and social services, and not just education.

Mr. BROOKE. But the Budget Committee is working with one group, and we are working with another; we do not have the same categories.

Mr. MUSKIE. I understand. But what I am trying to make clear is that the Budget Committee did not create these functions. They have been part of the executive budget process for years, and by some miracle it was possible for Congress to work with them all of those years.

Let me make this clear: This year is a trial run year. This is a complicated process, because the whole executive budget process from which it was drafted was complicated to begin with. Anyone who tries to persuade me that prior to the enactment of the Budget Reform Act budgeting was a simple exercise for either the executive or Congress is just talking through his hat. It was so complicated that we assumed that because the Appropriations Committee cut the President's requests for appropriations, we were being fiscally responsible, when, as a matter of fact, because of uncontrollable items in the budget, the deficit grew larger and larger, year after year.

Now we are focusing on those uncontrollable portions of the budget. We know that problem is not the controllable programs, which the Appropriations Committee has demonstrated they have had well in hand over the years, but the uncontrollables.

Now, I hope that the Budget Committee position is clear. To ask us, the Budget Committee, to produce simplicity during the dry run year of our existence, when nothing like simplicity existed before, is to ask for miracles.

We are in an evolutionary process. I personally think that we have made some important progress. I hope that it will continue, and that with patience, cooperation, and accommodation we can make this process work. But if we are about to throw up our hands at the first moment there is a disagreement about this complexity of the facts and say, "Oh, we will never control the budget, we should go back to the old chaos."

You can say our old chaos was better than the new chaos, however, I do not think so.

Mr. BROOKE. At what point in the appropriations process would the Appropriations Committee be informed and have knowledge of what the Budget Committee has established as a ceiling?

Mr. MUSKIE. Next year when the process is fully implemented, on March 15, all committees, including the Appropriations Committee, are required to report to us their view of the budget situation under their jurisdiction, for the coming fiscal year, with recommendations as to priorities, and estimates for spending.

The committees did that this year, and did it very well. I am sure they will do even better next year, as they become more familiar with the process.

On March 15. We are required to take their reports into account as we establish our targets.

We do not make spending totals; we make priorities judgments. We bring that to the floor, and on the floor, 50 hours of debate is required, and that debate is designed to give the Senate, as a whole, an opportunity to try to relate these overall figures to particular States, or particular groups in our population. This will be the budget priorities debate as well as the economic debate, because it relates to the overall totals. But it is a program priorities debate as well: Defense versus school lunches, health versus education, and all the rest.

When that debate is resolved, and the House and the Senate are in agreement, we then have an overall spending limit and the 17 functional targets. Then we have to sort out that part of each function that relates to appropriations, and we send that overall figure to the Appropriations Committee. We do not tell them how to spend it; we just say, "This is the amount of money that is allowed on the budget resolution and each function." Then the Appropriations Committee allocates that money among its subcommittees and its appropriation bills. They do that. We do not. For us to do it would be to assume their prerogatives.

That happens right after May 15, after the first concurrent resolution on the budget has passed both Houses.

Mr. BROOKE. But it has been your policy, as I recall, to oppose any particular appropriations bill if it is over the congressional ceiling.

Mr. MUSKIE. No, that is not true. I raised two major issues. One was the school lunch program, which is an entitlement program and which has the effect of triggering spending upon enactment. The Senator knows there was no means for reserving that decision until later. That took effect immediately upon enactment and had to be dealt with.

Mr. BROOKE. As I recall that was true for the military procurement also?

Mr. MUSKIE. With respect to military procurement, this was one function; it was not many as in the Labor-HEW appropriation bill. The effect of military procurement bills in the past has been in effect to nail in place the programs covered by it. Not all authorizing bills have that effect, but that one does.

So we took it on a pragmatic basis in an attempt to test the new process. It was clear that the defense function was going over the target, under the pressures from all sources, and we felt we better signal the danger.

But with respect to other appropriations bills, I have taken the position as I have here on this one. It is our judgment that the health function is $100 million over. This may be counter balanced somewhere down the road in a supplemental appropriation bill or in conference. A give and take in conference with the House of Representatives may eliminate the $100 million overage in outlays in Health.

I do not see that I should intervene at every stage of the process, because with the regular appropriation bill we have three points at which to reconcile spending with the targets: First, the bill itself; second, the conference report; and third, the final reconciliation process. So there are three points at which we can endeavor to come to grips.

If there were a massive overage at the first step of the bill, I might point this out. But when the Senator is talking about $10 million, more or less, or $50 million, I am inclined to be silent. I have not tried to comment on every item. In the first place, the budget resolution does not identify particular items; and in the second place, I think there has to be some flexibility in the appropriations process.

Mr. BROOKE. The Senator takes into consideration then where we will overspend in one category and we will underspend in another category.

Mr. MUSKIE. That is right.

As I said a moment ago, the Committee on Appropriations has that record, and I think that is a good record on which to rely.

I am not taking any initiative on this bill with respect to that health function. I am simply giving the Senate the facts.

Mr. BROOKE. It is my understanding the Senator was taking the initiative on the health function.

Mr. MUSKIE. No, I am not.

Mr. BROOKE. The Senator is not.

Mr. MUSKIE. I am not.

Mr. BROOKE. That is not the purpose or intent of the Senator to take that initiative.

Mr. MUSKIE. If there is an amendment to cut it, I may vote for it simply as an individual Senator, but I am not recommending.

Mr. BROOKE. Not as chairman of the Committee on the Budget.

Mr. MUSKIE. I am not for the reason that I think the conference committee has the right to look at spending and the functional targets and balance them.

Second, the Committee on Appropriations has some right to consider its overall priorities.

However, if spending was over the target by a substantial amount, I might take a different view. But I do not want to be an annoyance in the Senate Chamber. My job as chairman of the Budget Committee is to highlight what I think are the significant issues in order to keep us within the functional targets. I am not going to try to pick up every nickle and dime that I take issue with. I think that would be disruptive of the whole process.

Mr. BROOKE. I certainly understand the Senator's desire to see that all appropriations hopefully are under the congressional budget. If the Senator were to come in at every step of the way, every function, and every category, we would never finish the appropriations.

Mr. MUSKIE. We would never finish the process. I agree with the Senator.

Mr. BROOKE. I thank the Senator.

Mr. McCLELLAN. Mr. President, I say to the Senator and I observe that this colloquy today has thoroughly demonstrated the need for a cooperative effort by rules or regulations, or something, to clarify this issue so that when we get the ceiling of the Senator from the Budget Committee we know what is within these ceilings. Then we can probably try to meet the ceilings in our bills. But when we come in the Chamber this way, it is very difficult to know where our bills stand. There is a state of confusion and a complex and difficult procedural situation here that needs to be alleviated some way.

That is all I am trying to say today.

Mr. MUSKIE. I certainly agree with the Senator. I promise him my cooperation. We could work with better understanding if we more fully understand our respective roles. We are not the Committee on Appropriations, we do not make recommendations on particular accounts in an appropriation bill. We cannot tell the Senator whether a particular item is covered under the budget resolution.

Mr. McCLELLAN. What I am saying and the point I am making is the Senator deals with functions, does he not? The Appropriations Committee deals with other budget categories.

Mr. MUSKIE. I understand.

Mr. McCLELLAN. The two committees ought to deal with the same budget structure. I am not saying whether it should be by functions or whether it should be by appropriations bill. If we could ever get to the same structure and have our analysis and decisions directed to the same issues and to the same appropriations, then we would eliminate a lot of this confusion.

As it is now, it is confusing, and it is difficult for a subcommittee or the Committee on Appropriations to know whether bills are within or without the budget.

That is why I asked the questions today. I do not know, and I could not determine definitely from the Senator whether the bill before us is over or above, or what. We need to alter the procedures where we do not have that confusion, and where we can all agree on what the facts are, what the situation is. Then I think we would all be willing to work cooperatively to the end to make the budget process function and be of real service.

Mr. MUSKIE. I will certainly be happy to work with the Senator to that end.

Mr. McCLELLAN. I am not talking specifically about me. I am not talking about the Senator from Maine. I am talking about the whole process.

Mr. MUSKIE. I am willing to work with all committees, but I would like to comment that the Senator might feel assured to know that BROCK ADAMS, as chairman of the House Committee, and I met earlier this year with Alice Rivlin, who is director of the Congressional Budget Office, to discuss this specific problem. We are in contact with OMB. Senator BELLMON, the ranking Republican on the Committee on the Budget, and a member of the Committee on Appropriations is working with me on this. It is one of his foremost projects, and he has my wholehearted support.

I hope that we can clarify the procedures. It is a sticky problem, I agree with the Senator. It is frustrating to us.

Mr. McCLELLAN. Yes.

Mr. MUSKIE. We want to be able to give specific answers when the Senator asks for them.

Mr. McCLELLAN. The point I am making here is that in order to make the new budget process work we must first

get these things coordinated so we will be talking about the same thing, then we will all understand and there will be less misunderstanding. We can have our different points of view as to an item, whether it is too much or too little, or should not have it at all, but we ought to have the process coordinated so that when we talk about something, we are talking about the same thing and not one of us talking about apples and the other about oranges. That is what we need.

Mr. MUSKIE. I would like to make one other point. Let us take the education function. If this bill is passed, we are under the target for budget authority by $1.2 billion, and outlays by $.7 billion. But if the Senator is to ask me how are we over or under the budget even on that I would have to add the following——

Mr. McCLELLAN. I prefaced my question, I say to the Senator, primarily on what I understood him to say and on the basis of the information here on the desk of the subcommittee chairman to the effect that the bill was over before the concurrent budget resolution.

Mr. MUSKIE. That $220 million figure is nothing I recall using, so I know nothing about that. I am not trying to get at that point. I am trying to get at this point, because we do not deal with appropriation bills. When we are asked how a particular appropriations bill relates to the budget targets, we have to take a number of things into consideration.

If we pass H.R. 8069, in the education, manpower and social services function we are under the target for outlays by $.7 billion, but there is now pending before the Committee on Appropriations a bill for temporary public service employment which would cost $2 billion, another bill for education for the handicapped that will cost $500 million, and another bill, the Development Disabilities Act, that will cost $100 million.

If all three of those are passed, amounting to $2.6 billion if fully funded, the $7 billion slack in that function is not going to be enough, and I think it is the function of the Budget Committee to point that out.

So when the Senator asks me whether we are over the budget, I offer him additional information, I am trying to be honest with the Senator.

Mr. McCLELLAN. Mr. President, I had not intended to talk so long. We have this problem, and it is going to be a continuing problem until we find some way of coordinating efforts on these committees and presenting appropriations bills in a way that both committees deal with them alike. Then the Budget Committee sends down its concurrent resolution or when it sends targets, we will know what it is talking about, and can then try to come within that target ceiling.

I am not trying to suggest that we report bills over the target ceiling. I am simply trying to find a way to make this process work, and I am willing to cooperate in any way we can. Today, it is confusing, and it is very difficult for the appropriations committees to know how to work within this situation.

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

Mr. McCLELLAN. I yield.

Mr. McCLURE. I thank the Senator for yielding.

I think the point is well made that there is confusion, because we are talking in different terms.

One of the dilemmas that was confronted by the committee early was the necessity to relate the actions of the Budget Committee to the executive budget. If we conformed everything that is done in the Budget Committee to the categories as established by the Appropriations Committee over a few years, then we would have the difficulty in the Budget Committee of relating that to the executive budget, which is not necessarily related in exactly the same way to the actions taken by the Appropriations Committee. This is no criticism of the Appropriations Committee.

Mr. McCLELLAN. If we cannot do that, then we ought to relate the appropriations bills to functions in some way, so that we will all be talking about the same thing. I am not arguing for either side. I am trying to emphasize the necessity for uniform procedures and considerations.

Mr. McCLURE. It seems to me that the practical solution to the problem—and it has problems within it—lies in a meeting of the Budget Committee and its personnel with the Appropriations Committee and its personnel, the OMB and its personnel, and the Congressional Budget Office, to establish uniform rules by which we judge all these actions in the executive budget and in congressional action.

There is a problem in changing the rules. Whenever you change the categories, change the method by which we judge what we have done, it is difficult to relate present action to past action, because all of a sudden you are comparing apples to oranges in that field.

Nevertheless, I think it is obvious that there would be a great deal of merit in getting the four budgeting entities together—the Budget Committees of both the House and the Senate, the Appropriations Committees of both the House and the Senate, the OMB, and the Congressional Budget Office—to work out a uniform set of rules by which we all operate, so that we do not get into this dilemma.

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

Mr. McCLELLAN. Mr. President, I yield to the Senator from Oklahoma, or I will yield the floor—either way. I yield the floor.

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

Mr. BELLMON. I yield to the Senator from Washington.

Mr. MAGNUSON. One of the problems we face and will continue to face is that ceilings are established so early in the process. In this fast-moving area we set ceilings, then hear from 400 witnesses on health, and perhaps 6 months down the road we may find out that the target is not practical or equitable. We may want to increase it. This is the confusion we have. We do have a method whereby we can adjust the target.

Mr. McCLURE. That is correct.

Mr. MAGNUSON. We would have to give pretty definite proof. I hope the Senator from Oklahoma can appreciate the whole situation we are in.

Mr. BELLMON. I can, because I serve on the Appropriations Committee and the Budget Committee; and I think that by having the advantage of being on both committees, I know what the problem is.

Mr. MAGNUSON. We are dealing with periods of time here. Who would have thought just 2 years ago that we would have to appropriate $5 billion more for unemployment insurance? This is the sort of situation which we on the Appropriations Committee must face daily—unforeseen circumstances and ever-changing budget requests.

Does the Senator know how many supplementals OMB has sent up? They total several billion dollars. Ten days after we get through with this bill, another one will show up. How can we or the Budget Committee know exactly where we stand?

Need arise, usually is caused by some emergency. Who would have thought that we were going to have all these hundreds of millions requested for health insurance for the unemployed? I never thought of that 2 years ago.

Mr. BELLMON. Mr. President, my purpose in getting the floor this afternoon is to explain the matter. Perhaps we should commiserate together, but we need to talk the same language. It is as if one committee or the other is speaking Chinese. The Appropriations Committee uses one breakdown on the formation of their subcommittees, and the OMB and the Budget Committee use a totally different functional breakdown.

As our chairman has said, the Budget Committee is aware of the problem, and we are in the process of trying to figure out a way to communicate in a more timely and more understandable way.

Serving as I do on the Appropriations Committee, I can say to the Senate that at this time we are getting the information from the Budget Committee in a timely way. We work on those bills and have no doubt the result we are getting is going to fit into the concurrent resolution that the Senate adopted back in April.

We will have to work out a system of using the same functional breakdowns at all levels of government—the Budget Committees of both the House and the Senate and the Office of Management and Budget. That should be a priority activity. I hope we will be able to accomplish it before we go back to this process next year.

I congratulate the chairman of the Committee on Appropriations for bringing this matter so forcefully to the attention of the Senate this afternoon.

Mr. McCLELLAN. Will the Senator yield at that point?

Mr. BELLMON. Yes, I yield.

Mr. McCLELLAN. I was trying to illustrate that point here today, the need for just what the Senator has said.

Mr. BELLMON. He did it very well.

Mr. McCLELLAN. I am glad we had this discussion. I apologize to the chairman of the subcommittee; I did not intend to take so much time.

Mr. MAGNUSON. I think it has been a healthy discussion.

Mr. McCLURE. Will the Senator yield?

Mr. BELLMON. Yes.

Mr. McCLURE. I agree with the Senator from Arkansas that the need for uniformity is very evident.

I say to the Senator from Washington that the time periods we are dealing with are also very difficult. There is need within the Reform Act to react to those time frames. We start the budgetary process early in the spring. We do not button it down until May 15, and we are starting now to formulate requests for next year. But from the first of the session until May 15, we have the opportunity to react to new information and to update right up to the time of the final adoption of the first concurrent resolution on the budget. Then we have the appropriations actions and the various legislative actions that affect spending during the year with the opportunity to update that again in the fall. So we do not have long periods of time in which the burgetary process is allowed to get out of date or out of time with the current events in our country.

I commend both the Senator from Arkansas and the Senator from Maine for this colloquy, which I think has really brought to light very forcefully the need for some further reform of our procedures internally so that we are all talking about the same language and understand better both what the Committee on the Budget is doing and what the Committee on Appropriations, as well as other legislative actions of Congress, are doing with respect to the budget target established by Congress.

Mr. CHILES. Mr. President, I would like to commend the chairman of the Labor-HEW Appropriations Subcommittee for his leadership in bringing this important measure before the Senate. Once again, Senator MAGNUSON has demonstrated his concern and devotion for aged and aging Americans as well as all Americans.

As a member of the Senate Committee on Aging I was particularly pleased that the Appropriations Committee reported out two measures that I have supported for the benefit of our elderly. The committee requests a $5 million increase in appropriations for the newly created National Institute on Aging—raising the House level of $15,526,000 to $20,526,000. This increase would permit a necessary expansion and continuation of research to aid in identifying many of the "gray areas" of the aging process. An effective and well-staffed Institute is essential for establishing a solid foundation to build a comprehensive aging research plan for all governmental agencies. As this country's number of elderly swells to over 22 million, it is appropriate that the committee has provided the funding to aid the National Institute on Aging in its research responsibilities.

The Appropriations Committee report and bill also gives continued support to the successful nutrition program for the elderly. I would like to personally commend the chairman of the Labor-HEW Appropriations Subcommittee for his continuous support of this worthwhile program. The chairman is very familiar with the benefits of this program and is aware that over 3,000 elderly enjoy the services of the program daily in his State of Washington. In my own State of Florida, almost 9,000 persons benefit from this meal program daily, but at the same time I am extremely concerned that there are approximately 3,000 elderly who have to be placed on waiting lists. I am hopeful that the $200 million expenditure in fiscal year 1976, as directed by the committee, will help in allowing the more than 116,000 persons nationwide who are on waiting lists to benefit from the nutrition program for the elderly. The committee report directs the Department of Health, Education, and Welfare to spend $200 million in fiscal year 1976. This amount should be spent by the Department by utilizing the carryover funds from fiscal year 1975 of approximately $100 million in addition to the $125 million contained in the appropriations measure before us today.

As I stated earlier, the committee report directs the Department of Health, Education, and Welfare to spend $200 million in fiscal year 1976. Last year HEW delayed in reaching an increased annualized spending rate, as directed by the committee, until very late in the fiscal year. Consequently, I would like to pose a question to the chairman of the Labor-HEW Appropriations Subcommittee concerning the intent of the committee.

When does the committee want the Department of HEW to adjust its annualized expenditure rate so that a $200 million spending level is reached?

Mr. MAGNUSON. It is the intent of the committee that the annual expenditure rate be adjusted immediately upon enactment to the $200 million spending level.

I can think of few, if any, programs in the entire Labor-HEW appropriations bill that are more important than this one. This is a major reason that the committee voted to increase the annual expenditure to $200 million.

Mr. McGEE. Mr. President, I was inquiring into the parliamentary requisite here. I have an amendment that we have worked out and I am offering and that the chairman is willing to take to conference. Do I need to call it up in its independent right, or may we agree to that with unanimous consent and I will submit it with my statement?

Mr. HELMS. Mr. President, I ask unanimous consent that after the Senator's amendment has been dealt with, I be recognized.

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

Mr. McGEE. Mr. President, I send to the desk my amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 22, line 10, strike "$5,345,000" and insert the following: "$6,245,000".

And on page 22, line 11, strike "$500,000" and insert in lieu thereof "$1,400,000".

Mr. McGEE. Mr. President, this is a matter that involves Gorgas Institute in Panama and the MARU Institute in the Panama Canal Zone. The reason I mention this is that I was not able to be present for the committee markup. I am a member of the committee but I could not be there because I was in Wyoming. It was agreed at that time that we should offer this on the floor and we have worked out a considerable reduction of the requirement that was already programed. The chairman has agreed to take the compromise figure of $900,000 to conference.

Mr. President, the Gorgas Memorial Institute's permanent authorization was set by the Congress at $2 million annually. This Institute in Panama City also has responsibility for the Middle America Research Unit in the Panama Canal Zone.

In June of 1972, at the Department of Health, Education, and Welfare's initiative, and by contract with the National Institute of Allergy and Infectious Diseases, Gorgas assumed the operation of the HEW virological research unit. This transfer effected a consolidation of the activities of the two laboratories and resulted in the strengthening of research in medicine in the American tropics. The Department of State accepted this transfer provided that agreement between NIH and Gorgas was for a long-term research program, and that adequate appropriations be forthcoming. In my view, the $500,000 appropriation for Gorgas for fiscal 1976 is not adequate for the Institute to fulfill its research commitments.

I need no comment in detail on the important medical research conducted by the Gorgas Institute. However, I would like to point out that results of the Institute's research have benefited countless Americans who have been exposed to tropical diseases. The Institute's programs have, in addition, been of great value to our Latin American friends and have been a bright spot in our relations with the hemisphere.

Therefore, I am offering this amendment, which will increase funding for the Gorgas Memorial Institute by an additional $900,000.

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

The amendment was agreed to.

Mr. BIDEN. Will the Senator from North Carolina yield for a unanimous-consent request regarding staff?

Mr. HELMS. I am happy to yield.

Mr. BIDEN. I ask unanimous consent that Ted Kaufman and Peter Wentz of my staff be granted the privilege of the floor during consideration of the amendment about to be offered by the Senator from North Carolina.

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

Mr. HELMS. Mr. President, I have an amendment at the desk which I call up and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the appropriate place, insert the following new section:

SEC. ( ). None of the funds appropriated under this Act shall be used to require any school, school system, or other educational institution, as a condition for receiving funds, grants, or other benefits from the

Federal Government, to classify teachers or students by race, or national origin; assign teachers or students to schools, classes, or courses for reasons of race, or national origin; or prepare or maintain any records, files, reports, or statistics pertaining to race, or national origin of teachers or students.

Mr. HELMS. Mr. President, I ask unanimous consent that the names of the distinguished Senator from Texas (Mr. TOWER), the distinguished Senator from South Carolina (Mr. THURMOND), the distinguished Senator from Oklahoma (Mr. BARTLETT), the distinguished Senator from Delaware (Mr. ROTH), the distinguished Senator from Georgia (Mr. NUNN), the distinguished Senator from Alabama (Mr. ALLEN), be listed as cosponsors.

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

Mr. BROOKE. Will the Senator yield for a unanimous-consent request?

Mr. HELMS. I am delighted to yield.

Mr. BROOKE. I ask unanimous consent that Ralph Neas of my staff be permitted to remain on the floor continuously during debate on this amendment.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. BROOKE. Mr. President, I discussed this amendment with the distinguished Senator from North Carolina and I ask unanimous consent that time on this amendment be limited to 1 hour, the time to be equally divided between the proponent of the amendment (Mr. HELMS) and 30 minutes to be controlled by the Senator from Massachusetts.

Mr. BIDEN. Mr. President, reserving the right to object, I have a parliamentary inquiry. What would that do to the substitutes to the amendment or amendments to the amendments?

Mr. BROOKE. And 30 minutes to amendments to amendments.

Mr. BIDEN. Fifteen minutes would be fine.

Mr. BROOKE. I amend my unanimous-consent request to include the suggestion of the Senator from Delaware for 15 minutes on amendments to amendments.

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

Mr. HELMS. Mr. President, this amendment is designed to put an end to the current blight on American education that is generally referred to as "forced busing." Let the Senator from North Carolina be perfectly candid so that there will be no mistake about it: This is an antibusing amendment. This is an amendment to stop the current regiments of faceless, Federal bureaucrats from destroying our schools, from endangering the lives of our children, and from usurping the prerogatives of local school officials. Additionally it is intended to provide the unelected members of the Federal judiciary, who serve lifetime terms with a clear message of what the U.S. Congress and the American people think of forced busing.

Mr. President, the American people are fed up—they are fed up with a meddling Federal Government, they are fed up with a Congress that will not face up to its constitutional responsibilities; and they are fed up with the ever-growing centralization of power in the hands of inept, unelected Federal officials. They are fed up with continuing inflation, vast budget deficits, and the politicalization of the Nation's energy policy. In short, the American people are fed up with the present occupants of the city of Washington. A redirection of present policies is needed and it is needed immediately. There is no better place to begin than by putting a stop to forced busing and returning control of the schools of this Nation to local units of government and thereby to the people.

Year after year, September after September, the cry is heard all over the country that such busing is a menace to freedom, destructive of proper educational purposes, and endangering to the lives of young children. The polls show it. Again and again, samplings of the opinions of the American citizens have reaffirmed their utter disgust at continued forced busing. From Louisville to Boston, the destructive nature of this kind of insidious despotism is manifestly apparent.

If you do not believe it, Mr. President, read the front page of any paper.

Take Boston for example—we are told that on the first day of classes less than 50 percent of approximately 90,000 children reported to school; 600 National Guardsmen were placed on call to enforce the dictatorial busing edicts. A total of 1,600 police were assigned to cover the opening of school. Mr. President, standing alone, the plain fact that it took 1,600 police and a standby contingent of another 600 National Guardsmen to insure the implementation of forced busing in Boston should tell the Congress something. It should convey the simple message that the hardworking taxpayers of this country want their schools back. And I, for one, believe that people should have their schools back. The Federal Government should get out of the schools of Boston, Louisville, and throughout the Nation. And, yes, the Federal Government should get out of the schools of North Carolina. That is what my amendment is intended to achieve.

Mr. President, I have a copy of a column that appeared in the Washington Post, of all publications, on September 10, 1975. It was written by William Raspberry.

In this editorial, Mr. Raspberry raises the question, "Is the 'busing game' worth the prize?" He comments further, "Some of us aren't even sure just what the prize is supposed to be." He notes that certain proponents of forced busing will not relent "however counterproductive—their—efforts may in fact be." Finally, he states, "It is a lot easier to wish the current crisis hadn't been forced than to see any reasonable way out of it." Well, there is one way out and only one—stop forced busing and stop it now.

Mr. President, I ask unanimous consent that a copy of the aforementioned editorial be printed in the RECORD in full at this point in my remarks.

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

[From the Washington Post, Sept. 10, 1975]

IS THE "BUSING GAME" WORTH THE PRIZE?

(By William Raspberry)

It's hard to know what is the right thing to do now about busing in those cities where antibusing sentiment is so strong as to threaten the public peace.

One can pray that violence will be kept to a minimum; that law enforcement officials will behave professionally, no matter what their private views of the issue may be. One can observe the similarities between white attitudes and actions in Boston and Louisville today and in Little Rock and New Orleans 20 years ago and hope that opposition to busing will melt now as opposition to desegregation melted then.

But the prayers and hopes seem unlikely to produce much by way of positive results, and a lot of us are wondering whether the busing game is worth the prize. Some of us aren't even sure just what the prize is supposed to be.

It was a lot clearer when the issue was whether black children could be shunted off to distant classrooms because nearby schools were designated, officially, if arbitrarily, as white schools.

We may have wondered whether we would have subjected our own children to the taunts and threats of violence faced by, say, the Little Rock Nine. But there did seem to be a clear cut principle at stake: that the public schools should exist for the entire public—that it is discriminatory and wrong to earmark certain schools as black or white.

Now we are being asked to support a different principle: that it is wrong, constitutionally and morally, for a school to be predominantly black even if that fact stems from its existence in a predominantly black neighborhood.

The NAACP, which almost alone is sustaining the drive for wide-scale busing to eliminate predominantly black schools, insists that the principles are the same. It is a view for which support is fast disappearing.

Which is one of the key reasons for widespread pessimism. Many of those who resisted desegregation—the abolition of dual school systems—knew their position to be morally indefensible. And when they finally lost, it was due in large measure to their moral isolation and sense of guilt.

There is no corresponding sense of guilt today. Most whites have long since accepted the notion that segregation is wrong, and even in the Deep South there is hardly such a thing as an all-white school—nor much feeling that there should be.

But on the other hand, precious few whites, North or South, feel any guilt in resisting the disruption of their children's education by busing them to distant schools because those schools are "too black."

Nor is there much more enthusiasm among black parents for large-scale busing for the primary purpose of racial integration.

Not that any of this matters to the NAACP's policy makers. For them the issue is not whether anybody *wants* busing; it is their view that constitutional considerations *require* it.

"Constitutional rights are not open to plebiscites and popularity polls" NAACP general counsel Nathaniel Jones recently told the National Observer.

He sees the eradication of racially identifiable schools—by which he appears to mean predominantly black schools—as a constitutional mandate to be carried out even if most blacks and whites doubt that it's worth the disruption and ill will that it is certain to spawn. Interestingly enough, those who tell you that the wishes of the people must be subordinated to the mandates of principle generally do so in support of their own wishes.

A very long time ago, the issue was how to improve public education for black children. The presumption, in those days, was that white school officials who insisted on setting aside certain schools for the exclusive use of white children could hardly be expected to care much about the education of black children.

The NAACP, clearly on the right side of that issue, had a major role in the 1954 Supreme Court decision outlawing racial exclusivity. It was a vastly important victory which, in effect, opened neighborhood schools to all neighborhood residents.

But it didn't lead automatically to racial integration, particularly in the North, where the schools remained white or black because the neighborhoods were.

So the NAACP expanded the principle to include not just the dismantling of dual school systems but also the elimination of identifiably black school within unitary systems. A number of courts went along with the expansion.

But that is changing. The Supreme Court, in the Detroit case, held that it's perfectly all right if schools are predominantly black because the school district is predominantly black. Last month, a Detroit judge rejected an NAACP plan that called for busing some 77,000 of Detroit's 260,000 school children in an effort to maximize racial integration. Just as well. The Detroit schools are already about two-thirds black, and the kind of arrangement the NAACP sought almost certainly would have had the primary effect of driving yet more whites out of the city.

The judicial trend may be clear, but so is the NAACP's commitment to busing. And because of the massiveness of that commitment, it may be too much to expect the NAACP to back down at this late date, however counterproductive its efforts may in fact be.

In addition, it is extremely difficult to back down now in the face of the Little Rock-style opposition in Boston, Louisville and elsewhere.

It is a lot easier to wish the current crisis hadn't been forced than to see any reasonable way out of it.

Mr. HELMS. The pending amendment, Mr. President, provides that no funds appropriated under this act shall be used to require any school system, or other educational institution, as a condition for receiving funds, grants, or other benefits from the Federal Government, to classify teachers or students by race, or national origin.

It provides that these funds shall not be used to require the assignment of teachers or students to schools, classes, or courses for such reasons; and it provides that these funds shall not be used to require the preparation or maintenance of any records, files, reports, or statistics pertaining to the race or national origin of teachers or students.

This amendment, if enacted, will return the schools of this country to the local units of government and, thereby, to the people. That is what the American people want, Mr. President, and it is what Congress ought to do and do now even at this late date.

I am sure there will be a motion to table this amendment—there always is. But let the record be clear, Mr. President, a "yes" vote to table this amendment is a vote to continue forced busing.

Mr. President, I reserve the remainder of my time.

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

Mr. HELMS. I will be delighted to yield.

Mr. BIDEN. I am sure it comes as a surprise to some of my colleagues—it has been for the last 6 months—that a Senator with a voting record such as mine stands up and supports, at least in principle, an amendment on the question of busing offered by a Senator with the voting record such as that of the Senator from North Carolina.

Mr. HELMS. The Senator from North Carolina welcomes the Senator from Delaware to the ranks of the enlightened.

[Laughter.]

Mr. BIDEN. I thank the Senator for the welcoming.

I would like to, as they say—I have no formal statement and I am trying not to be very formal about it—but, as the young kid said, "I am trying to lay it right out." I am with the Senator from North Carolina in principle. I want to separate from him in some of the substance.

The Senator from North Carolina feels very strongly and, as many others who are known as antibusing Senators have, about the safety and the dangers involved in busing young children and, quite frankly, I think that is totally irrelevant.

The reason why I rise today in support of this amendment—which I, too, believe is clearly an antibusing amendment, and a vote for or against puts you in a position of whether or not you are "for 'em or again 'em" in terms of busing—is that I have become convinced that busing is a bankrupt concept that, in fact, does not bear any of the fruit for which it was designed. If anything, it obfuscates the real issue today which is whether or not there is equal opportunity within the educational field for all people within the United States.

I am a little bit miffed by some of my colleagues—and I am not addressing this to the Senator from North Carolina, but some of my colleagues—who, in fact, have felt strongly that we should not be busing, and say they want better schools, but, at the same time, have engaged in the same conduct and logic as the President of the United States. He said that busing was not a good idea, that we have to spend more money on education, and then vetoed the education bill. I fail to follow the logic and I question the sincerity of those who say they are concerned about equal educational opportunity for all people and say they are not racist or people who are trying to subvert the legitimate aims and ambitions and aspirations of minority groups in America and, at the same time, do not follow their own position, as stated by, for example, our President.

It seems to me that instead of concentrating on busing students, what we should be doing in this Chamber is concentrating on matters which have been led by distinguished Senators like the Senator from Massachusetts, Senator BROOKE, who, in fact, in all areas of opportunity in America, from housing to job opportunity, to education, to equal credit, to voting rights, has consistently voted to see to it that minorities have equal access to everything from credit to the ballot box.

I strongly support each and every one of those pieces of legislation including, as the chairman of the Consumer Affairs Subcommittee of the Banking Committee, equal credit opportunity. But it seems to me that we have got to act right down to it and face it in this Chamber, whether or not you are a liberal or conservative, namely whether busing produces any positive results and, if it does, and do they outweigh the liabilities. If you believe that way then you should vote against the Helms amendment. But if it does not, if you believe as I do, we are not addressing ourselves to the real issue that exists in this country with regard to equal opportunity in education, and we are causing brush fires all over the Nation and heightening racial tension instead of solving any of the problems then, you, in fact, should vote for the Helms amendment.

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

Mr. BIDEN. In just a moment, if I may take just 2 more minutes. The Senator from North Carolina decided that his original amendment, as introduced the last time, which included sex, might not be appropriate this time, and I compliment him for eliminating sex from this particular amendment.

I would also ask him at a later time to consider eliminating the last sentence of his amendment which reads—and I am not offering my amendment now, but I will be at the termination of the hour's debate—the last sentence which says:

or prepare or maintain any records, files, reports, or statistics pertaining to race, or national origin of teachers or students.

The reason why I request that—I am going to introduce an amendment to eliminate that last section—is that I think it further confuses the issue. In the beginning of the Senator's amendment he states—assuming it would pass—he would prevent the cutoff of any Federal funds for any school or school district because, they, in fact, assigned teachers or students to classes or schools because of race, I think the last sentence, that is, the record-maintaining section, is redundant. It is not necessary, and I think it will just confuse the issue and maybe, quite frankly, lose us a couple of votes which we might pick up from my moderate and liberal colleagues who have come to the conclusion I have that busing has not worked. Let us not make busing in relation to the social issues of the day what Vietnam was to our foreign policy. Vietnam we found out did not work in 1965, and some tenaciously held onto it as if it were some way out of foreign policy, and we started to talk about our national image and what it would do to us instead of doing what the former senior Senator from Vermont, Senator AIKEN, said, namely declare that we won the war and leave. I think we should do the same thing with regard to the social issue and declare busing does not work, leave it, and get on to the issue of deciding whether or not we are really going to provide a better educational opportunity for blacks and minority groups in this country.

I thank the Senator for yielding time to me, and I will go back up at the end of the hour for my amendment.

Mr. HELMS. I think my friend from Delaware knows that the Senator from North Carolina spoke in friendly jest. But I do welcome him to the ranks of those of us who have been fighting this insanity of forced busing.

I feel some need to comment on the distinguished Senator from Delaware's observation that he would like to strike the latter part of my amendment. I would have to oppose the Senator's amendment to my amendment, if and when it comes, because it would gut the purpose of my amendment, if we manage to survive a tabling motion, a parliamentary device always used to avoid a flat-out, up-or-down vote on the question of forced busing. I always regret, incidentally, Mr. President, when I agree to a time limitation because we seem always to get into a situation of this sort where we really end up with insufficient time. But I will say to the Senator that the part he would strike from my amendment really would gut the amendment, and I could not agree to it.

As this Senator from North Carolina has stated many times, it happens occasionally that programs and policies of government continue to survive long after the reason for their existence has ceased to be a real consideration. The Federal Government is riddled with such programs. They are wasteful, and often they are counterproductive to the best interest of the American people.

The amendment is addressed to such an anachronism: the needless "strings" that allow the Department of Health, Education, and Welfare to require school systems to compile stacks and stacks of information, statistics, and reports in order to prove that no discrimination exists. Now, such a requirement may seem harmless enough on its face, but numerous school officials have repeatedly advised me that it is not. HEW requires them to devote many hours—time they could use helping students—to gathering and processing these statistics. It completely disrupts their offices and programs. Further, in many instances these schools do not have sufficient clerical assistance, and they must resort to requiring teachers to help compile this information. They are, in effect, forced by HEW to require teachers to take time away from helping children gain an education in order to provide data-hungry bureaucrats in the Federal Government with unnecessary information.

The purpose and intent of this provision is simple and clear. It states that the Senate does not want the Department of Health, Education, and Welfare to interfere further with the administration of our schools.

Congress has the power to correct this situation. It can do so by approving this amendment. The approval of this provision will finally remove this anachronistic Federal interference from the educational process. It will preclude HEW from continuing to make a negative contribution to the well-being of the children of America.

Lest anyone fear that the removal of these Federal controls will result in the reinstitution of historical discriminatory practices, let me point out that the court-ordered desegregation plans that were entered over the years still remain on the books. They survive as an assurance that dual school systems and the like will not be reestablished.

Constitutional interpretations require unitary school systems, but the Constitution does not require the existence of a power within the Department of Health, Education, and Welfare continually to harass our schools, our school officials, and the parents and children. The Constitution does not require that the Congress appropriate money for the collection of data regarding teachers and students. It is the responsibility of the States and local units of government in the operation of their schools to maintain such records as they consider helpful. It is not a Federal matter, and Federal funds should not be used for that purpose.

Mr. President, Congress, as a coequal branch of the Federal Government, has the sole responsibility for the appropriation of funds, and in this appropriation process, Congress may proscribe the manner in which such funds are to be used. It may say that funds appropriated shall be used for some purposes and not for others. That is precisely what the amendment does. It proscribes the use of appropriated funds.

Furthermore, it is a well-known rule of construction that specific provisions of legislation take precedence over general provisions. Therefore, in the construction of this enactment, it is clear that this amendment is intended to take precedence over any nebulous language of a general nature that may appear at any place in the bill.

I compliment the Senator for what he said about the chaos that exists throughout this country, and I will remind him of an episode in North Carolina involving forced busing in the Charlotte-Mecklenburg case. As a result of a court order and HEW pressure, based on a bureaucratic obsession with "King Numbers," a Federal judge in North Carolina ordered one child to be bused 22 miles to school each day and 22 miles back to his home, and he was the sole occupant of that bus.

If that is the fruit of this kind of legislation, then I have to agree with Mr. Bumble, in Charles Dickens' Oliver Twist, who said:

If the law supposes that, the law is *a ass*.

Now, that is what we are suffering in this country today, something that not only has not worked, but which is literally destroying the public school system of America.

I yield to the able Senator from Kentucky.

Mr. HUDDLESTON. Mr. President, I thank the distinguished Senator from North Carolina and I join with him and the Senator from Delaware in endorsing this particular amendment.

I consider myself one who is concerned with quality education, who is concerned with equality of education and equality of opportunity.

I want the Senator from Delaware to know that I did support the education bill when it came through the first time and I voted to override the President's veto, because I have a concern about the priority, or should I say the lack of priority, that has been put on education in this country.

I think we could do a lot more to assist in achieving quality education and equality of opportunity for all of our people, and that is what we ought to do.

But, I have always felt that the enforced busing of students to achieve some predetermined ratio was counterproductive and did not in any way enhance the educational opportunities of any significant number of students or improve the prospects of a real integrated society, which is what we are really trying to achieve in this country.

It is easy to cite the situation in Louisville, Ky., where with only a little over 1 month's preparation, a school district that had just been required to merge was then required to enter into and implement a court-enforced busing plan.

There is no human way that anybody can draw a plan under these circumstances that is equitable, that is fair, and that will genuinely increase the quality of education or the opportunity for equality of education of its students.

Referring again to Louisville, Ky., in order to achieve this predetermined ratio of black and white in the school districts, it is going to be necessary to bus white students for 1 or 2 years of their school career; black students will have to be bused 9 years of their school years.

If one accepts the premise that being bused several miles, for an hour to an hour and a half a day, is an inconvenience to a student—if it is a hardship on him, as it would be—then one has to conclude that this is not a fair plan and the black student is carrying, by far, the greatest burden of this kind of a program. This, on its face, is unfair and inequitable and will not achieve the purpose for which it is designed.

Furthermore, those educators and those sociologists who first advanced the idea of achieving a racial balance through the forced busing of schoolchildren and who then maintained that it contributed to equal educational opportunities, are now saying, after further study and after observing the operation of these plans, that forced busing does not, in fact, improve the educational opportunities of students but instead, creates further barriers and further problems in the school system—barriers and problems that put quality education even further away than it had been at the beginning.

Speaking for the school district of Jefferson County, Ky., I can say, I think without fear of contradiction, that it is going to be several years down the road—several years—before that school board and that school administration can begin to think about improving the quality of that educational system. Their entire effort into the foreseeable future is going to be on how they can juggle the students around, how they schedule the buses, how they get pupils to the school door at 8 o'clock every morning in the proper ratio.

There is one more point which I think is important. If the courts are right—and I do not think they are either in the interpretation of the alleged violation or in the remedy—but if they are right, then simply busing students to the school's door at 8 o'clock in the morning in the proper ratio is not complying with that concept because the learning process does not stop at the school door, it goes on all day. If we have to have the proper ratio at 8 o'clock in the morning, then we have got to have it in every classroom throughout the day, in every extracurricular activity. We probably have to have it at the lunch hour and certainly in the athletic programs in every school.

So, in effect, we have just opened the door here to an impossible, unworkable situation that contributes nothing but that has frustrated and embittered our people, that has placed real integration farther down the road, that has raised barriers that cannot be overcome simply, and that has been a step backward in the effort of this country to achieve a truly integrated society that we all want.

One other point, if I have the time, Mr. President——

Mr. HELMS. Mr. President, may I interrupt the Senator and inquire, as to how much time remains to me?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. HELMS. I yield 2 more minutes to the Senator from Kentucky.

Mr. HUDDLESTON. I thank the Senator.

Those who attempt to make the question of whether or not we should have enforced busing to achieve racial balance in this country a racial question are doing no service to this issue or to the resolution of this issue.

By far, the vast majority of the people who oppose this plan do not oppose it on the basis of any objection they have to having an integrated school system or even an integrated society; they oppose it on the basis of its simple unworkability, its inconvenience, the necessity for busing their children away from schools which they have moved into a community in order to attend, and various similar reasons.

The Senator from North Carolina has already placed into the RECORD a column written by columnist William Raspberry. I, too, noted that article and would have inserted it in the RECORD had it not already been done.

Mr. Raspberry is a renowned, eminent, black columnist; his words should be taken seriously.

He is taking a reasonable view of this problem, and I think we ought to take heed of his suggestions and recognize, as the Senator from Delaware has said, that massive, enforced busing is a social experiment that has failed and produces no good for anybody, and it ought to be discontinued.

I support the amendment of the Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Senator from Kentucky for his remarks.

Mr. NUNN. Mr. President, will the Senator yield for a few seconds on this particular point?

Mr. HELMS. I am delighted to yield to the Senator.

Mr. NUNN. I join in the remarks of the Senator from Kentucky and express my endorsement as well on the position of the Senator from North Carolina, which he has already stated, not just once, but many times on the floor of the Senate so articulately.

I do congratulate both of them for bringing this matter back. Hopefully, at some point, we will begin to bring a commonsense approach to education in this country. This will then benefit black and white children.

Hopefully, this amendment if it passes will form that endeavor.

Mr. HELMS. I thank the Senator.

Mr. CHILES. Will the Senator yield to me for 20 or 30 seconds?

Mr. HELMS. Yes, gladly.

Mr. CHILES. I commend the Senator from North Carolina and the Senator from Delaware.

I am delighted to see the enlightenment that is beginning to go on. Certainly, the Senator from Kentucky, the Senator from Georgia, and both Senators from Florida, have been feeling that this was not an answer for a long period of time, but it is converts we should talk about, and I think the fact we have some enlightenment going on is very good.

I just would like to point out one thing: I notice the President has been talking about busing. I am glad to see him talking about it. He is also talking about quality education. That is where the debate ought to be.

Mr. HELMS. Exactly.

Mr. CHILES. I would like to talk about a bill I have introduced for a prize school bill that would provide quality education. Take the disadvantaged schools, give them extra help, and let us start a reverse thing going. We will see a voluntary integration in those schools as is happening in my State in Sarasota, Fla. We have a prize school out of a closed black school. Both the blacks and whites went to the court and said, "Do not close our school. Open it up." They made a prize school out of it. Now there is a waiting list of whites who want to get into that school.

Mr. HELMS. I thank the Senator from Florida.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order that I have the yeas and nays on an up-and-down vote on this amendment.

The PRESIDING OFFICER. Is there objection?

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

The PRESIDING OFFICER. Is there a sufficient second?

The Presiding Officer, in his capacity as a Senator from Alaska, objects to the unanimous-consent request for an up-and-down vote on the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second for a vote?

Mr. BROOKE. Mr. President, I intend to make a motion to table this amendment.

Mr. HELMS. The Senator from Alaska already objected to my unanimous-consent request, I would say to the Senator, so his motion to table will be in order, of course.

Mr. BROOKE. Does the Senator want the yeas and nays on a motion to table?

Mr. HELMS. I am hopefully presupposing the Senator will change his mind as to the tabling motion, but I am sure it is a vain hope.

Mr. BROOKE. I will not change my mind on that.

The PRESIDING OFFICER. Is there a sufficient second for the request for the yeas and nays on the amendment?

Mr. BROOKE. On the motion to table.

The PRESIDING OFFICER. That has not been made at this time.

There is a sufficient second.

The yeas and nays were ordered on the amendment.

Mr. HELMS. Mr. President, I ask unanimous consent that, notwithstanding any passage of time, the Senator from Delaware be allowed 3 minutes.

The PRESIDING OFFICER. Is there objection? Without objection——

Mr. BROOKE. Mr. President, I object. Three minutes of the time remaining?

The PRESIDING OFFICER. He yielded 3 minutes, the Chair might state, to the Senator from Delaware. The Chair interrupted and raised an objection in my capacity as a Senator from Alaska and not as the Presiding Officer.

Mr. BROOKE. Does the Senator from North Carolina have 3 minutes remaining which he wants to yield?

The PRESIDING OFFICER. He had 3 minutes. He now has 2 minutes, but the Chair interrupted.

Without objection, it is so ordered.

Mr. ROTH. Mr. President, the forced busing of our schoolchildren is as wrong in constitutional theory as it is as a matter of social and educational policy. Today, few would argue with the decisions handed down some two decades ago by the Supreme Court in Brown against Board of Education. Brown was a libertarian decision which, when correctly interpreted, meant only this: No State may compel separation of the races in the public schools.

In other words, the States may not, on the basis of a child's race or color, designate where he is to attend school. Over the course of the last 20 years, however, the noble principle of Brown has been eroded to the point that we find the present-day court announcing that the 14th amendment, far from prohibiting the assignment of pupils on the basis of race, actually demands it. For the Court in Swann against Board of Education specifically endorsed student busing for the purpose of enforcing racial quotas in the public schools. The principal effect of this and subsequent High Court rulings is to require the assignment of students to the public schools of this Nation on the basis of race, in contravention of the letter and spirit of the Brown rulings. Thus, what began as a call to freedom for all children of this Nation has been tortured by subsequent judicial decision into a major threat to individual liberty and the local community.

It is for this reason that I oppose mandatory busing and I strongly support the

amendment that has been proposed by the distinguished Senator from North Carolina.

There recently appeared in the New York Times magazine a very interesting interview with Dr. James S. Coleman, the author of a study which has been cited many times by the court in support of mandatory busing. I think one part is worth repeating for the benefit of the Senate:

Then your report did not imply that equal educational opportunity positively requires racial integration.

No. Nevertheless, the courts, to some degree, went on to use the argument that equal educational opportunity could be provided only by integrated schools. My own feeling is that the report is a legitimate basis for legislatures, school boards, school superintendents and so on to act to increase school integration insofar as they can—but not the courts. It seems to me there's a distinction between the constitutional issue of equal protection under the law on the one hand and the issue of what's beneficial to disadvantaged children on the other. The first is the business of the courts; the second is not.

I agree with Dr. Coleman's statement and plan to continue to do all I can legislatively to bring about an end to the senseless division practice of forced busing of children in first one State and then another.

Mr. President, I ask unanimous consent to have printed in the RECORD the full interview with Dr. Coleman.

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

INTEGRATION, YES; BUSING, NO

(A leading authority on race and schools contends: "The policies we're carrying out are going to make integration much more difficult to attain.")

Proponents of court-ordered school busing could in no circumstances have found pleasure in the report last spring of a study indicating that busing is reinforcing segregation in our big cities. But their distress was aggravated by the fact that the study came from a renowned champion of integration, Dr. James S. Coleman, a sociologist whose ambitious 1966 report on the beneficial effects of school integration had done valuable service for the probusing forces.

In his new, more limited study, Dr. Coleman concluded, on the basis of "preliminary results," that "the impact of desegregation, in these large cities, on whites' moving out of the central city is great"—and leads to a larger regional pattern of "resegregation" between city and suburb.

When, in June, an interview with Dr. Coleman appeared in The National Observer under the headline "A Scholar Who Inspired It Says . . . Busing Backfired," the friends of busing counterattacked in strength. The N.A.A.C.P.'s Roy Wilkins expressed concern that Dr. Coleman was being "used" to "draw the Negro away from the courts." Kenneth Clark, a New York State Regent, said Dr. Coleman's new work abetted efforts to circumvent the 1954 Brown decision. Thomas Pettigrew of Harvard pointed out that there had in fact been no city-wide court-ordered busing in America's 20 biggest cities during the years covered, 1968 to 1973.

Dr. Coleman conceded that he had overstated his findings somewhat, and in the interest of sorting out his present views, The Times assigned Walter Goodman, assistant editor of The Time's Sunday Arts and Leisure Section and author of numerous articles about education, to interview him. Goodman visited Dr. Coleman in his apartment in the Hyde Park neighborhood of Chicago, within walking distance of his office at the University of Chicago. Goodman describes him as a thickset man, with the look of a former athlete. At the age of 49, his face appears too young for the fringe of white hair that remains to him. He chain-smoked full-sized cigars during the interview, pausing often in conversation to relight and get his thoughts in order.

GOODMAN. *Could you relate the famous Coleman Report of 1966 to the somewhat notorious Coleman Report of 1975?*

COLEMAN. The Civil Rights Act of 1964 required that the Commissioner of Education carry out a survey on the lack of equality of educational opportunities by reason of race, national origin, religion, and I was supervisor of that survey. We attempted to answer the question of how the differing distribution of resources in schools attended by blacks and schools attended by whites affected children's achievement, and what kinds of redistribution of resources would help to equalize educational achievement. One of the resources that we examined was the social composition of schools. We found that children from disadvantaged backgrounds did somewhat better in schools that were predominantly middle-class than in schools that were homogeneously lower class.

*You were not necessarily talking about black and white then?*

No, the principal factor had to do with the educational level of the children's parents and other resources in their homes. That is, if the disadvantaged child went to school with children from better-educated backgrounds, he did somewhat better in school. It was the social class background of his schoolmates that seemed to make the difference.

*So a lower-class child would do as well in a middle-class black school as in a middle-class white school? And better in a middle-class black school than in a lower-class white school?*

Yes—although there really were not that many middle-class black schools so that we could make a comparison. The relevance of this to school integration is fairly clear, since a high proportion of blacks come from disadvantaged backgrounds. If they are to receive the kind of educational resource that comes from being with middle-class schoolmates, it must be primarily through racial integration. That was the implication of our 1965–66 research.

*It had considerable impact.*

At the school-board level, at the state level, and in court, our report was used to show that equal educational opportunity either was augmented by school integration, or required school integration.

*Were those fair conclusions from the report?*

The first is a fair conclusion. I don't think the second, stronger point is a fair conclusion. If the report had found that a black child simply could not get an equal education unless he was in a majority middle-class white school, that would be a very strong argument that equal educational opportunity can be provided only that way. But that isn't what our report found.

*Then your report did not imply that equal educational opportunity positively requires racial integration.*

No. Nevertheless, the courts, to some degree, went on to use the argument that equal educational opportunity could be provided only by integrated schools. My own feeling is that the report is a legitimate basis for legislatures, school boards, school superintendents and so on to act to increase school integration insofar as they can—but not the courts. It seems to me there's a distinction between the constitutional issue of equal protection under the law on the one hand and the issue of what's beneficial to disadvantaged children on the other. The first is the business of the courts; the second is not.

*We'll be getting back to that—but first, has subsequent evidence borne out your 1966 conclusions?*

The subsequent evidence has been inconclusive. In many of the school systems that have undergone desegregation, one cannot find any beneficial effect on achievement. Now, I don't know the reason for that. It could be that it's been a relatively short term that these children have been in desegregated settings. It could be that integration carried out through some kind of affirmative action is in some fashion different from other school integration. It could be that the later research was simply better-controlled than ours.

*After your 1966 report, you were quoted as saying that integration could reduce the gap between black and white children by 30 per cent. What's your opinion now? Do integrated schools improve the achievement of the poorer students, or don't they?*

In view of subsequent studies, that 30 per cent figure, if ever I used it, was an overestimate. Some of the studies do show some positive effects—not strong effects, but positive effects. I think the sum total of evidence suggests that school integration does, on the average, benefit disadvantaged children. The benefit is not very large, not nearly as great as the effects of the child's own home background.

*You've been talking only about school achievement. Aren't there other desirable effects of integration?*

Basically, there are two kinds of things that are important and on which, again, there aren't conclusive results. One is the child's feeling about himself, his feeling of self-esteem or sense of being in control of things that affect him in some way. The other has to do with interracial attitudes, white children's feelings about blacks and vice versa. Our work showed some positive effects of integrated schools on the first of these; the second, we really didn't examine in very much detail. Subsequent findings vary considerably. Some studies show that in the first year or so after integration, interracial attitudes get more negative. Others don't show that. My own feeling is that it depends very much upon the initial expectation of the community. I suspect in many Southern cities where the expectation was really very bad, attitudes got better. Some research in Northern places, Boston, for example, found that interracial attitudes got worse.

*Partly as a consequence of your 1969 study, numbers of districts began to integrate their schools through the use of busing—which brings us to your new study.*

The second study was carried out as part of a larger study I'm doing with Sara Kelly for the Urban Institute, to examine trends over the past 10 years with regard to American education.

*What is the Urban Institute?*

It's a nonprofit institute in Washington funded partly by Government contracts, partly by foundation grants. They're doing a report for the Bicentennial on the state of the nation, 1976. Nathan Glazer is doing the overall report. There's a section on poverty, crime, one on housing, one on transportation and one on city finance. Mine is the education section.

*And this new study is a part of that section?*

Yes. I wanted to examine the trends in segregation over whatever years we could get data for, and try to say something about the processes that are affecting integration or segregation. We examined whether those cities that had experienced some desegregation during the period of 1968–73 lost more

whites than cities that did not experience desegregation. Now, the desegregation in our largest cities during these years was not great, and I was incorrect in the preliminary report in calling it "massive desegregation."

*Since you now concede that "massive" desegregation didn't take place in the years you studied, couldn't the movement of whites away from the cities that you found be attributable to familiar big-city ills rather than to school desegregation? Your report, in fact, shows that middle-size cities didn't experience much white flight.*

One could conclude that, except for the fact that in those large cities that didn't desegregate, there was much less increase in the loss of whites over this period than in cities that did desegregate. Eleven cities out of the first 19 experienced little or no desegregation at all between 1968 and 1973. Based on the white loss that occurred in these 11 cities in 1968–69, they would have been expected to lose 15 per cent of white students between 1969 and 1973; their actual loss was 18 per cent, only slightly greater than expected. Eight cities experienced some desegregation; some of those experienced large desegregation, others not so large. Those eight cities, based on their losses in 1968–69, before desegregation occurred, would have been expected to lose only 7 per cent of white students between 1969 and 1973; they actually lost 26 per cent, nearly four times what would have been expected.

*So your data convince you that the more blacks in a school, the fewer whites you're going to have in the school if they can get away.*

Yes. In some of the large Southern cities—i.e. Memphis and Atlanta—which did experience extensive desegregation in these years; you can see it very clearly.

*Your data on desegregation have to do mainly with Southern cities. You don't have similar data for the large Northern cities?*

No, there had not been substantial desegregation in the largest Northern cities by 1973.

*But you have your suspicion.*

My suspicion is that desegregation will occur more in the North than in the South, beause there are more suburbs available for people to move to. In Montgomery, Ala., for example, there was no place for whites to go, since the surrounding areas had just as many blacks as the city itself. But let's consider San Francisco. The proportion of blacks is low in San Francisco, but there was extensive desegregation in 1971, and considerable loss of whites. Well, perhaps you can't say that the ensuing loss of whites was a consequence of this, but the city experienced a considerably greater loss of white students than it had in the preceding years.

There are several variables that distinguish Northern cities from Southern cities. The fact that the suburbs are more easily available in Northern cities suggests that Northern cities may react more. On the other hand, the fact that racial prejudice is less deeply ingrained in the North suggests that they will react less. So you can't really tell what's going to happen in the North. But one of the things that's clear from the Southern data is that as the proportion of blacks goes up, the greater the loss of whites. In other words, it's not just the rate of desegregation; it's also the actual proportion of blacks in the system.

*That may be clear for Southern cities, but at the risk of being repetitious, do you have that kind of evidence for Northern cities?*

Yes, this effect shows up in Northern cities as well as Southern. Detroit will be an interesting case next year. In Detroit's schools there are now 75 per cent blacks and 25 per cent whites. The issue in Detroit is whether all schools must be 75–25 or whether half the schools must be 50–50 and half of them all black. Now all the evidence that I've seen, not only from this research but from other work as well, shows that the higher the proportion black the greater the loss of whites. So that in a city like Detroit, my guess is there will be an enormous loss of whites if the courts decide that every school must be 75 per cent black.

*Those who can afford it will move to the suburbs?*

Yes. An alternative to individuals fleeing may be extreme conflict, such as we see in Boston.

*But if in Boston or Detroit, lower-class white children remaining in the city were finally to integrate with lower-class black children, your 1966 study indicates that there'd be no benefit anyway.*

No benefit in any sense as far as we know. And one of the things that's clear with regard to school integration is that the higher people's income the more likely they are to escape it.

*You are saying that school integration isn't working in our biggest cities. Yet you were a great proponent of integration for many years.*

And I still am a great proponent of integration. But I'm discouraged and worried about situations such as in Detroit. I think the kind of policies that ought to be pursued are not those that tend to make a black central city, but those that stem the flow of whites. The policies we're carrying out are going to make integration in the future much more difficult to attain.

*What are those policies? Busing?*

Yes. Let me put it this way. If it were constitutionally required that there be within a school district roughly the same racial composition in every school, then I would say we have to find some way of living with that, some way of keeping whites from leaving. But if that's not constitutionally required—and in my view it is not—then my argument is that we really need to look at the consequences of such a goal. The consequences are to push whites into the suburbs. And once whites are pushed out, then we get a black school system in the central city with black staff and administration, a white school system in the suburbs with white staff and administration—and a set of entrenched interests on both sides that are not going to give up their students for integration.

*Then what should the courts do?*

Here's the legal argument the courts are following, and my argument as to what ought to be the legal position. Following some cases in the South, the court has found, and correctly found, that Northern school districts such as Detroit have engaged in actions, sometimes intentionally, that have strengthened segregation in the system by gerrymandering school districts or by the way new school buildings are located or by a variety of other techniques. Now, when that is the case, then the court correctly finds that the school system has violated the 14th Amendment concerning equal protection; black children have not been equally protected because they've been systematically excluded from attending certain schools. The argument is—and I agree with it—that this is no different in principle from the dual school systems in the South. Now, where I disagree is with the remedy that is then imposed. The legal precedent beginning with the Denver case is that once that kind of unconstitutional action has been found, then the remedy to be imposed by the court is to create racial balance in all the schools of the system. In other words, when there is any segregation from state action, then all segregation, anywhere in the system, must be eliminated.

*And that requires busing?*

The only way that can be achieved is through busing. In Detroit, for example, the school system has been found to engage in acts of segregation, and the plantiff is arguing that this requires the system to desegregate fully, to eliminate all traces of segregation. The only way that can be done is through busing. Now, I think the appropriate remedy would be to eliminate the segregation that results from the state action. In other words, eliminate the gerrymandering, redraw school district lines to increase integration. That, I think, is an appropriate remedy by the court. That will still leave some segregation, which I think ought to be whittled away over time by the school districts themselves.

*How would that be done?*

It could be done through voluntary busing; it could be done as new schools are built and as schools are reassigned to different grade levels. It would have to be done with the recognition that segregation will never be entirely eliminated, and appropriately not, since it's not a constitutional matter of equal protection that all segregation must be eliminated. Just as it's not the case that all segregation between Irish and Italians must be eliminated. The goal of eliminating all segregation is not only not realizable, but not desirable; indeed it is improper.

*Is the comparison really a good one—between Irish and Italians and blacks and whites in large cities?*

Well, it isn't appropriate in the sense that there are many more segregating forces in terms of racial discrimination and so on between blacks and whites. But if we know anything about ethnic-group residential patterns, the elimination of racial prejudice will still not lead to full-scale integration.

*If the Irish and Italians want to live separately, they can live separately in a similar way, with similar amenities. The problem between whites and blacks is that the blacks don't live in the same way as the whites. They live in a much poorer way, so if we're going to resign ourselves to a very long-range solution, aren't we condemning a lot of children to lifetimes of deprivation?*

If *that* is the issue, not constitutional rights of equal protection, then policies should be designed to reduce this deprivation. They would include not compulsory, but voluntary busing, which would probably be nearly all one-way, from the ghetto out. As for present policies, if they can be called that, there is no evidence of any sort to suggest that lower-class black children are being condemned to less deprivation by being in a school that's 75 per cent black instead of 100 per cent black, which is what legal precedent leads to in a city like Detroit or would lead to in a city like Baltimore or Philadelphia. I think there are two additional directions in which to work, one of which has improved enormously over the past decade and the other of which has not improved very much at all. The one that has improved is the income of some blacks. The median incomes of young black families containing both husband and wife are now about the same in the North and West as incomes of comparable young white families. There has been a notable increase of middle-class black families. The thing that has not improved as much as it should—although there are a lot of signs of change—is residential discrimination. There ought to be great attention to residential discrimination, to the use of zoning laws that prevent blacks from moving in. There ought to be a great deal of penetration of blacks into suburbs and not just into all-black suburbs. In every big city except Washington the disparity between black central cities and white suburbs has been increasing.

*Are you suggesting now that all the attention we've given to the schools has been in a way misdirected, that we should have been working on other areas all along?*

Well, I don't think it's been wholly misdirected, but I think it has led us to neglect questions of residential segregation, which

are really profound, the strongest remaining source of actual discrimination in this country. If any other ethnic group had achieved what blacks have over the past five years, there would have been much more residential movement into middle-class areas that were not homogeneous of that ethnic group. But the percentage of blacks in the suburbs has not increased. Blacks haven't been able to move into white suburbs because of residential discrimination. There are indications of change; the new towns now growing up are much easier to integrate. For example, Columbia, Md., is much more integrated than anyone ever anticipated it would be—and it's integrated also in the sense of having a lot of interracial families. The increase in interracial dating and marriage around the country is very encouraging.

*That does seem like a long-range hope.*

I say intermarriage is extremely important because it creates interested parties, with a very fundamental investment in integration. If integration depends upon attitudes of liberal whites, who, to put it generously, seldom live close to lower-class blacks, it's a fairly fragile base.

*Let me read you a couple of criticisms of yourself. Kenneth Clark criticized you recently as being ". . . part of an extremely sophisticated attempt . . . to evade the effects of the 1954 Brown desegregation decision." And you recently did sign an affidavit on behalf of a Boston group opposing a court busing order.*

Yes, but that was not a militant group. They were using nothing but legal means for appealing what I think was a bad decision—to use busing to eliminate all segregation in the city rather than just that which was caused by specific actions of the Boston school district.

*Are you concerned about having your work used by foes of integration?*

Yes, I'm concerned about that very much. At the same time, it seems to me there is a kind of emperor's-clothes phenomenon among advocates of busing; I think it is incorrect to ignore certain things that are in fact happening. Some people feel that if you don't talk about them they won't happen. And the vehemence of critics comes from their feeling of being embattled. If I felt that school desegregation hinged on busing, I'd feel as distressed as they do—but I feel that busing hurts school integration. Now, it may very well be that my research results will be used to lead in directions quite opposite from those I'm arguing, in the direction of metropolitan-area busing, which takes in suburbs as well as central cities. If that's so, that's a social choice that the American people will make—and I think that metropolitan area wide school integration is better than the course we're following now. I am also not saying that an end to school busing will altogether stop the movement to the suburbs. It is a movement that preceded desegregation and will no doubt continue in any event—but it has been accelerated by school desegregation. If we blind ourselves to the fact that whites are fleeing the central cities, we're going to get ourselves into a situation of black cities and white suburbs.

*You're saying that your critics, like Kenneth Clark, prefer not to look at uncomfortable data.*

That's right.

*On the other hand, you feel that the courts should not be using your study or any such study in any way.*

Right. Exactly.

*Well, on that Dr. Clark agrees with you. He, too, now says that it's not appropriate for the courts to pay attention to studies like yours. Yet his own study on the injurious effects of school segregation was cited by the Supreme Court in its original 1954 Brown decision.*

Let's look at that 1954 decision. It was fundamentally a decision that it's not constitutionally correct for a state to segregate blacks from whites on the basis of race. But, in addition there were justifications, like the Clark material, that looked at the consequences of segregation for black children—and were really irrelevant to the constitutional question. If the consequences of segregation had been the basis for the Court's decision, then that decision would have had to be different. It would have said not just that segregation by law was unconstitutional but *all* segregation, whether it arose from individual action or whatever, was unconstitutional and should be eliminated. Let's suppose the 1966 research of mine had come out with the opposite conclusion—namely, that black children did worse in predominantly middle-class schools. Should the courts have used that as an argument? I cannot envision a decision saying that segregation is constitutionally required because black children do better in segregated classrooms.

*Then the courts should deal only with their one constitutional issue in this area.*

That's right. They are acting appropriately when they eliminate dual school systems and other forms of *de jure* segregation. The courts are the only mechanism for that. To eliminate *de facto* segregation however, we have to limit ourselves to other means. In general, over the past 10 years, there's come to be a feeling that any social ill can be corrected through the courts. I don't think that's true. There are a lot of social ills for which we have to use other governmental means. Some of those means can be quite coercive, such as withholding state or Federal funds. In such cases, it is appropriate to look at the consequences—white flight and things like that.

*Because the nonjudicial Government agencies aren't laying down constitutional law, but are trying to make public policy?*

That's right.

*So Roy Wilkins was not far off the mark when he charged you with drawing the Negro away from the courts.*

I think that the suits brought by the N.A.A.C.P. Legal Defense Fund are perfectly appropriate suits. I think the findings of the courts are quite correct. But the remedies have been inappropriate. I certainly do not think that *de facto* segregation is appropriate for court action.

*Do you think forced busing has changed the public attitude toward integrated schools in the decade between your first report and your second?*

I think there's greater complacency around the country. One reason for it—maybe I'm an optimist—is that achievements of blacks in a variety of areas have been great enough in the past five years so that there's not quite the fear there once was that somehow blacks could never make it in competition with whites. I think also the reduction of separatism and black nationalism has led to a corresponding reduction in the feeling of urgency for full-scale mass integration. At the same time, I think it is overlooked that racially homogeneous areas, such as central cities are becoming, feed separatism and black nationalism.

*Given the bitter emotions aroused by forced busing and its apparent consequences in some cities, why do its advocates persist? Is it that there is no other immediate way to attack school segregation?*

If one wants integration now, there's no other way to do it—but I don't see any instant solutions. The style of the sixties and early seventies among policymakers in Washington, New York or elsewhere was to look for immediate solutions to all social problems. It's time we recognized that some problems don't have immediate solutions. What's necessary is to work at approaches that may take time but provide a stable solution. Fundamentally, it's a matter of finding ways to make the central city attractive for middle-class whites, to make the suburbs available to middle-class blacks and to provide jobs for lower-class blacks.

What's wrong with compulsory busing is that it's a restriction of rights. We should be expanding people's rights, not restricting them.

*Do you have some ways to do that?*

I'd propose that each central-city child should have an entitlement from the state to attend any school in the metropolitan area outside his own district—with per-pupil funds going with him. That's a right no black child has now, and it would be extremely valuable in a place like Boston. This would entail some restrictions: The program wouldn't be subject to a local veto; whites couldn't move from black schools to white schools; the move should not increase racial imbalances. Also, there would have to be some kind of limit on out-of-district children, say 20 or 30 per cent.

*Getting that kind of proposal through state legislatures wouldn't be easy. Are legislatures and school boards really likely to act on their own without pressure from the courts?*

If such a program can't pass some kind of political process, it's not likely to stand anyway. Social planners have to take into account people's reactions to their plans, in matters such as school integration especially. Legislatures are not going to institute compulsory busing. Surveys indicate that majority of blacks as well as whites oppose busing. It is a solution that unfortunately puts on school integration the burden of a lot of things parents don't want—their child going some place far away where they don't know what's going on, the feeling of loss of control.

*Can things be done within integrated schools to make them more attractive, and hold middle-class whites?*

Yes. If an integrated school had one and a half times the budget of a nonintegrated school and could remain open from the time parents went to work until they got back, that would attract a lot of people. Many schools have made themselves more attractive and are holding white populations. There's a school down here, a little bit outside Hyde Park, that has a racial quota, 50 per cent black, 50 per cent white, and it has waiting lists of blacks and whites both. If children learn to read faster, if the kids are happy when they come home from school, if they're not physically threatened, parents are not going to care about the skin color of their classmates. Unfortunately, crime in the schools tends to be associated with lower-class children—and, in particular, lower-class blacks. Middle-class kids get their lunch money stolen when a school integrates, or there's some kind of knife incident or something like that. That would be much less likely if the integration were of middle-class blacks and middle-class whites. If one found lower-class children from any two ethnic groups being thrust together, you'd run into knife incidents, too.

*But if one of the reasons for integration is to give lower-class blacks the benefit, if that's the word, of a middle-class environment, it's not enough for just middle-class kids to be brought together.*

There are other ways in which black and white children can have experiences with one another—extensive visiting of classrooms, for example, spending three weeks or six weeks in another school. We need more ingenious devices, but we can't use them if the constraint, as in Boston, is that every school must be within 5 per cent of the racial composition of the city.

*Is there any rule of thumb, as far as percentages go, for how many lower-class blacks can be in a white middle-class school before bad things begin to happen?*

A lot of people have looked for "tipping" points when "bad things start to happen." Generally, the majority sets the climate of a school. But it may be that a 35 per cent minority sets the climate, whether that's a middle-class minority or a lower-class minority. To a large degree, it depends on the principal. I've come to the conclusion that there are two requirements for a principal in an integrated school. One, he must be extremely fair; two, he must be extremely tough, and not make exceptions for anybody. It's important to everybody in an integrated situation that they feel the administrative staff is acting fairly with regard to both blacks and whites. The only way they can act fairly is for a principal to be very tough, not let anybody get away with incidents. I think probably one reason integration goes badly in those cases where it does is that many white principals and teachers have never been near blacks and are afraid of blacks and don't know how to cope.

*Well, while principals are getting educated and courts keep ordering busing, what are the prospects for integration?*

I am optimistic because of these other processes that I see going on—the rise in the income of blacks, the beginning of a breakdown in housing segregation, changes in the way blacks are looked at by whites, partly because of the achievements of blacks in various walks of life, the increase in interracial dating and marriages. I'm optimistic about integration, not because of the policies of school integration we've been following, but in spite of them.

The PRESIDING OFFICER. The Senator from Massachusetts has 30 minutes remaining.

Mr. BROOKE. Mr. President, the amendment which has been introduced by Mr. HELMS, called an antibusing amendment, is much more than an antibusing amendment.

The Helms amendment to the Labor-HEW Appropriations Act would prohibit the use of any funds appropriated under the act to compel any school system, as a condition to receiving funds under this act, to classify teachers or students by race, religion, or national origin; to assign teachers or students to schools for reasons of race, religion, or national origin; or to prepare or maintain any records, files, reports, or statistics pertaining to those classifications.

The original Helms amendment, Mr. President, included sex as a classification, but the distinguished Senator from North Carolina has removed this classification from the amendment. I presume that is in the hope of picking up those who would vote against the amendment if it did discriminate against women. But, Mr. President, even without the sex classification, this amendment is unconscionable.

If enacted into law, it could in effect nullify title VI of the 1964 Civil Rights Act, with regard to the provisions of this appropriations bill.

A brief review of the Federal Government's role in the desegregation of our public schools, pursuant to the 1964 Civil Rights Act, will amply demonstrate the potentially pernicious effect of this amendment.

Title VI of the 1964 Civil Rights Act provides that—

No persons in the United States shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefit of, or subjected to discrimination under any program or activity receiving federal financial assistance.

Agencies granting Federal assistance, such as HEW, are directed to issue rules and regulations in conformance with the objectives of title VI and to secure compliance therewith by voluntary means, negotiation and the like, if at all possible. However, as a final resort, where it is determined that voluntary compliance cannot be achieved, the agencies are authorized to initiate enforcement proceedings which can lead, after notice, hearing, and an express administrative finding of noncompliance, to termination of program benefits.

Pursuant to the 1964 act, the Office of Education in HEW has issued guidelines which set forth standards for desegregating schools in compliance with title VI.

The standards set forth in these guidelines particularly as they relate to school districts' "affirmative duty" to desegregate, track closely controlling constitutional principles as enunciated by the Supreme Court in school desegregation cases. Moreover, a later amendment to the 1964 act suggests that standards for compliance with title VI are substantially coextensive with constitutional requirements under the 14th amendment.

In its most recent specific pronouncements on the subject, the Supreme Court has consistently recognized that affirmative desegregation will almost invariably require that race be taken into account in formulating effective remedies. Thus, in *McDaniel* v. *Barresi*, 402 U.S. 38 (1971) the Court sustained a HEW-inspired desegregation plan against allegations that it involved unconstitutional racial student assignments, saying:

. . . School boards that operated dual school systems are "clearly charged with the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch." In this remedial process, steps will almost invariably require that students will be assigned differently because of race. Any other approach would freeze the status quo that is the very target of all desegregation processes.

And in a companion to that case, the Court in *Swann* v. *Board of Education*, 402 U.S. 1 (1971) specifically approved, subject to certain limitations, the use of various racially based desegregation measures involving the remedial assignment of students and teachers and busing. In short, under current departmental regulations and related judicial authority, HEW may, and commonly does, employ race-related or race conscious desegregation techniques in carrying out its enforcement responsibilities under title VI of the 1964 act.

With this background in mind, we can more fully understand the ramifications of the Helms amendment. The operative language of the amendment would prohibit the use of funds appropriated by the Labor-HEW appropriation bill to compel school districts as a condition to receiving these funds to classify or assign teachers or students by race, religion, or national origin or to keep records, files, reports, or statistics on such bases. As noted above, HEW has more or less traditionally come to rely on its authority to enforce affirmative desegregation plans employing race-related criteria as a primary feature of its title VI enforcement efforts. The continued validity of such policies under the Helms amendment, however, would appear a matter of some substantial doubt since they seem clearly premised on racial classifications or assignments as contemplated by the amendment. And while the language of the amendment is not mandatory on school districts in the sense of flatly prohibiting their voluntary adoption of affirmative desegregation measures, or otherwise complying with HEW requests, it would apparently deprive the agency of its principal coercive enforcement mechanism under title VI; that is, its authority to cut off Federal assistance. In other words, school districts would be free, as a voluntary matter to assign teachers or students to achieve affirmative desegregation, and would still be subject to Federal court order to do so on constitutional grounds, but they could not be required to do so by HEW as a condition to receipt of funds appropriated by the Labor-HEW appropriation bill as would otherwise be the case under title VI.

Similarly, the Helms amendment would suspend departmental regulations requiring school districts to keep records and submit compliance reports "with respect to racial and ethnic data showing the extent to which members of minority groups are beneficiaries of and participants in federally assisted programs," thereby further hampering the monitoring and enforcement functions of HEW under title VI in the school desegregation area.

And there is no question that this amendment would critically hamper the monitoring and enforcement functions, for how does one prove the existence of discrimination if there is no requirement that records be kept.

Last year, Caspar Weinberger, former Secretary of Health, Education, and Welfare, made this point very well in a letter to Senator WARREN MAGNUSON—dated October 2, 1974—opposing this same amendment. He wrote:

We urge the Senate to delete this language. It would seriously impede our efforts to enforce Title VI of the Civil Rights Act. Enforcement is dependent upon identifying those school districts which may be in violation of the law. Unless school districts keep the statistics, which this language would prevent us from requiring, we would not know where to direct our investigative resources.

The lack of records would mean that Government funding would be, at best, haphazard. The Federal Government would be relinquishing its concern in the desegregation of school systems, giving life to the possibility that segregated schools would once again flourish. In short, if there are no records, there are no violations.

In addition to its deleterious effects on title VI and title IX, the Helms amendment, by impeding the compilation of statistics regarding national origin, could also jeopardize the smooth functioning of the bilingual education title of the

Elementary and Secondary Education Act.

A strong argument can also be made that the Helms amendment is unconstitutional. It can be construed as an unlawful limitation on HEW's authority to insure that Federal assistance programs are administered in accord with constitutional standards.

Mr. President, the Congress of the United States cannot go on record as supporting such an unconscionable amendment. We have come too far and worked too hard. Title VI of the 1964 Civil Rights Act and title IX of the Education Amendments of 1972 are two of our proudest legislative accomplishments. If we pass this amendment we would be effectively nullifying programs which are designed to insure compliance with these acts, other statutes, and the equal protection requirements of the fifth and 14th amendments to the Constitution.

Senator HELMS said in his earlier remarks that only 40 percent of the children in Boston were going to school. I believe this figure is inaccurate. On the first day of phase 2 of Boston's desegregation order approximately 59 percent of the public school children attended class. And as of yesterday, 75 percent of the children in the city of Boston are going to school.

There is no problem with the children. In fact, if the parents, certain organizations, and the Congress of the United States would leave them alone, there would not be any problems, and we could immediately desegregate the public school systems that have been intentionally and illegally segregated.

It should be emphasized that we are not trying to balance the school systems, with an equal number of black and white children. That issue is a red herring. The Supreme Court has never required busing to create a racial balance. All the Supreme Court has ever held is that you cannot, by deliberate Government action, segregate the public school systems of this country. That is good law, and that is good morality.

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

Mr. BROOKE. Not at that point; no.

The Court has said further that busing is only one of the constitutional tools that can be used for the desegregation of public schools. Other remedies should first be applied. But if compliance with the law cannot be achieved without busing, then busing must be one of the available desegregation remedies.

Mr. President, we have discussed this amendment time and time again. On numerous occasions the Senate of the United States has been asked to vote upon it. On November 19, 1974, the Senate defeated it 43 to 35. On December 11, 1974, the Senate defeated it, 60 to 33. On December 11, 1974, it was defeated a third time, 58 to 37. And on December 11, 1974, it was defeated a fourth time, 62 to 30. It has come up time and time again, and every time, no matter in what form or fashion, whether the Helms amendment, the Holt amendment which came over from the House of Representatives, or the Beall amendment, this issue has been defeated by the U.S. Senate.

Mr. President, I must repeat that this amendment involves far more than just busing. Busing has just been thrown out as a red herring. We are here concerned with bilingual education. We are concerned with all forms of discrimination which, if the Helms amendment were passed, would not be able to be remedied by the appropriate governmental units of this country.

So I am hopeful, again, Mr. President, that the Senate will act as it has heretofore, and vote against this amendment, because this is not a wolf in sheep's clothing; this is a wolf in wolves' clothing. It is exactly what it portends to be, exactly like it looks. And let there be no doubt—it is a wolf.

I yield 5 minutes to the Senator from Alaska.

Mr. MATHIAS assumed the chair.

Mr. STEVENS. Mr. President, I objected to the unanimous request of my good friend the sponsor of this amendment for an up and down vote on the amendment because I think the amendment is presented in a very strange way to the Senate at this time.

I represent a State in which more than 20 percent of the young people attending school are Natives—Indians, Eskimos, and Aleuts. We have worked long and hard to bring about programs to assist these Indian children, who have very difficult bilingual problems.

If you look at the amendment, it says—

None of the funds appropriated by this act * * * et cetera.

That means the funds to be used not only by the Secretary of HEW, but also all of the people involved in administering the special funds we have created—cannot be used to require, as a condition for other funds compliance with existing laws.

Not funds under this bill, but the Johnson-O'Malley funds under our Interior appropriations bill, and the funds spread throughout the appropriations bills that come before the Senate for the purpose of granting assistance to those who are in need. They cannot use the moneys under this act to require the conditions to be met for the other acts.

We take the Johnson-O'Malley funds to assist Indian children, to assist the public school districts that are providing education for Indian children; even the BIA funds themselves for the maintenance of the Indian educational system would be in jeopardy under this amendment. They would be stopped under this amendment because they could not keep the statistics which bring about the determination of eligibility under those special acts.

I am reminded of the act as passed to offer special assistance for the preservation of those aspects of ethnic heritage that are so important to so many portions of our communities. The Senator from Pennsylvania (Mr. SCHWEIKER) has pressed us for additional money in this area time and time again. Statistics must be kept by these school districts as a condition to receive the money under these other acts.

Mr. BIDEN. Mr. President, will the Senator yield for 15 seconds?

Mr. STEVENS. Let me finish in 1 second, and then I will be happy to debate it with my friend.

The word "busing" does not appear in this amendment. The word "transportation" does not appear in this amendment. This amendment emasculates the acts passed by Congress to provide assistance to the disadvantaged.

I think it is high time we stopped using some concepts such as busing to destroy the whole concept of aid to the disadvantaged.

We have already spoken on busing, as far as I am concerned, and I think what we did last year was sufficient.

But whether it is vocational ed, the assistance that we give now in the student aid area, and, particularly, the student aid area for higher education, much of that is based upon ethnic or disadvantaged characteristics, and statistics must be kept.

I do not care whether it is under title I, whether it is Indian teacher aid, Johnson-O'Malley money, bilingual grant, the BIA money we spent for the Indian education, the money for ethnic heritage program, the assistance we have for the disadvantaged, for the handicapped, for vocational ed, for student aid, compliance with all of the other acts requires statistics.

Mr. HELMS. Mr. President, will the Senator yield on that one point?

Mr. STEVENS. I am going to yield to my friend here in a moment.

I will finish this one thought. To try to address the problem of transportation of children to bring about compliance with the Constitution is one thing. To deny the power to HEW to use the funds under this bill to maintain the statistics to determine eligibility for all of the other special assistance programs we have in the field of education, I think is improper, and I really think the amendment should be subject to a point of order.

The Parliamentarian advised me it is not the case because it is stated in the frame of a limitation, and it probably would be the opinion of the Senate, I believe, but I believe the Senate ought to table this amendment. If the Senator wants to bring up busing, bring it up directly. Do not bring it up in the sense of clouding the whole issue of aid to the disadvantaged through our educational system on the Federal level.

I yield to my friend.

Mr. HELMS. I thank the Senator.

Mr. President, I am glad to say for the legislative record that this amendment does not prohibit or prevent the keeping of records. It simply prevents HEW from requiring them.

I assume that the Senator's schools would do it on a voluntary basis.

Mr. STEVENS. It is not voluntary. We require it as a matter of law.

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

Mr. STEVENS. It is as a matter of law that we keep these conditions as a condition to receive the funds. We have to be told how many people are in our school and who are the Indians, how many are

disadvantaged, how many are ethnic people, if we want the Indian and the ethnic heritage money.

I am happy to yield to the Senator from North Carolina.

Mr. HELMS. Voluntarily?

Mr. STEVENS. It is not voluntary. It is required by law today.

Mr. HELMS. Would they do it voluntarily?

Mr. STEVENS. No. They do not do it voluntarily. They do it to comply with the law, and they require it as a condition of receiving the funds, yes.

Mr. BIDEN. First of all, I think the Senator from Alaska makes a valid point, and that is why in a moment, when I get an opportunity, I am going to call up my amendment which eliminates the sentence and make this a busing amendment. The amendment as it now reads on line 3, the last word says "to" and then going to the next sentence "classify students or teachers by race, sex, or national origin."

The PRESIDING OFFICER. The time that the Senator from Massachusetts allotted the Senator from Alaska has expired.

Mr. BROOKE. The only problem is the Senator has time on the amendment, and we only have a few minutes remaining on this amendment.

I will allot a moment to the Senator from Alaska.

Mr. STEVENS. In our schools we are assigning teachers on the basis of race. We do that with the teacher's aide. We do that in Eskimo country. We have a teacher's aide standing behind or beside the teacher. He or she understands the basic language that this child's parents speak. The other one is teaching the child in English. That is assigning teachers on the basis of race.

Mr. BIDEN. Language, not race.

Mr. STEVENS. It is race.

Mr. BIDEN. Language.

Mr. FORD. Mr. President, I ask unanimous consent that my name be added as a cosponsor to the amendment of Senator HELMS.

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

Mr. HATHAWAY addressed the Chair.

Mr. BROOKE. Mr. President, I yield to the Senator from Maine.

Mr. HATHAWAY. I thank the Senator from Massachusetts for yielding.

Mr. President, I rise in opposition to the amendment. First of all, I do not think that the Senate should be legislating on an appropriations bill. If we are going to get into the situation which the amendment purports to get into, then certainly it should be the subject of extensive hearings and perhaps we can change the basic authorizing legislation.

But, in the second place—and I think it is the point that was already made by the distinguished Senator from Massachusetts in his excellent rebuttal to the argument made in favor of the amendment—this amendment does not stop busing at all. If this amendment should pass and be signed into law, there still is going to be busing in Boston, Louisville, and all over the country. This does not affect that existing busing whatsoever. All it does, as the Senator from Massachusetts very ably points out, is it simply guts title VI of the civil rights law.

Busing as is being done in Boston at the present time, for example, is done under a court order. There is not any Federal money being appropriated under this appropriations bill anyway that is involved in any way whatsoever with respect to busing in that area or in any other area.

So I do not know why the author of this amendment is pretending that this is an antibusing amendment when it is not that at all.

In the third place, what the authors of the amendment are really doing by eliminating the requirement for recordkeeping is depriving us of some factual material that we might use as a basis to bring about equal educational opportunity by some method other than busing.

I presume that that is what the authors of the amendment actually want to do. So they are really cutting off their nose to spite their face by this amendment. They are not going to eliminate busing at all, and they are going to eliminate the basis for some possible factual material that would enable us to come up with a possible alternative to busing.

I do not think any of the proponents for busing are wedded to that as the only method to bring about equal opportunity for education, but it is the only method that has worked so far.

It is difficult in some areas of the country, but it is the growing pains of a maturing society. I think that it is one of the growing pains that we have to go through. I am hopeful that it will not be painful for too long.

But I think we have to stick with it until we do afford equal educational opportunity throughout the country.

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

Mr. HATHAWAY. I am not in control of the time, but I am happy to yield.

Mr. FORD. This is just a quick question.

Is the Senator aware that James Coleman, who made studies for the Department of Education that recommended forced busing for desegregation, has now changed his opinion and made the report that it is not working, and he is making other suggestions to look for other methods?

With what is happening now the Senator, endorsing busing, said it is the only thing that works, and the individual who made the study, that was used in all these cases before all the courts, now has made the decision it does not work. Should there be a change? Should we make an effort to change it?

Mr. HATHAWAY. The Senator from Maine said this is the only system we have now that we know has worked to some extent. I realize Mr. Coleman and other people say it does not work.

Mr. FORD. They are the ones who proposed it in the beginning.

Mr. HATHAWAY. He is not the only one who proposed it in the beginning.

Mr. FORD. He was the one who made the study for the Department of Education.

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

Mr. HATHAWAY. Mr. President, may I have an additional minute to answer a question?

Mr. BROOKE. One additional minute.

Mr. HATHAWAY. I say to the Senator that this amendment will not eliminate busing. That is the important point that I wished to make when I stood up.

I thank the Senator from Massachusetts for granting additional time.

Mr. BROOKE. Mr. President, I yield to the distinguished chairman of the committee.

Mr. MAGNUSON. Mr. President, I will take a half minute.

This is a matter that we have debated here every time we have an HEW bill, and the effect of the amendment is exactly the same no matter how much it is going to be modified by the amendment of the Senator from Delaware.

It undermines HEW's obligation by law under the Civil Rights Act of 1964—it is as simple as that—which prohibits discrimination because of race. It prevents the keeping of records.

It is very similar to the bitter argument we had last year. It is very similar—almost word for word—to the so-called Holt amendment in the House. The conference did not want to have too much to do with it, for the simple reason, again, that here is legislation on an appropriation bill. The proper committee should look at it.

If someone wants to overturn the Supreme Court, that person should introduce a bill to do that. I do not know why everybody persists in putting these amendments on appropriation bills. If for no other reason, I would be against it for that reason. But it does undermine the Civil Rights Act of 1964. It is not a new subject here at all. It has been up and down and up and down.

I am going to vote against the amendment for two reasons: I do not think it belongs here, and I believe it undermines—takes the guts—out of the Civil Rights Act of 1964. Not only busing is involved; other things are involved. Schools are in session now; any changes could create greater confusion and dissension. It is my understanding that the Secretary of HEW has promised to work hard on this problem and provide the Congress with possible solutions.

Mr. BROOKE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. BROOKE. Mr. President, we have heard the lengthy debates, not only today but also through the last several years, on this amendment, or similar amendments that have come before the Senate. In every instance, the Senate has rejected them. And the reasons for rejection have been compelling.

First of all, as the chairman has said, this matter should be first taken up with the proper authorizing committee. This has not been done.

In addition, school already is in session. Any changes now would create even greater confusion and greater dissension. So, in addition to a legal problem we have a great moral problem before the U.S. Senate.

I am hopeful that the Senate will overwhelmingly reject the Helms amendment, as it has done in the past. The

amendment could, in effect, gut title 6. The amendment goes much further than has been said; it encompasses far more than busing.

I am very sorry to see my distinguished colleague the Senator from Delaware become a convert, as he was called on the floor. I would rather see him come back into the fold of those who truly want equal educational opportunities for all our children.

Mr. President, I am hopeful that this vote, once and for all, will determine that the matter of busing will not come up on appropriation bills; that if there is to be a busing bill, as was suggested, it will come before the appropriate authorizing committee and reach the floor by that vehicle.

Mr. President, I yield back the remainder of my time, and I move to table the amendment of the Senator from North Carolina.

Mr. TOWER. Mr. President, will the Senator from Massachusetts withhold his motion?

The PRESIDING OFFICER. Does the Senator withhold his motion?

Mr. BROOKE. For what purpose?

Mr. TOWER. I arrived in the Chamber after the time had expired on the amendment of the Senator from North Carolina. I respectfully ask the Senator from Massachusetts if he will yield me 3 minutes, either on the amendment or on the bill, to make a few remarks—admittedly, against his position.

The PRESIDING OFFICER. The Senator has 1 minute remaining on the amendment.

Mr. BROOKE. I have only 1 minute. An amendment will be called up by the Senator from Delaware, on which the Senator from Texas can speak. But I do want a vote on the motion to table.

Mr. TOWER. I only ask the Senator if he will yield me 3 minutes on the bill.

Mr. BROOKE. If I had it, I would yield it.

The PRESIDING OFFICER. There is no time on the bill.

Mr. BROOKE. If I had it, I certainly would yield it to my colleague.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. BIDEN. Mr. President, will the Senator from Massachusetts withhold the motion to table?

Mr. BROOKE. If I can have unanimous consent to yield 3 minutes to the Senator from Texas without losing my right to make the motion to table, on which I want a vote. I ask unanimous consent for that purpose.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TOWER. I thank the distinguished Senator from Massachusetts, who is one of the most fair-minded men I have ever known and who always has been accommodating to his colleagues.

Mr. President, the experience we have gained from busing can be summed up in brief terms. To begin with, it is discriminatory, by its nature, when you say to one child that he must be bused, when the child next door to him is allowed to go to his neighborhood school. The only fair way to do it would be to bus all children.

Second, the practice of busing does not contribute to quality education. It detracts from it, because it draws down on resources that should be spent on books, on teachers, on instruction facilities, on better buildings—all things that go into quality education.

Further, it does not contribute to the breaking down of racial barriers and racial animosities. As a matter of fact, the very issue of busing is polarizing racial sentiment in many communities where great progress had been made in getting rid of discrimination. As a matter of fact, it is a step backward.

Beyond that, it is going to contribute further to the deterioration of the core cities in this country—as a matter of fact, that is the effect it is having—and it will precipitate an even more rapid flight to the suburbs.

For that reason, I believe this matter must be dealt with, and must be dealt with in Congress. It must be dealt with at the earliest opportunity, and this appears to be the earliest opportunity.

I hope the amendment of the Senator from North Carolina is not tabled and is ultimately adopted.

I thank the Senator from Massachusetts.

Mr. HARRY F. BYRD, JR. Mr. President, busing is without question a numbers game—and a very dangerous game, indeed. It can only be implemented by imposing quotas.

Someone—be it a Federal judge accountable to no one, or a Federal bureaucrat guided by his own conception of social organization—must set the quotas of those who will be bussed forcibly from their neighborhood school to some other institution.

There is no consideration for the individual.

There is no consideration for the desires of the children and the parents of those children.

There is no consideration for individual merit, individual talent or individual ability.

There is no consideration for quality education.

There are only numbers—quotas.

The laws of this Nation state unequivocally that there shall be no discrimination on the basis of race, creed, sex or national origin.

I support those laws.

But quotas violate every concept protected by those laws.

Quotas can consider only race, creed, sex and national origin.

In short, quotas are inherently discriminatory. They can only perpetuate policies based solely upon considerations of race, creed, sex or national origin—those very considerations we have time and again rejected as discriminatory and invidious.

Simply stated, the Helms amendment prohibits the Federal bureaucracy from imposing quotas upon education.

That is—quotas in the hiring of teachers; quotas in the assignment of school pupils, both in the schoolhouse and in the classroom; quotas based not on any congressional mandate, but solely according to the theories of social planning held by Federal bureaucrats who are insulated from the people.

What are quotas? In reality, they are the most invidious sort of discrimination. The quota mentality says "judge an individual because he is a member of a certain class or group and not upon his individual talents or merits."

Quotas do violence to the basic underpinnings of our form of democracy. There is no way to justify arbitrary quotas in a nation which holds as a self-evident truth "that all men are created equal".

Quotas state—from the first instance that an individual is considered—for school or classroom placement, for a job, for award or discipline, even for a grade—that he or she is not equal. That individual is, instead, a member of a group, to be favored or disfavored on that basis alone and without consideration for individual merit.

Paraphrasing Dr. George C. Roche III, president of Hillsdale College and author of the book "The Balancing Act—Quota Hiring in Higher Education", quotas are "not the wave of the future;" they are "the putrid backwash of all the tired social engineering schemes of the centuries."

And yet, the social engineers of HEW have pressed on with their quest to force this type of social planning on the American people—without congressional approval and with too little congressional oversight.

This week, Virginia's highest education official, Dr. W. E. Campbell, superintendent of public instruction, stated that the school next door or down the street someday will be run by the Federal Government unless present trends are reversed.

Stop for a moment and consider what this amendment does and does not do:

It does prohibit the Federal bureaucracy from compelling schools to compile data, whose only purpose is to support preconceived quota notions of Federal bureaucrats.

It does prohibit the Federal bureaucracy from engaging in the economic blackmail of States and localities in contravention of the Constitution and the will of the people.

It does not "gut" title VI of the 1964 Civil Rights Act. HEW still has the authority to seek legal representation from the Department of Justice and to seek redress in the courts whenever it perceives clear violations of the act.

This amendment allows for a long-needed correction in the balance between the branches of Government. The excesses to which the Federal bureaucrats have gone in their social engineering schemes make all the more compelling the wisdom and necessity of keeping legislative prerogatives in the Congress and judicial powers in the courts.

It seems to me that the necessity for an amendment like this is just another

indication of how much authority and responsibility the legislative branch of Government has abdicated. By this amendment, we are trying to end an abuse—a bureaucratic excess—which the authors of the enabling legislation never intended.

That we allowed the executive branch to perpetrate such a violation of individual rights upon the people is as much a condemnation of the Congress as it is of the bureaucracy.

A legislative policy must be established. And this is a good starting point. We must not leave this vital task to the bureaucrats, who are responsive to no one, nor to the courts, who are responsible to no one.

This Nation is crying for relief from the wrong-headed, discriminatory and outrageously unfair practices of forced busing and the imposition of quotas by Federal bureaucrats.

To ignore this heart-felt petition from the people in every State, station and walk of life is to perpetuate an injustice which eats at the constitutional soul of this great Nation.

Mr. BROOKE. Mr. President, I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Does the Senator make a motion to table?

Mr. BROOKE. Yes.

The PRESIDING OFFICER. 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 to table the amendment of the Senator from North Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. HARTKE), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Iowa (Mr. CULVER) is absent on official business.

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

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), and the Senator from Nebraska (Mr. CURTIS) are necessarily absent.

I also announce that the Senator from Illinois (Mr. PERCY) is absent on official business.

I further anounce that the Senator from Kansas (Mr. DOLE) is absent due to illness in the family.

I further announce that, if present and voting, the Senator from Kansas (Mr. DOLE) would vote "nay."

The result was announced—yeas 48, nays 43, as follows:

[Rollcall Vote No. 396 Leg.]

YEAS—48

| | | |
|---|---|---|
| Abourezk | Church | Gravel |
| Bayh | Clark | Hart, Gary W. |
| Bellmon | Cranston | Haskell |
| Brooke | Eagleton | Hatfield |
| Burdick | Fong | Hathaway |
| Case | Glenn | Humphrey |
| Inouye | Metcalf | Schweiker |
| Jackson | Mondale | Scott, Hugh |
| Javits | Montoya | Stafford |
| Kennedy | Moss | Stevens |
| Leahy | Nelson | Stevenson |
| Magnuson | Packwood | Symington |
| Mansfield | Pastore | Taft |
| Mathias | Pearson | Tunney |
| McGee | Pell | Weicker |
| McIntyre | Ribicoff | Williams |

NAYS—43

| | | |
|---|---|---|
| Allen | Eastland | McClure |
| Baker | Fannin | Morgan |
| Bartlett | Ford | Nunn |
| Beall | Garn | Proxmire |
| Bentsen | Goldwater | Randolph |
| Biden | Griffin | Roth |
| Brock | Hansen | Scott, William L. |
| Bumpers | Helms | Sparkman |
| Byrd, Harry F., Jr. | Hollings | Stennis |
| Byrd, Robert C. | Hruska | Stone |
| Cannon | Huddleston | Talmadge |
| Chiles | Johnston | Thurmond |
| Cotton | Laxalt | Tower |
| Domenici | Long | Young |
| | McClellan | |

NOT VOTING—9

| | | |
|---|---|---|
| Buckley | Dole | McGovern |
| Culver | Hart, Philip A. | Muskie |
| Curtis | Hartke | Percy |

So Mr. BROOKE'S motion to lay Mr. HELMS' amendment on the table was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, I have an amendment at the desk and I ask that it be called up.

May we have order, Mr. President?

The PRESIDING OFFICER. The Chair might state there is a long list of Senators who have amendments to present to this bill, and we will proceed more quickly if we have quiet.

Mr. BIDEN. Mr. President, I ask that my amendment at the desk be called up.

Mr. BROOKE. Mr. President, will the Senator yield? I would like to find out how many amendments we have on this bill.

The PRESIDING OFFICER. The Chair will state Senator BIDEN has an amendment; Senators BARTLETT, CHILES, KENNEDY, and MORGAN have additional amendments to come up.

Mr. BROOKE. I am sorry, I did not hear.

The PRESIDING OFFICER. I have five listed.

Mr. BROOKE. Five amendments.

The PRESIDING OFFICER. Will the Senate be in order. The Senator from Delaware will have his amendment reported.

The legislative clerk read as follows:

At the appropriate place insert the following section:

Sec. (—). None of the funds appropriated under this Act shall be used to require any school, school system, or other educational institution, as a condition for receiving funds, grants, or other benefits from the Federal Government, to assign teachers or students to schools, classes, or courses for reasons of race.

Mr. BIDEN. I ask unanimous consent that Senators HELMS, TOWER, NUNN, BENTSEN, and THURMOND be added as cosponsors to my amendment.

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

Mr. BIDEN. Mr. President, I am delighted that so many of my colleagues are here. The motion to table passed by only several votes, and it may be that I can convince those few votes to change their position and adopt this amendment.

The amendment of the Senator from North Carolina had certain aspects to it that I think justifiably raised concern on the part of the Senator from Alaska and others.

Mr. NELSON. Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. The Senators will please take their seats.

Mr. BIDEN. As I was saying, Mr. President, I think there was some justifiable concern on the part of some of my colleagues who might have been inclined to support an "antibusing" amendment but did not want to confuse the issue and also end up cutting out bilingual programs or programs for the disadvantaged or any other program that does not directly deal with the question of busing.

The purpose of my amendment is to narrow the issue so that we talk about busing. The input of the amendment would be, if it were to pass, that HEW could not cut off Federal funds to a school district because it refused to assign students or teachers to either classes or schools because of race. I eliminated the words "national origin," and the word "sex" is not included. We are specifically talking about assignment of schools and/or classes because of a person's race.

I will not repeat the arguments I made earlier, and that all my colleagues have heard pro and con, on the question of busing. Whether or not it works, whether it does not work, whether Dr. Coleman was right before and wrong now or wrong before and right now, I will not go into all of those arguments now. But I would like to clarify that my amendment——

The PRESIDING OFFICER. Would the Senator from Delaware withhold. The Senator is entitled to the attention of the Senate. Will the Senators who wish to converse please remove themselves from the Senate floor, and the other Senators please take their seats.

Mr. BIDEN. My amendment would very simply just prevent HEW from cutting off Federal funds to a school which failed to assign students to classes, courses, or a school itself because of race, and I will sum up my position and my feeling about the concept of busing without again belaboring that argument.

As I said earlier, and I repeat, I firmly believe that we have got to, this Chamber, the U.S. Senate, has to—and it will sooner or later, if it is not this year it will soon—declare that busing does not work. It is a counterproductive concept that is causing more harm to equal education than any benefit that may inure from it in the few places where it may not be causing many problems.

I think that the busing question obfuscates the issue of equal education so that we do not get down to the point of deciding whether or not we are going to provide more funds and facilities and

opportunities within our educational system for all Americans. It confuses me how, as I said earlier, the President of the United States, on the one hand, says busing does not work and, on the other hand, says equal education is the key, and then he goes ahead and vetoes the education bill.

We in this Chamber should be arguing about education and how we should provide a greater opportunity for disadvantaged American youth to have an opportunity for an education. We are not doing that when we talk about busing. We are inflaming racial passions in every section of this country when we insist on a program that is not working, and we do not get down to the basic issue.

Once again, as I said earlier, I think busing is to the social issues of the seventies what Vietnam was to foreign policy in the sixties. And, as I also said earlier, we should do with busing what a distinguished former senior Senator from the State of Vermont said we should do within the area of foreign policy in Vietnam. He said, in the sixties, we should declare we won in Vietnam and leave. This Chamber should declare busing does not work, and leave it and get on to the question of how in God's name are we going to help those tens of thousands or maybe millions of black children who are being disadvantaged, who are the victims of our educational system, and who are not being afforded an equal opportunity for an education here in this country.

The purpose of this amendment is specifically to preclude busing in one area. It will not prevent busing by court order, it will not prevent busing in the areas which in many places is being ordered now, but it will prevent a bureaucracy, HEW, from being able to, if it so deems to do it, cut off Federal funds for failure of the school district and/or a school system to assign children according to some HEW formula which is somehow supposed to provide for a better educational opportunity for young people.

Lastly, the Senator from Alaska raised some very, very good points, in my opinion, when he was arguing against the Helms amendment.

My amendment is designed to meet some of those objections. The Senator may not feel it does it, but I think it does.

The Senator from Alaska has pointed out that there are many pieces of legislation designed to aid bilingual education and aid. For example, the 20 percent of his population which is Indian in the State of Alaska. He pointed out the teachers are assigned based on the fact that they speak the language of that Indian population to assist the regular teacher in that class.

The Helms legislation, he argued, would prevent them from being able to be assigned to carry out the legislation. I argued and I maintain that the assignment of that teacher is not because the teacher happens to be an Indian, but because the teacher happens to speak the language. The assignment is based on language.

In our bilingual educational programs for Spanish speaking, for example, the person does not have to prove he is Spanish in origin. All that has to be proved is the school, the school district, or the person cannot speak English and has Spanish as the primary language.

A number of people in my city of Wilmington, Del., speak only Spanish and not even Spanish because of where they were raised and their background. They qualified for bilingual programs.

So I think it is fallacious to say, vote against the Biden amendment because it will cut out our bilingual programs. It is not based on race or bilingual programs, but what language one speaks.

My amendment would not in any way preclude recordkeeping, would not preclude classification, and would in no way be injurious to the bilingual programs that are in existence, that are needed, and that should be increased.

With that little bit of explanation of my amendment, I do not think there is much more need for me to expound on my views of why busing is not working. As I say, we have talked about it all.

I yield to the Senator from Maine.

Mr. HATHAWAY. The Senator mentioned in the course of his remarks that this will not prevent busing by court order.

Mr. BIDEN. That is correct.

Mr. HATHAWAY. I agree with the Senator, it will not prevent that. But he does say that it will prevent HEW from requiring busing.

If this went through, I suppose what HEW could not do, the courts could do, so what would the amendment really accomplish as far as stopping busing is concerned?

Mr. BIDEN. It would do several things. One, it would require, if and when there is a busing order, that there be no mistake about where the order is coming from. That is not some faceless bureaucrat deciding that any child, black or white, should fit in some predetermined ratio.

This amendment would not prevent a court from finding segregation in that school system and using busing as the tool to eliminate that segregated situation. It would prevent its being an administrative function and to be done administratively.

I would like to find a way to solve this problem. I have been searching and frankly I do not know one without violating other principles which I feel strongly about. I would like to see us be able to prevent the courts from ordering busing because, in my opinion, the courts have hung on to what they thought was a system that might work, busing. They wonder, what the heck will I do, we have no place else to turn.

So in effect, as in the progression of cases from Brown against School Board to those being decided in every major city ir. this Nation today, they end up at what human nature usually dictates. They are human, clinging to the only thing that is being debated, and that is busing.

The Senator from Maine pointed out that busing is one of the tools the court can use and one they might want to use.

I would be delighted to see them begin to use imagination and find some other tools. If I could figure out a way—and I have not yet—I would like to see them have the one tool, the busing tool, eliminated, but I have not figured it out yet.

This is one step in seeing to it the only place the busing order could come from would be a court and that Federal funds could not be cut off and HEW could not intimidate school districts to do what they have them doing now in order to prevent HEW from taking the action they threaten they will take if they do not.

Mr. HATHAWAY. Can the Senator give me statistics as to what busing accomplished, just by HEW itself? It is my impression most of the figures on the court order——

Mr. BIDEN. In my State there is one of the largest school districts, and I cannot give the Senator statistics, every time they ask me for this. I remember the quotation of Disraeli:

> . . . lies, damn lies and statistics.

HEW is using nothing but statistics, and the court also, to go forward and come out with an asinine policy, busing.

For an example, in my State there is a school district called De La Warr, and HEW has mandated under threat of them losing their Federal funds within that school district that they have a certain ratio within the school district for their classes.

It is purely a poor district, and already has the largest single black population. I am not exactly positive of this, but approximately 50 percent of this district is already black.

It is one of the few suburban school districts that has a significant black population, yet HEW has come into that poor school district which could not possibly survive without Federal funds—I doubt that any of them could—and has said:

> Unless you start assigning teachers and switching elementary schools and assigning teachers based on race, we are going to cut off your Federal funds.

They do not even want to expend the money to fight the legal battle in order to go into court to argue against the HEW ruling, so they are being intimidated by HEW.

They are going forward and doing precisely what HEW tells them to do, which is that they are now assigning students purely on a formula which is based on a racial balance concept.

I suspect that if we went around the Chamber today and asked whether any Senator in any State has a similar situation, we might find that there are a number of situations where there is ostensibly voluntary busing on the part of the school district, but it is not voluntary.

HEW says, "If you do not, we will not give you any money."

But I cannot provide the Senator with any statistics.

Mr. HATHAWAY. It seems to me that the practice going on is something for the appropriate committee to go into because HEW is not supposed to be just assigning students on the basis of racial equality.

Mr. BIDEN. I suspect the Senator——

Mr. HATHAWAY. The poorer areas cannot afford to go to court. I suspect most of them are taking them to court and the courts throwing them out if they are wrong. If they are right, they will be enforced.

Mr. BIDEN. I suspect the Senator, technically, is correct.

When this Senator first got here in 1972, one reason why I voted against some of these so-called antibusing amendments was that I bought the argument that it is not the appropriate committee, or an appropriations bill is not the proper vehicle, and, therefore, I should wait until we really debated this subject and vote up or down on whether or not we support the concept of busing.

It is as flat as that. I waited and waited and waited. I found I was in a position of supporting on my votes a concept which I did not believe in—busing—because I was waiting for the appropriate committee.

Mr. HATHAWAY. Has the Senator introduced a bill to provide some other way of getting equal educational opportunities other than busing? The chairman of the committee responsible would have to consider it.

Mr. BIDEN. My recollection is that there is a constitutional amendment which has been in committee—a whole bundle of them in committee, I guess. In all candor, I suspect the Senator would be pressed to the wall by being asked whether or not he thought there was a snowball's chance in Hades for that getting out of committee. I wonder what his answer would be.

Mr. HATHAWAY. I am not on that committee, but if I were, I would see that it got out of committee. That is a bill that provides no answer, without taking any positive action whatsoever, to take the place of busing.

As I mentioned before in my remarks, 90 percent of those of us who are supporting busing are open to any suggestions that would better accomplish the purpose that we all seek of getting equal educational opportunities. But unless somebody comes up with something other than just abandoning busing, I do not think it will be met very sympathetically.

Mr. BIDEN. To answer the Senator's question, I have been as scrupulous as I can be about providing an alternative. The alternative, unfortunately, cannot be packaged, if one examines the whole situation. The alternative deals with equal opportunity. It is not to say that when we eliminate busing we will come up with some other remedial tool for the court. It seems to me the alternative is to say when we eliminate busing as a proposal, what we do to see that there is equal opportunity is we increase spending for education; we increase the enforcement muscle of EEOC; we increase housing opportunities. The basis on which many of these suits are in fact filed, and where the court has ruled that there is de facto segregation or de jure segregation, is housing patterns.

The Senator was on the Banking Committee, a committee on which I still serve. The Senator and I both strongly supported legislation which required public housing projects in suburban areas, significant increases in public housing funds, and alternatives to housing opportunities. We would also do what we are doing now, what my Subcommittee on Consumer Affairs is doing, strengthening our equal credit opportunity legislation.

We would also do what the Senator from Maine has done and many of those in this Chamber have done, to strengthen the Voting Rights Act. There is no one solution that I can say, nor should I be put into the position of saying that busing will not work, and we must provide one single tool that will aid education. All that has to be debated in this Chamber, which has been avoided, is the question is there a distinction between desegregation and integration? Intellectually and conceptually, what is that difference and what is the aim of this Congress and of this Senate? What is our national policy?

I would be most willing and anxious to be engaged in that debate as to whether or not we have in fact gone far awry from our 1954 Brown versus School Board decision to in fact change conceptually what integration meant and define the distinction, and there is a distinction, between what constitutes integration and what constitutes segregation or desegregation. There are two different approaches to that.

We have been operating on a philosophy and a premise that has said that they are synonymous, that integration and desegregation are the exact same things. They are the opposite sides of the same coin, in my opinion. One requires affirmative action and one precludes you from taking obstructionist action.

Anyway, that is a whole other debate which I will be happy to continue with, but I do not know whether this is the time to do it.

If the Senator has another question, fine; if not, will he yield for a question from the Senator from Kentucky.

Mr. NELSON. Will the Senator yield for a unanimous-consent request?

Mr. HUDDLESTON. I yield.

Mr. NELSON. I ask unanimous consent that Mary Judith Robinson of my staff may be permitted the privileges of the floor during the balance of the consideration of the pending legislation.

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

Mr. HUDDLESTON. I commend the Senator from Delaware for the amendment he has offered. I will not go into the arguments already presented on the previous amendment.

In response to the Senator from Maine, I would indicate that there are at least two instances in my State of Kentucky where HEW-forced busing is now in effect. One is in my home town, Elizabethown, where the grand total of 43 students are now forced to be bused in order to achieve a predetermined racial balance.

In northern Kentucky, in a much larger school district, a greater busing program is underway at the direction of HEW under the threat of the withholding of Federal funds.

Mr. NELSON. Will the Senator yield for a question at that point?

Mr. HUDDLESTON. I yield.

Mr. NELSON. Was there any court proceedings or court order involved?

Mr. HUDDLESTON. No court order or proceedings. The school districts did not feel that they were able to go to court and go through the long court process to question this order.

Mr. NELSON. My question was on the other side. Had anybody proceeded in court?

Mr. HUDDLESTON. There had been no court proceedings on either side. The ruling made by HEW was on the basis of statistics which had been submitted to HEW under the law.

Mr. STEVENS. Will the Senator yield?

Mr. HUDDLESTON. I yield.

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

Mr. HUDDLESTON. The Senator will yield to the Senator from Alaska.

Mr. STEVENS. Is the Senator familiar with section 208 of this bill which says:

(a) No part of the funds contained in this title shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

(b) No funds appropriated in this Act may be used for the transportation of student or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school system.

We thought we had covered this already. I offered my good friend from Delaware a suggestion which I think is acceptable to the Senator from Massachusetts, which says that except as required by court order—and so forth—but he says he does not want to do that. How redundant do we have to get in the bill to spell out what we said before?

Mr. HUDDLESTON. I am dealing with what happened in Elizabethtown, Ky., and northern Kenutucky. They are implementing a busing program at the insistence of HEW. That is in response to the question of the Senator from Maine. Section 208, as written, does not help.

The other point I want to make is this: The question has been raised here as to why those who are opposed to forced busing come back time and again on this Senate floor and offer amendments that hopefully will restrict or limit the enforced busing.

The reason is simply this: In those areas where enforced busing has been pressed down upon the people, the people are embittered and frustrated. They do not know where to turn.

It does not help if I go back and tell them that enforced busing to achieve a racial balance mandate of the Supreme Court, that it has to be followed. That does not ease their situation. They think that this is a democracy where the attitudes of the people prevail. I know the complexities involved here. But I also know, too, that—while the Supreme Court is the Court established by the Constitution to interpret the laws and determine whether or not a citizen's rights are being violated—all power in this country rests with the people. They believe that. They are wondering why their message cannot get through to the courts, to the Congress, to whoever is necessary. What we who are faced with this situation are trying to do is to express that wish of the people.

I say right now in this country 90 percent of the people, black and white, oppose the idea of enforced busing for the purpose of achieving racial balance. Sometime, somewhere along the way, in the near future, we have to face up to that opposition and to the fact that enforced busing for racial balance is a discredited policy.

I have called upon the subcommittee of the Committee on the Judiciary to hold hearings on a proposed constitutional amendment that would eliminate busing, so that at least we can have a dialog, so that there can be discussion, so that we can make a determination as to whether or not the problems attendant to busing—and anyone whoever looks at a program knows that there are problems—are worth it.

Several Senators addressed the Chair.

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

Mr. HUDDLESTON. If I have any time.

The PRESIDING OFFICER. The Chair will inform Senators that there are no time limitations on this bill.

Mr. NELSON. I would address my question to either or both the Senator from Delaware or the Senator from Kentucky.

I was listening to the provision read out of the bill by the Senator from Alaska, and I am not clear, from listening to the response of the Senator from Kentucky—there has not yet been one from the Senator from Delaware—what precisely is the distinction between what the amendment would accomplish——

Mr. BIDEN. I will be happy to explain it.

Mr. NELSON (continuing). That is not accomplished by the language in the bill.

Mr. BIDEN. I would be happy to explain that as best I understand it.

In the section the Senator from Alaska referred to, he left out one sentence. I shall read what he left out, unless I misheard.

Mr. NELSON. What page is that?

Mr. BIDEN. On page 43 of H.R. 8069. Section 207, beginning on line 3 of page 43:

No part of the funds contained in this title may be used to force any school or school district——

So far it sounds good.

—which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964.

That is the distinction. They define what they say. You cannot force them to bus if in fact they are in compliance.

I say in my amendment they do not even get to judge whether you are in compliance or not in compliance. That is the courts' function, not HEW's function, and that is a major distinction.

Mr. NELSON. Will the Senator yield for a further question?

Mr. BIDEN. Surely.

Mr. NELSON. Do I correctly understand, then, that the Senator's amendment would not in any way interfere with a court order?

Mr. BIDEN. That is correct.

Mr. NELSON. So that if a court made an order based upon the Supreme Court decision, of course, the school district is required to comply?

Mr. BIDEN. Absolutely correct.

Mr. NELSON. Is the Senator also satisfied that his amendment is in no way in contravention of any provision of the Constitution, or the Supreme Court's interpretation thereof?

Mr. BIDEN. Yes, I am. All the amendment says is that some bureaucrat sitting down there in HEW cannot tell a school district whether it is properly segregated or desegregated, or whether it should or should not have funds, whether it should or should not assign students to classes or schools because of race. That is not their function. If any provision of the Constitution is being violated by a school district, it is for the Court and not the bureaucracy to judge.

All this says is: that HEW cannot do what it did in the De La Warr School District in Wilmington, Del., in parts of Kentucky, and in other parts of the country, and, under their own interpretation of what constitutes a segregated or desegregated school district, order a busing program, saying, "In this part of the school district you have 61 percent blacks, therefore in every school in the school district you should have 61 percent blacks, and in order to accomplish that we want you to change the system around to where each school has that percentage."

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

Mr. BIDEN. I would like to finish responding to the Senator from Wisconsin first.

Mr. NELSON. Just one more question. Using a hypothetical case, if a situation existed in some municipality, some city, which we would all agree and everyone would agree was an outrageous violation of the Constitution, specific actions by the school board to specifically segregate, drawing school district lines, a hypothetical situation which we would all agree was discriminatory——

Mr. BROOKE. If the Senator will yield, we have that situation in Boston.

Mr. NELSON. All right. I did not want to use a specific case, because I wanted to make it a hypothetical question. A situation in which we would all agree there was specific intent by the board to segregate by drafting, gerrymandering, or any other device, the only remedy left, then, is the courts; am I correct?

Mr. BIDEN. That is correct. And the court order need not be a busing court order, by the way, if I may submit that.

Mr. NELSON. I am not suggesting that.

Mr. BIDEN. All right.

Mr. NELSON. Busing is one remedy.

Mr. BIDEN. That is correct.

Mr. NELSON. No matter how clear it was, HEW would not have any authority to withhold funds?

Mr. BIDEN. Correct; they would not have any authority to withhold funds if they failed to make assignments to remedy the situation; if they failed to make assignments to classes or schools based on some racial composition.

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

Mr. BIDEN. I will not yield the floor.

Mr. BROOKE. No, I mean for a question.

Mr. BIDEN. I yield to the Senator from Massachusetts for a question.

Mr. BROOKE. What the Senator has said is that, in effect, this amendment would repeal title VI.

I think the Senator from Delaware has agreed that the courts can order busing; is that correct?

Mr. BIDEN. That is right.

Mr. BROOKE. And that his amendment will not in any way prevent the courts from ordering busing; is that correct?

Mr. BIDEN. I have not figured out a way, that is correct.

Mr. BROOKE. But the Senator's amendment does not stop busing.

Mr. BIDEN. My amendment does not do it.

Mr. BROOKE. All right. That leaves, then——

Mr. BIDEN. Nor does any other, that I am aware of.

Mr. BROOKE. All right. What the Senator's amendment would do, then, is remove the other means of desegregation, namely, those means that could be used by HEW in other types of assignments.

Mr. BIDEN. I will take issue with how we define "desegregation," but it would remove any means of ordering busing.

Mr. BROOKE. But it will not remove ordered busing——

Mr. BIDEN. Under a court order.

Mr. BROOKE. Because the Senator has agreed that only courts will order busing.

Mr. BIDEN. Correct.

Mr. BROOKE. What I wanted to bring out is this: the Supreme Court has indicated, and Congress in the Education Amendments of 1974, has listed other remedies besides busing that can be implemented to remove the effects of illegal segregation. One was to assign to the nearest appropriate school, taking into account physical capacities and physical barriers. That should be done before ordering busing. Second, take a look at the actual capacity; third, majority and minority transfer. Then there are magnet schools, and other feasible plans subject to section 215, et cetera.

In other words, we have other remedies that can be used before we resort, finally, to school busing. What the Senator is doing, which I think is counterproductive, and anyone against busing surely cannot support this amendment—is to say that the courts can still order busing. But then we remove the other options that HEW may use in place of busing.

When we heard this amendment was coming up, we contacted HEW and asked for their views, which are as follows:

First, the amendment would prevent HEW's ability to prevent students from being assigned to dead end and low-quality classes.

Second, it would prevent HEW from stopping intentional teacher assignment, that is, minority teachers to minority schools only. That would be cut out under the Senator's amendment; it could not be done.

Three, it would prevent HEW from finding discrimination and doing anything about it at all.

So the only remedy left would be court-ordered busing.

Is that what the Senator wants?

Mr. BIDEN. That is half correct. The Senator is half correct.

Mr. BROOKE. I think it is 100-percent correct.

Mr. BIDEN. The only remedy left would be to go to court at which time the court would order any of the other remedies that would have been available to the HEW. They could order magnet schools, the nearest school district, and all the things the Senator cites. A court could order that.

Mr. BROOKE. But the Senator is taking away from HEW the right to do that.

Mr. BIDEN. From HEW, that is precisely right. I do not want to mislead anyone. I am saying I do not want HEW to have that authority. Only a court should have that authority.

Mr. BROOKE. Does the Senator understand what he is doing? What he is doing is he is repealing title VI.

If I were an antibusing person, I could not support the amendment of the Senator because the only thing the Senator has left me is court-ordered busing. That is all he has remaining.

Mr. BIDEN. All I left to the Senator is having to go to court. The court does not have to order busing.

What I am trying to present here is what has happened in my State and many other States where HEW has ordered a method by which they make the determination, first, not a court, that a school system is desegregated.

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

Mr. BIDEN. One last point, then I will yield, and I should yield to the Senator from Kentucky, who has been standing for a long time. Then I will yield to the Senator from Alaska.

To follow up on the last point of the Senator from Massachusetts, he said were he an antibuser he would not support my amendment. I assume since he is a probuser he will support my amendment.

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

Mr. BIDEN. I will yield—without losing my right to the floor—to the Senator from Kentucky.

Mr. FORD. Without the Senator losing his right to the floor, I make a few comments.

I have heard this afternoon that this busing amendment comes back time and time again. The distinguished Senator from Massachusetts started quoting the December vote was 60 to 30 and another vote was 60 to 30-something. We had defeated it time and time again.

The Senator from Massachusetts reflected on the vote in the Senate Chamber this afternoon, on a vote that was not the best amendment, but something we could pursue. There was only a three- or four- or maybe five-vote difference. So, maybe the time has come when this Senate will change its mind.

As I have told the Senator earlier today, James F. Coleman made the study for the U.S. Office of Education on the effects of integrated education. This gentleman's views have been used in all of the court cases, but now:

> In what appears to be a smoldering indictment of ivory tower advice, Coleman now says that in the large cities of the Nation busing for racial balance doesn't work, that it does more harm than good, and that it ought to be abandoned.

So, I say to this Chamber that we have a right to change our mind if it does not work. We have had an opportunity to see it for many years, and we know it does not work.

We have in the past had reading, writing, and arithmetic the basic fundamentals of education in this country. But then we placed reading, writing, arithmetic, and work—vocational education—which I endorsed wholeheartedly. But now we have gone from reading, writing, arithmetic, and work to the social standards of this country and laid it on the back of education. Communities cannot stand that financial drain.

How are we improving the educational system in the communities by draining the dollars from them?

The latest record shows that the educational quality by the standard test is declining; it is going lower and lower. What are we doing to education by forcing busing?

I have talked to one family, less than 2 weeks ago, in the second largest community in my State. The children in that family have been in four different schools in the last 4 years in order to create the balance required by HEW.

I desire to quote SHIRLEY CHISHOLM, if we want to get into that, if I can find the quote here, that she says that this will not work; and many others in leadership say it will not work.

So we need the educational qualities that are not there.

In fact, in one community in my State, to comply they have moved the children from one fifth grade to another fifth grade in order to get the percentage of balance. We keep these children in the minority in every position. They go bouncing from one school to another school, and we inflame the emotions within the communities.

How long will it take the parents of these children to get over the traumatic experience, in not just Boston, not just Louisville, but other communities? How long will it take these children to get over the traumatic experience? I do not know.

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

Mr. FORD. I am glad to yield. I cannot answer all the questions. I do not have all the details here.

But I yield for a question on it to the Senator from——

Mr. BIDEN. Mr. President, does the Senator from Delaware have the floor?

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Does the Senator from Delaware yield?

Mr. BIDEN. The Senator from Delaware does not yield the floor, but when the Senator from Kentucky is finished, I will be happy to yield for a question or statement from the Senator.

Mr. ROBERT C. BYRD. Mr. President, before the distinguished Senator from Alaska asks his question, could we get a time limitation on this amendment?

Mr. BIDEN. I am prepared to agree to any time limitation that the opposition agrees to.

Mr. STEVENS. Mr. President, the Senator from Massachusetts is not here at the present time. Will the Senator withhold that for a minute?

Mr. ROBERT C. BYRD. Is that Senator BROOKE?

Mr. STEVENS. He said he would be back.

Mr. ROBERT C. BYRD. He suggested I try to get a time limitation agreement.

Mr. BIDEN. I am willing to agree to a 5-minute time limitation, 5 minutes on each side.

Mr. WEICKER and Mr. MAGNUSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Does he agree to yield?

Mr. BIDEN. The Senator from Delaware does not agree to yield the floor. The Senator from Delaware yielded for a question but the Senator from Delaware also yielded for a unanimous consent request from the leadership.

Mr. FORD. Mr. President, where does that leave the Senator from Kentucky? That leaves him on his feet, I hope.

The PRESIDING OFFICER. It will leave him if he wants to speak, yes.

Mr. FORD. Mr. President, I will yield the remainder of my time back to the Senator from Delaware, and that will clear the parliamentary hassle.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. I will ask the Senator from Delaware to yield the floor pretty soon. He can come back and get the floor as long as he wants afterward.

But on the other side here we have not had any time. So we are not going to agree to——

Mr. BIDEN. My concern is because of what happened the last time when the Senator from Delaware yielded the floor, when the Senator from North Carolina yielded the floor last time there was no chance of debate. This was going to be a substitute. There was an immediate move to motion to table, cutting off all debate.

So I will not yield the floor. I will answer any questions. When Senators stop asking me questions then I will yield the floor.

Mr. STEVENS. Mr. President, then I object to any unanimous-consent agreement until the Senator yields the floor.

Mr. ROBERT C. BYRD. Mr. President, if I could obtain a unanimous-consent agreement, it would provide for the Senator from Delaware having a certain amount of time and a certain amount of time for the opposition.

Could we agree that the vote would occur at 5:30 p.m. today, with the time being divided?

Mr. EAGLETON. Mr. President, reserving the right to object, I have a few questions I would like to ask.

Mr. ROBERT C. BYRD. The time is to be divided 15 minutes to the author of the amendment and 15 minutes to the manager of the bill.

The PRESIDING OFFICER. Is there any objection to the unanimous-consent request?

Mr. MAGNUSON. Mr. President, reserving the right to object——

Mr. ROBERT C. BYRD. It has already been objected to.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. Mr. President, could we get an agreement that there would be a vote on this amendment at no later than 6 p.m. today, with time to be divided between Mr. BIDEN and Mr. MAGNUSON.

The PRESIDING OFFICER. Is there objection to that request?

Mr. BIDEN. Mr. President, reserving the right to object, in all fairness, I had more time, and I am willing to have a vote by 5:45 p.m. and for the Senator from Delaware to have 15 minutes and the opposition to have a half hour.

Mr. ROBERT C. BYRD. Then, Mr. President, that will be 30 minutes to Mr. MAGNUSON and 15 minutes to Mr. BIDEN.

Mr. MAGNUSON. Mr. President, I will ask the Senator from Massachusetts if he is going to be in charge of the time.

Mr. ROBERT C. BYRD. Thirty minutes to Mr. BROOKE and 15 minutes to Mr. BIDEN.

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

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. Will the vote be at 5:45 p.m.?

Mr. BIDEN. Mr. President, I yield the floor.

Mr. EAGLETON. Mr. President, will the Senator yield for two questions?

The PRESIDING OFFICER. The order is that the vote will occur no later than 5:45. It could occur before then.

Mr. ROBERT C. BYRD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ROBERT C. BYRD. What did the Chair state about the order?

The PRESIDING OFFICER. The order states that the vote will occur no later than 5:45. It can occur before then if all time is yielded back.

Mr. ROBERT C. BYRD. With 15 minutes to Mr. BIDEN and 30 minutes to Mr. BROOKE.

The PRESIDING OFFICER. That is correct.

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

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

Mr. BROOKE. I yield 3 minutes to the Senator.

Mr. STEVENS. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order. The Senate will suspend until the Senate is in order.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield me 30 seconds?

Mr. STEVENS. I yield.

## ORDER FOR RECESS UNTIL 9:30 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

## ORDER FOR CONSIDERATION OF H.R. 8069 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume consideration of the pending measure at 10 a.m. tomorrow.

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

## DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS ACT, 1976

The Senate continued with the consideration of the bill (H.R. 8069) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, following the disposition of the pending amendment, that will be the last matter that will be considered today.

I thank the Senator for yielding.

Mr. STEVENS. Mr. President, I call the attention of the Senator from Delaware to the fact that, properly read, the existing bill reads:

> No part of the funds contained in this title shall be used . . . to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds . . .
>
> No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

We have been redundant in meeting the busing issue. Those of us who represent areas that have Indian children cannot go any further. It is high time that the people involved in this transportation problem recognize the fact that we move Native children, in my State thousands of miles in order to assure them quality education. In the past we moved students from my State to Oklahoma and Oregon. We send them from Point Barrow to Anchorage or Fairbanks. We try to achieve quality education for our Native children.

I have offered the Senator a substitute for his amendment which was cleared through the Senator from Massachusetts, and I think others would accept it. It reads:

> Except as required by court order, none of the funds appropriated under this act shall be used to require any school, school system, or other educational institutions, as a condition for receiving funds, grants, or other benefits from the Federal Government, to assign teachers or students to schools, classes, or courses to achieve racial balance.

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

Mr. BROOKE. I yield the Senator 2 additional minutes.

Mr. STEVENS. We have met the busing issue in this bill. If the Senator will read the bill, he will find that these amendments have been worked out through the conference procedures with the House in connection with appropriations bill for 3 years. To get into the point now where it is said that we cannot receive funds, grants, or other benefits from the Federal Government to assign teachers or students to schools, classes or courses for reasons of race, that is precisely what we do.

Mr. BIDEN. The section the Senator has read says that no funds appropriated in this act may be used for the transportation of students. To my recollection,

there are no funds in this act for transportation.

Mr. STEVENS. The problem is that HEW, some people fear, might use the funds to require transportation.

Mr. BIDEN. That is not what my amendment goes to.

Mr. STEVENS. But again I tell the Senator that we have met the busing issue. To raise the busing issue at this time, on this bill, after 3 years of debating it on the floor and with our friends in the House, in conference, is throwing the worst red herring I have ever seen. Busing is not an issue so far as the use of the funds in this bill is concerned, except as required by court order, and that is what the Senator says he has no objection to.

Mr. BIDEN. At the expense of being facetious, perhaps no one ever picked it out before. In fact, this is not a red herring. If the Senator from Alaska will notice, the section he read does not talk about the requirement "of"; it talks about the use of funds "for." There is a subtle distinction, but a distinction nonetheless.

Mr. STEVENS. It says:

> To force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

I do not know how it can be made any plainer.

Mr. BIDEN. That goes back to title 4 of the Civil Rights Act and the interpretation of HEW as to what constitutes compliance with title 4.

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

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

Mr. BROOKE. I yield.

Mr. JAVITS. Mr. President, I ask unanimous consent that Greg Fusco may have the privilege of the floor during the consideration of this measure.

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

Mr. BROOKE. Mr. President, I yield 5 minutes to the Senator from Connecticut.

Mr. WEICKER. Mr. President, I have a few remarks to make relative to this amendment or any other like it.

First of all, as to the comments of the distinguished Senator from Kentucky with respect to the trauma of the children, I suggest that the children are doing rather well. The trauma is with the parents. I was very impressed with the few brief remarks I heard by Archbishop Madaras from Boston the other day in which he indicated that we all could take lessons from the children. When I say all of us, I include those on the floor of the Senate as well as parents. If there is trauma, it is a trauma that rests with older America, not young America, on this particular issue.

Our job, it seems to me, is to go ahead and address ourselves to equality of educational opportunity, not busing as ordered by a court. There is very little we can do about that. We can do a great deal about equality of educational opportunity.

Last year I offered an amendment that would appropriate $2.3 billion to be used to provide the necessary buildings and programs and personnel, to assure that we would not run into or create those illegal situations which end up in c urts. Everybody agreed; everybody wanted to cosponsor the measure. As soon as I made the suggestion that we levy a one percent surtax to pay for it, everybody got off the bill.

In other words, what I am saying is that there is a price to be paid here. So far, all I hear is a great deal of hatred and debate, with respect to the legislation by the Senator from Delaware and others. I have not heard anyone attempt to attack the problem positively.

The Senator from Delaware, the Senator from North Carolina, and others know that there is not a thing we are going to do—nor would I want to—with the independence of our judiciary. Whether they are the legislators in this hall or those at the State or local level, a great deal can be done in a positive way.

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

Mr. WEICKER. No. I will not yield.

Why all the finger pointing at the courts? That is the last stop on the line. It seems to me that the public has every right to get mad, and somehow we are keeping the heat on the courts because we do not want it on ourselves. We in the legislative branch of the Government have the power to assure equality of educational opportunity, to assure that these matters never go to the courts.

As I have said many times, what you cannot have is your prejudices and your wallets intact. Something has to give. Nobody wants to suggest a price—only yelling and screaming at the courts or at HEW.

As I have seen matters develop in the country, nobody I know thinks busing is something they would prefer to have. Obviously, they would prefer that our energies and moneys be directed in a positive manner. But what undermines the Constitution is to have the leadership of this country, whether it is in the White House or on the floor of the Senate, continue to make statements which are totally deceptive, which do not address themselves to the truth of the matter.

I suggest to the Senator from Delaware that if he does not like busing, he join me, and we will cosponsor legislation, and we will once again try to get an appropriation of several billion dollars and advocate a surtax to pay for it.

There is a price. I say it again. There is no such thing, whether it is in energy or in education, as a free lunch. There is a price. But for heaven's sake, let some leader in the country stand up and explain that to the American people rather than——

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

Mr. WEICKER. May I have 2 more minutes, I ask the distinguished Senator from Massachusetts?

Mr. BROOKE. Yes, I yield 2 more minutes.

Mr. WEICKER. We should do that rather than incite people to focus their attention on the courts so they will not focus their attention on our inadequacies or those of the State governments, of the local councils. In essence, leadership is acting the role of cheerleader rather than assuming the role of leader.

Mr. BIDEN. Will the Senator yield on my time?

Mr. WEICKER. Yes, I yield on the Senator's time.

Mr. BIDEN. The distinguished Senator from Connecticut may not have done all his homework. If he will look, he will see that the Senator from Delaware did support the Senator from Connecticut before. The Senator from Delaware has supported every such piece of legislation that has come forward that has, in fact, broadened the civil rights of any American in this country.

The Senator from Delaware has supported, sponsored or cosponsored or voted for every piece of civil rights legislation that has come down the pike in the 2½ years he has been here. I suspect that the voting record on civil rights legislation of the Senator from Delaware is every bit as good as that of the Senator from Connecticut.

When the Senator from Connecticut decides whether this is one that deals with equality of education or not, whether it undermines the Constitution or not, I suggest that he examine the basic concept first—which is what possible good does busing do to begin with?

I could go on about housing and a number of other things that the Senator from Delaware has sponsored as a member of the Housing Committee to broaden the rights and opportunities of the people, the principle upon which many of these very court decisions that have been ordered have been based, that there have been discriminatory housing patterns.

I yield the floor.

Mr. WEICKER. The amendment of the distinguished Senator from Delaware does not build one new school, does not create one new program, does not hire one additional teacher. It does none of these things, which are what has to be done if we want to find a solution other than busing. All it does, as everything else that is being said in the country today, is say no—we do not like the courts, or in effect, we do not like the Constitution, we do not like the law of the land.

It is an incredible position for the leadership of the country to be in, that we do not like the law of the land.

Mr. EAGLETON. Will the Senator from Delaware yield?

Mr. BIDEN. Yes.

Mr. EAGLETON. Am I to take it that the Senator from Connecticut is saying that no one on Earth, or especially in the United States, can say, "I do not like

a certain law, I seek to amend a certain law"? Is every law in the statute books of satisfaction to the Senator from Connecticut?

Mr. WEICKER. To the Senator from Missouri, I say that I think it is up to the leadership to explain to the American people that the law of the land, once finally determined by the courts, is just that, and not give the impression that it can be loosely changed. It cannot. The distinguished Senator knows that better than anybody else.

Obviously, we all express our opinions, but I think it is the position of the leadership in the country to get off the kick of yelling at the courts and supply the initiative for positive solutions. That is what has not been done.

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

As the Senator knows, the Supreme Court, 2 years ago, issued a very controversial decision relating to abortion. Is someone in this country not privileged to question the wisdom of that decision and say, "I would like to change it by the constitutional processes?" Is there anything un-American in making that decision?

Mr. WEICKER. The term "un-American" is the Senator's word, not mine.

Mr. EAGLETON. If the President of the United States wants to suggest it, or the Vice President were to suggest it, or a Senator were to suggest that a law be changed——

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. BROOKE. I yield time to the Senator.

Mr. EAGLETON. Would there be anything improper in such a suggestion?

Mr. WEICKER. I repeat what I said to the Senator from Missouri. I would like to see the leadership of this country speak out in a positive way as to how we are going to achieve equality of educational opportunity, rather than continue to raise its voice in criticism of the courts.

I yield back to the distinguished Senator from Massachusetts.

Mr. HUDDLESTON. May I have 30 seconds?

Mr. BIDEN. On my own time, I wish to respond.

Is the Senator from Connecticut suggesting that the Senator from Delaware, who has supported housing legislation, EEOC legislation, equal credit legislation, educational legislation—gather all that legislation, gather it all together, and today, at the same time he wants to eliminate the right of HEW to bus, attach a 5-page or 25-page or 50-page amendment to this bill to say the Senator from Delaware wants to stop busing and, at the same time, he wants everyone to agree that they are going to do the following 47 things that the Senator from Delaware has voted on over the past two and a half years to provide equal opportunity in an educational system?

Mr. WEICKER. In response to the distinguished Senator from Delaware, there is no question in my mind that the amendment of the Senator from Delaware guts the spiritual impetus to achieve equality of educational opportunity in this country. I respect him for all else that he has done, but on this issue he knows very well what he is dealing with, as do I. Yes, it guts the spiritual impetus to achieve that equality at the earliest possible date.

I am amazed by the words used in this Chamber, that we are doing all right, we are progressing with an "all deliberate speed" type of philosophy.

Mr. BIDEN. I suggest to the distinguished Senator from Connecticut that he has never heard the Senator from Delaware say, "We are doing all right." I respect the Senator from Connecticut for saying this guts the moral impetus for change. If that is what he believes, let him talk about that issue. But let him not obfuscate the issue and talk about everything else from housing to educational funds.

Mr. WEICKER. The Senator from Delaware raised the question of housing.

Mr. BIDEN. The reason why the Senator from Connecticut is opposed to this amendment is not because there is no alternative offered in those other areas, it is because the Senator truly believes, and I respect him for it, that it in fact guts the spiritual and moral underpinning of the whole movement toward equal opportunity. If he believes that, he has to vote against it. Then let us talk about that. Let us not talk and say the Senator from Delaware has an obligation to turn around and offer a precise alternative to something he knows is not working.

The Senator from Connecticut talks about leadership. What is leadership? Quite frankly, it may be brash and presumptuous of me to say it, but I am a U.S. Senator; I consider myself part of the leadership of this Nation. I do not have any magic leadership. The Senator keeps talking about the leadership as if he or she were not in this room.

If the Senator has that opinion of the tor keeps talking about the leadership capability, I respect him for that opinion. But I refuse to believe that leadership does not exist in this Chamber. I refuse to believe that I was elected by the people of Delaware because they thought I would not provide any leadership. If I do not provide any leadership in my own small way, what the devil am I doing here? That is probably what many of my colleagues are asking: What the devil am I doing here?

Where is the leadership? It should be right here in the Senate, in the person of the Senator from Connecticut, of the Senator from Delaware, of the Senator from Kentucky, and so on down the line.

Mr. HUDDLESTON. Mr. President, may I have 30 seconds?

Mr. BIDEN. I yield 30 seconds to the Senator from Kentucky, and then I shall reserve the remainder of my time.

Mr. HUDDLESTON. There is nothing which makes it incumbent on the Members of the Senate to accept unwise decisions, whether from the Supreme Court or any other source. As a matter of fact, if the contention of the Senator from Connecticut is correct and the leadership ought to embrace the decisions of the Supreme Court, then we would still have in this country the so-called "separate but equal" school system that we all know now is ridiculous, because for 100 years the Supreme Court said that was the correct way.

Mr. BIDEN. I yield the floor.

Mr. EAGLETON. Will the Senator from Delaware yield to me for a series of genuine questions?

Mr. BIDEN. Mr. President, how much time does the Senator from Delaware have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes.

Mr. BIDEN. I yield for a question to the Senator from Missouri.

Mr. EAGLETON. Do I understand correctly that the Senator's amendment would not in any way affect court-ordered busing?

Mr. BIDEN. That is correct.

Mr. EAGLETON. Thus, to take Boston's situation, where Judge Garrity has ordered busing, the Biden amendment, if it passes, would not affect that situation?

Mr. BIDEN. Correct.

Mr. EAGLETON. Or Denver, where there was a Federal court order, would not be affected by the Biden amendment?

Mr. BIDEN. Correct. Any court order in the United States, now or in the future, would not be affected by this legislation.

Mr. EAGLETON. Does the amendment of the Senator in any way distinguish between what is called de facto segregation and de jure segregation?

Mr. BIDEN. Will the Senator repeat that?

Mr. EAGLETON. Does the Senator's amendment treat of the distinction that is oftentimes made between de facto segregation and de jure segregation?

Mr. BIDEN. The amendment of the Senator from Delaware merely says that HEW cannot make that determination. That is really all it says. The courts have been basing their decisions, as the Senator from Missouri knows, on the concept of de facto or de jure segregation. All I am saying is that that is up to a court to decide. I have not even figured out how to stop a court from deciding. If I could, I would.

All I am saying is that HEW cannot make that decision if this passes, they cannot even get to that.

Mr. EAGLETON. Is the Senator's reading of the recent cases such that the courts, in his opinion, are sometimes intermingling de facto segregation with de jure segregation?

Mr. BIDEN. More than sometimes, yes.

Mr. EAGLETON. Has the Senator, in his reading of the cases, come to the conclusion that there can be no busing under the Detroit case between contiguous school districts if they were not gerrymandered?

Mr. BIDEN. That was the Senator from

Delaware's reading, and that is why I was initially hopeful when that opinion was rendered.

Mr. EAGLETON. As I read the Detroit case, absent gerrymandering, there can be no busing between contiguous school districts. There can be intra district busing, but not inter district busing.

Mr. BIDEN. Unless there is a gerrymandered situation in the classic sense that we learned in the eighth grade what a gerrymander was.

Mr. EAGLETON. If the boundaries of the districts were gerrymandered, then such gerrymandered district lines are done away with?

Mr. BIDEN. Yes.

Mr. EAGLETON. Once again, in Detroit where there was no gerrymandering, the Supreme Court did not order busing between contiguous school districts?

Mr. BIDEN. That was the Senator's reading, and I do not profess to be an expert.

Mr. EAGLETON. Thus, in the St. Louis school district, or the Newark school district there can only be busing within said district?

Mr. BIDEN. As the Senator from Delaware reads the case.

Mr. EAGLETON. Thus, if an inner-city school district like Washington, D.C., is lopsidedly black, the only judicial remedy is the empty one of busing a few white children to sprinkle them amongst many black children?

Mr. BIDEN. That is the opinion of the Senator from Delaware. I know what the Senator from Missouri is leading up to.

Mr. EAGLETON. I am not sure I do, but I think——

Mr. BIDEN. I hope he does not.

Mr. EAGLETON. I think we have restated what is the applicable case law.

Two more questions and then I am through: Is there any way the Senator from Delaware can devise that we could circumscribe by statute the power of a Federal court with respect to busing?

Mr. BIDEN. I have not figured out how to do that.

Mr. EAGLETON. The only way Congress can take jurisdiction away from the Federal court insofar as ordering busing is concerned is to amend the Constitution?

Mr. BIDEN. That is what the Senator from Delaware, as an attorney, has come to.

Mr. EAGLETON. But what the Senator wants by his amendment is to take away from HEW the right to administratively order busing? HEW would still be able to go to court to seek to enforce a busing plan which HEW had devised?

Mr. BIDEN. Precisely.

Mr. EAGLETON. Therefore, the Senator wants to consciously—and he is not masquerading it—he wants to consciously restrict the unilateral administrative applicability of title VI.

Mr. BIDEN. Absolutely.

Mr. EAGLETON. My final question: If all of that be true—and I think we have agreed on what the body of law is—why does the Senator refuse to take the language as suggested, I think, by the Senator from Alaska "except as ordered by a final decree of a Federal court"?

Mr. BIDEN. For the same reason the Senator from Alaska says we did not need that legislation in the first place because it is redundant. Obviously, the court already has that power. There is one thing we have not metioned here, the one thing that was touched on by the Senator from Kentucky. It seems to me the American people are looking to this body, looking to the U.S. Congress, to come up and recognize that busing does not work. When we put such language as "unless by court order," which is already the power of the court, they do not need that language. What we do is, we signal the people of the United States that somehow, you know, we still want busing to go on; that we still see busing as a reasonable alternative.

I think, I came to the conclusion, unfortunately, 6 months ago, that even some legislation which would not be that productive would be worthwhile passing by this body just to let the American people know that we share their frustration and realize while we are looking for a way out of it that what is going on now is asinine.

Mr. EAGLETON. May I respond to the Senator from Delaware? I think, quite to the contrary of what the Senator is saying, that his amendment without the "except" language would cause some in the press to write "Senate outlaws busing decrees."

Mr. BIDEN. Not unless there are a lot of stupid reporters.

Mr. EAGLETON. What worries me is that some might construe the Senator's language as implying that this could supersede a busing plan promulgated by a court order.

All I am saying is that the Senator's amendment loses none of its effect if the language were amended to include "except as ordered by a final decree of a Federal court." Then it is clear what it applies to. No one in Boston is deceived. No one in Denver is deceived. No one in a whole host of cities where court-ordered busing plans are now in effect will be deceived by the scope and effect of the Biden amendment.

Mr. BIDEN. If the Senator will yield, I do not believe any reporter who has followed the debate in any way or is going to write about this could possibly come to that conclusion. By including the language of the Senator from Alaska and the Senator from Missouri, I think it would weaken the impact of this amendment.

I only have 2 minutes remaining and I withhold the remainder of my time, and I yield.

The PRESIDING OFFICER. Who yields time?

Mr. BROOKE. Mr. President, I think the questions asked by the distinguished Senator from Missouri (Mr. EAGLETON), who has been in the forefront of civil rights legislation, and who served as a most able attorney general of his State, were right on point. He asked if this amendment would constrict title VI of the 1964 Civil Rights Act. I think not only would it constrict title VI but it could, in effect, eliminate title VI. That is, the force and effect of the Biden amendment.

And it should be pointed out that it is a deceptive amendment. It is deceptive in that it would really play a hoax on the American people. I think they would believe that we are doing something about forced busing. But we are not doing anything about forced busing in this amendment, not at all. It certainly does not address itself to the courts. The courts can continue to order busing. The Senator from Delaware has said so himself. He would like to do something about it, but he admits that this amendment will not do it.

What he is doing by this amendment is very dangerous. It is dangerous because it goes far beyond busing. It restricts HEW's ability to enforce title VI, this amendment could remove all the available options which the Department of Health, Education, and Welfare now has in desegregating schools. The many remedies available under title VI allows HEW to avoid busing. And that is what the Department should do. We should only resort to forced busing by court order when everything else has failed.

But this amendment removes all remedies that involve assignment. As I said earlier, if I were an antibusing person I could not vote for this amendment because it would remove everything that would be available to me in order to avoid forced busing.

I do not know if the Senator understands the effect of his amendment. HEW certainly understands it. I hope my colleagues understand it.

I do not know whether the Senator really wants to eliminate—he said constrict when he was having a colloquy with the Senator from Missouri—but I hope he does understand that what his amendment would do would be to eliminate title VI. And we have gone too far, far too far, to eliminate title VI. We need it, and we need it desperately. I certainly hope that the Senator would not push his amendment after understanding the danger inherent in his amendment.

I have only a limited time and I yield to the distinguished Senator from New York on this point. I am sure he feels very strongly about this.

Mr. JAVITS. Mr. President, I have served not only in respect of this matter, but in respect of education generally for many years. The thing that strikes me very deeply about this argument is Senator BIDEN's statement that something respecting busing ordered by anybody, courts or the Department, something he knows that is not working.

Now, what is the indicia of that? The indicia of that is assaults in Louisville and Boston. But judges, under these very criteria which Senator BROOKE spelled out and is spelled out in the education law that this is the last of our remedies, judges continue to order busing after full

evidence before them, and they must make it under present law, and they come out finding that this is the only efficacious remedy.

For what? For discrimination, not for quality education.

The idea of diverting this to quality education is a red herring. We are not doing anything about that, only with the constitutional right to equal opportunity and an express favoring by a court that equal opportunity under the Constitution demands in that particular use, for those particular reasons, busing.

Now, we are protecting a minority. That is the whole genius of the Constitution. The overwhelming majority fights. Are we going to quail before the fact that the overwhelming majority uses illegal force to fight against our constitutional right? Yet that is what the gentlemen are saying.

Are we afraid to contend with that? Are we afraid to contend with that when hoodlums in the State and the city of New York, or any other city, are hitting citizens over the head in violation of their constitutional rights?

Quality education is a totally different question for which we have got to put up the money and the skill and the necessary laws, and we have not done that. All we are doing is excusing ourselves and begging the question by this argument.

So if we do not have the validity to say that what the courts can do, the HEW can do, also subject to court review and court stay, then we have no moral validity at all.

Is it morally right for the courts and not HEW, or is the United States a unitary government enforcing rights of minorities under the Constitution?

If it is, the Senate has a good doctrine in the higher education bill.

In my faith, they say:

Behold, I have given you a good doctrine, forsake it not.

I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Do both sides yield back the remainder of their time?

Mr. BIDEN. Mr. President, I would like to respond, to use at least 1 of my 2 minutes remaining to respond to the Senator from New York, who said, Are we a unitary government, are we not a unitary government, are we going to allow the courts to take one position and say it is right and at the same time not let a bureaucracy do the same thing?

I would submit that the way our Government is set up is the bureaucracy is not designed to be the one to make the judgment, whether or not it is done.

What the Senator from Delaware is suggesting here today in no way would preclude HEW from going forward and enforcing a court order if the court told them to do it; it is not the function of an administrative agency to make the same kind of determination that a court is designed to make in this instance.

Mr. BROOKE. In this instance, the HEW does not require forced busing. The courts order busing.

What the Senator is doing, and I repeat again, as it apparently is not understood, the Senator is removing HEW's ability to use other options to force busing, the very same thing the Senator is opposed to.

I can understand Senator HELMS' motives and his amendment against forced busing, and, I can understand Senator ALLEN's, I can understand and I respect them for what they are doing, they know where they want to go; they want to stop forced busing. But the Senator's amendment does not stop forced busing. What the Senator's amendment is doing is stopping the options to forced busing.

I am saying to the Senator that that is very, very dangerous. It is dangerous to those who are antibusing, it is dangerous to all those people who support civil rights and who rely on title VI. I do not think the Senator intends to do what his amendment could accomplish. That is why I was asking the Senator not to force the amendment to a vote. But apparently the Senator wants it to go to a vote.

I yield back all my time in order to have the vote.

Mr. BIDEN. Mr. President, I ask unanimous consent that I be able to modify my amendment to say——

The PRESIDING OFFICER. A unanimous consent is not needed.

Mr. BIDEN. I would like to modify my amendment to say something which I cannot find here.

Mr. BROOKE. Mr. President, I withhold my time; I do not know what this modification will be.

Mr. BIDEN. If the Chair will indulge me for a moment, in the beginning of my amendment, to precede the word "none" I would like to say "except as specifically ordered by a final decree of a Federal court."

The PRESIDING OFFICER. Is there objection to the modification?

Mr. BROOKE. I object.

The PRESIDING OFFICER. Objection is heard.

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

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

The PRESIDING OFFICER. The question is on the——

Mr. BIDEN. 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.

ADDITIONAL STATEMENTS RELATING TO MR. BIDEN'S AMENDMENT

Mr. BENTSEN. Mr. President, I have consistently opposed the compulsory busing of schoolchildren since coming to the Senate in 1971. And for good reason.

I have voted against it 36 times. And today, as the issue is disrupting the educational process in northern and southern communities alike, I am more convinced than ever that it simply does not work.

In 1971, three antibusing amendments were offered, but in all three cases those of us who supported these measures were defeated by forces supporting busing.

The most significant of 17 antibusing measures in 1972 was the Griffin amendment, which would have denied the courts jurisdiction to order busing and prohibited any Federal agency from withholding money to force busing on school districts.

We almost passed that legislation. And we would have if President Nixon had spoken out in favor of it as he did later—after it had already failed.

In 1973, I voted for both amendments offered in the Senate to prohibit busing. And, in 1974, I was recorded on some 15 separate occasions against busing. But those years, as in the years before, we were unable to get congressional approval of any measures.

Compulsory busing was partially intended as an instrument of social change, for bringing people of different races together. This is an admirable goal, for only by bringing the people together can we ultimately hope to achieve understanding and harmony.

But should our educational system bear the burden of bringing about social change? I think not. And, even if this were desirable, there is ample evidence that busing is not the instrument to do the job. It has, in fact, only led to less understanding and more antagonism.

Busing was also meant to insure quality education for all young Americans, regardless of color. It would, we were promised, upgrade the education of all students.

It has not. Dr. James Coleman, who authored the 1966 report on school integration, recently told the New York Times that efforts to utilize busing in some northern cities he had studied resulted in "no benefit in any sense as far as we know."

"What is wrong with compulsory busing," Dr. Coleman said, "is that it is a restriction of rights. We should be expanding people's rights, not restricting them."

And William Raspberry, a black columnist for the Washington Post, sums it up this way:

Busing rarely works. What often happens is that children involuntarily transferred because of their race arrive at the new school full of fears, insecurities and resentment. In many cases, they hardly learn anything.

Busing has, in short, proved counterproductive to the overall goal of providing quality education for all children—rich and poor, white and black and brown. It has divided communities. It has created bitterness. And, caught in the middle of the strife are those very students we are supposedly working to help.

The time has clearly come to stop chasing after some mythical ratio of black to white through compulsory busing. The time has come to realize that, although the end is still the same—a quality education for all children—the means have got to change.

This amendment by Senator BIDEN, which I have co-sponsored, is a strong step in the right direction. Although it does not affect court orders, it does as-

sure that HEW will not use arbitrary authority to order specific ratios of black and white students in the schools. I expect this amendment to pass. It will be a first step, and I expect other antibusing proposals to be equally successful.

Mr. THURMOND. Mr. President, I am pleased to cosponsor the amendment offered by the distinguished Senator from Delaware (Mr. BIDEN). This amendment would prohibit any of the funds appropriated in this bill to be used for assigning teachers or students to schools for reasons of race.

Mr. President, recent polls all across the Nation clearly reveal that the American people, regardless of race, are overwhelmingly opposed to busing solely to achieve racial balance in the public schools. This is a ridiculous policy and it is high time that it was stopped. Busing for racial balance is unreasonable, impractical and has no place in an effective public education system.

I strongly urge my colleagues to recognize the necessity and wisdom of this amendment and adopt it.

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

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. HARTKE) and the Senator from South Dakota (Mr. MCGOVERN) 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 New York (Mr. BUCKLEY) and the Senator from Nebraska (Mr. CURTIS) are necessarily absent.

I also announce that the Senator from Illinois (Mr. PERCY) is absent on official business.

I further announce that the Senator from Kansas (Mr. DOLE) is absent due to illness in the family.

I further announce that, if present and voting, the Senator from Kansas (Mr. DOLE) would vote "yea."

The result was announced—yeas 50, nays 43, as follows:

[Rollcall Vote No. 397 Leg.]

YEAS—50

| | | |
|---|---|---|
| Allen | Ford | Metcalf |
| Baker | Garn | Nelson |
| Bartlett | Goldwater | Nunn |
| Beall | Griffin | Proxmire |
| Bentsen | Hansen | Randolph |
| Biden | Haskell | Roth |
| Brock | Helms | Scott, |
| Burdick | Hollings | William L. |
| Byrd, | Hruska | Sparkman |
| Harry F., Jr. | Huddleston | Stennis |
| Byrd, Robert C. | Jackson | Stone |
| Cannon | Johnston | Symington |
| Chiles | Laxalt | Talmadge |
| Cotton | Long | Thurmond |
| Domenici | Magnuson | Tower |
| Eagleton | Mansfield | Young |
| Eastland | McClellan | |
| Fannin | McClure | |

NAYS—43

| | | |
|---|---|---|
| Abourezk | Case | Fong |
| Bayh | Church | Glenn |
| Bellmon | Clark | Gravel |
| Brooke | Cranston | Hart, Gary W. |
| Bumpers | Culver | Hatfield |
| Hathaway | Montoya | Scott, Hugh |
| Humphrey | Morgan | Stafford |
| Inouye | Moss | Stevens |
| Javits | Muskie | Stevenson |
| Kennedy | Packwood | Taft |
| Leahy | Pastore | Tunney |
| Mathias | Pearson | Weicker |
| McGee | Pell | Williams |
| McIntyre | Ribicoff | |
| Mondale | Schweiker | |

NOT VOTING—7

| | | |
|---|---|---|
| Buckley | Hart, Philip A. | Percy |
| Curtis | Hartke | |
| Dole | McGovern | |

So Mr. BIDEN's amendment was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. MORGAN. Mr. President, on the amendment just adopted, I voted "No." For the RECORD, I would like to make substantially the same remarks I made a few days ago.

First of all, let me say that I am unalterably——

The PRESIDING OFFICER (Mr. STONE). The Senate will be in order. The Senator from North Carolina will suspend until order is restored. Senators will please take their seats. Members of the staff will take their seats. The Senate will be in order.

The Senator may proceed.

Mr. MORGAN. Mr. President, I am now and have been through the years unalterably opposed to busing of schoolchildren for the purpose of achieving racial balance. As attorney general of my State, I appeared in the first case that was argued in the Supreme Court of the United States, the *Swann* against *Charlotte* case, and tried to defend that position. The Supreme Court, of course, ruled against me.

Since that time, busing has been ordered in many cities and counties in North Carolina. Court-ordered busing has taken place in the city of Charlotte, in Mecklenburg County, in the capital city of Raleigh, in the Winston-Salem city schools, in the Forsythe County schools, the Durham city schools, the Durham County schools, the Statesville city schools, the New Hanover County schools, the Greenville city schools, and the Greensboro city schools. If you drive through Winston-Salem, North Carolina on interstate 40 during the morning hours or the afternoon hours, you will find schoolbuses on that interstate highway with children being bused at the orders of the court.

But in the debate on this amendment today, it was stated by both the proponents and the opponents that the amendment would in no way alleviate the situation of those who were being bused by court orders. What it does is simply take the pressure off of some of the States that have for so long sought to press down this burden upon those of us in the Southern States. If we continue to permit that, we whose children are now enduring this burden will continue to have to endure it.

For that reason, I cast my vote "No." I call for equal enforcement of the laws of this Nation all across the Nation—not just in the Southern school districts.

ADDITIONAL STATEMENTS SUBMITTED IN CONNECTION WITH H.R. 8069

Mr. BAYH. Mr. President, the Labor-HEW appropriations bill includes several provisions which are particularly important to older people throughout the country.

Inflation has increased the costs of medical care, rent, and food to all consumers. The elderly are particularly hard hit by such increases because so many of them are on fixed incomes. Spiraling costs have frequently meant that more and more older people have not had sufficient funds to buy adequate meals or nutritious food.

Fortunately, there are valuable programs which seek to alleviate this problem.

One of these, the nutrition program for the elderly, has become one of the most popular programs that I have witnessed in a long time. Under title VII of the Older Americans Act, nutrition services are provided to senior citizens in congregate settings. In addition, meals-on-wheels are provided to elderly people who are unable to reach meal centers, permitting disabled persons to have access to nutritious food services.

This well-conceived program does not only cater to the nutritional needs of elderly people. It provides recreational and counseling services and transportation to meal centers. Thus, the nutrition program for the elderly helps to take older people out of isolation, bringing them to a place that offers occupation and companionship. It is little wonder, therefore, that this program has become popular in a short period of time.

About 1 year ago, a survey was taken of elderly people seeking to participate in the program but who were placed on waiting lists. That survey indicated that approximately 116,000 senior citizens applied for title VII services but were denied assistance and placed on waiting lists. Of course, this number does not include the persons who want title VII services but cannot even apply for them because no meal centers are located in their area.

To remedy this unmet need, the Appropriations Committee has made adequate provision for program expansion. The appropriations bill directs that the "level of operations" for this fiscal year shall be $200 million. In other words, HEW and the appropriate State agencies are mandated to spend $200 million during the course of fiscal 1976 so that waiting lists can be reduced and new meal centers can be established.

The Appropriations Committee expects that the spending directive will be implemented by HEW through a speedy adjustment of the annual rate of expenditures. This adjustment should occur immediately, and whenever necessary thereafter, to insure compliance with the $200 million expenditure directive. By so complying with our intention that $200 million be used for expanding program services during fiscal year 1976, we expect

HEW to take $75 million from previous fiscal year appropriations—plus the $125 million appropriated this year—to pay for the directed expansion of program services.

I am hopeful that the action of our committee, in establishing a mandated $200 million expenditure during fiscal 1976, will substantially decrease the number of people now on waiting lists. This program deserves all the support we can give it.

Mr. President, I want to take this opportunity to reiterate my feeling that this Labor-HEW appropriations bill is a good bill. It is humanitarian, it is fair and it is fiscally sound. Funding levels such as that for the Older Americans Act have been reached by carefully balancing crucial health needs which would otherwise go unmet against the demands of competing priorities.

I believe that the administration's budget requests in too many health areas were totally inadequate and reflect priorities with which I cannot agree. The committee has acted to remedy those deficiencies. The provisions made in this bill represent the continuing commitment of this Congress to the vital health needs of many Americans.

Mr. KENNEDY. Mr. President, 4 years ago when I sponsored legislation to create a nutrition program for the elderly, I knew such a program was needed in this country and could be helpful in reducing malnutrition and isolation among our older Americans. Since its enactment, title VII of the Older Americans Act has proven itself to be much more than an effective nutrition program. The elderly have adopted the programs as "theirs" in States throughout the country. Moreover, the nutrition sites have become focal points for many services. Older Americans now help to plan and serve the meals, provide transportation, and offer companionship to so many other lonely and isolated elderly. The program also provides meals-on-wheels to those elderly who are homebound and unable to prepare their own meals. But meals-on-wheels, is much more than a home-delivered meal. It has also brought friendly visitors and outside assistance into the homes of the very isolated.

The enormous popularity of this program has resulted in long waiting lists. The State agencies on aging acknowledge that they are serving only a small fraction of the elderly who could benefit from their programs. Rising costs and other inflationary pressures have also limited participation in this program. Therefore, I wholeheartedly support the Appropriations Committee report language to direct the Department of Health, Education, and Welfare to use carryover funds in addition to this year's appropriations so that $200 million is spent in fiscal year 1976. The committee's language clearly directs the Department to spend the full $200 million during fiscal year 1976 and HEW must comply with this directive by immediately increasing the spending rate so that the program can benefit from the full $200 million expenditure during this fiscal year. I was discouraged by HEW's action last year which resulted in the Department's failure to comply with the committee's intent. I am hopeful that the Department will adhere to the committee's directive this fiscal year by immediately informing the States to administer their programs at an annual expenditure rate that will result in the spending of $200 million for the program this fiscal year. By so doing, the States can begin to reach many of the elderly who need and desire the services of the nutrition program for the elderly.

Mr President, I commend Senator MAGNUSON and the other members of the Appropriations Committee for their efforts in bringing this measure before us today. The chairman of the Labor-HEW Appropriations Subcommittee has given the nutrition program for the elderly his support from the onset, and as a member of the Senate Committee on Aging, I thank him for the support and endorsement he has given to this most successful program. The efforts of his subcommittee will hopefully aid in serving more nutritious meals to the elderly.

Mr. TUNNEY. Mr. President, I would like to take a moment to commend the distinguished chairman (Mr. MAGNUSON) of the Labor/HEW Appropriations Subcommittee and his colleagues for their fine work on this bill. The task of achieving consistency with the proposed budget ceiling and not at the same time undermining many of our fine programs was a hard one I am sure, but one which was emminently successful in my view.

SENIOR CITIZEN PROGRAMS

As a member of the Senate Special Committee on Aging, I was particularly concerned about the fate of a number of senior citizen programs to be funded under this bill: The title VII nutrition program, the senior opportunities and services program within the Community Services Administration, and the older Americans volunteer programs under ACTION. Each of these programs has provided older Americans a greater chance for independence and self-sufficiency despite the plight of living on a small, fixed income.

The title VII program of the Older Americans Act provides countless senior citizens balanced meals in congregate settings or through home-delivered meals-on-wheels operations. Not only does the program afford these individuals quality nutrition at least once a day, but brings them into contact with other people, forcing them out of their isolation, a state all too typical of our senior citizens living alone and quite often in despair.

In my home State of California, 54 nutrition projects are currently operating, serving 17,400 meals each day. Many senior citizens have found that their health, economic, and social well-being have been substantially improved through participation in this program. the California State Office on Aging reports that over 60,000 additional senior citizens in California could benefit from the program, were funds available to expand existing sites and to create new ones.

I found it unconscionable that last year HEW first attempted to rescind and later did not release the additional funds appropriated by Congress until late in the fiscal year which would have modestly increased the scope of the title VII program. Apparently, HEW does not clearly understand Congress' mandate in this regard. The Senate report clearly spells out our intent.

Under the bill currently before us, $125 million has been appropriated for fiscal year 1976 for title VII. However, since approximately $100 million remains available from fiscal 1975 as a result of forward funding which has been carried over into this fiscal year, we expect HEW to spend $200 million for the program during this, the 1976, fiscal year. We would further expect that the Secretary insure that each State receive such sums as would reflect the individual State's needs, and spend such sums as total $200 million nationwide in this fiscal year. In doing so, the Secretary can help us reach the many needy senior citizens who desire title VII services but who are not now getting them.

The two other programs which focus on senior citizens, the senior opportunities and services program and the older Americans volunteer program, provide seniors with two very important commodities: a small stipend for their work, and greater person-to-person contact, both facilitating self-reliance and a sense of security. SOS, I am pleased to note, will be funded at the same level as last year, despite the administration's attempts to obliterate the program altogether. This is the only program that I know of which specifically attempts to aid the poverty-level, usually minority elderly to gain a sense of dignity and self-worth. I commend the committee for their determination to continue the funding of this sorely needed program.

The older Americans volunteer program, funded under ACTION, consists of foster grandparents and senior companions. The grandparents program provides senior a small stipend for working with and sharing in the lives of underprivileged or developmentally restricted children up to the age of 17. Senior companions, hitherto a model program which the administration sought to further restrict, provides similar services to senior citizens who work with incapacitated or developmentally disabled individuals above the age of 17. Both of these programs have proven to be effective in utilizing the talents and energies of many highly motivated and dedicated older Americans. I commend the committee for increasing the budget for these key programs from $28 to $30 million for the 1976 fiscal year. I am doubly pleased that the committee has recognized the need to further expand senior companions in an effort to insure that retarded individuals, over the chronological age of 70, but with far lower mental ages, can continue to be cared for and involved with

older Americans under the volunteer programs. The additional funds can facilitate the transition of such individuals from one program's scope to the other, a major focus of a bill I cosponsored with Senator CLARK. In this way both the senior citizens and the retarded individual can continue their relationship and work together.

All in all, senior citizens have fared well in committee, and I am hopeful that my colleagues in the Senate will concur with me and insure that these programs remain at the committee-designated funding levels.

ALCOHOLISM AND MATERNAL AND CHILD HEALTH PROGRAMS

There are three additional reasons why we should accept the committee's report and send this bill, which is generally consistent with the appropriation estimates of the Budget Committee, to conference as soon as possible.

First, I want to commend the appropriations committee for their justified interest in securing adequate funding for the programs and research involved in alcohol and alcoholism. Not only is alcoholism the Nation's No. 1 health problem, but it is also the third leading cause of death in this country every year. I was very dismayed to hear of the new statistic which reveals that the number of women alcoholics is sharply on the rise. They now comprise one in every three alcoholics. The 1976 administration budget estimate of $113 million is far from a realistic amount to combat such a threatening nemesis to our society. The problem of preadult alcoholism in itself, makes the administration's estimate a feeble one. I am happy to see the wisdom of the committee's recommendation to increase the budget request by almost $50 million.

I have always remained perplexed by our Nation's high infant mortality rate, and at a time when we should be emphasizing preventive programs in every aspect of medicine, I was also perplexed to see that the administration had requested nearly a 30-percent reduction for the maternal and child health program.

HEW has established that patients receiving services under the maternal and child health programs and crippled children's program had a lower incidence of conditions leading to mental retardation, premature births, and other complications related to the bearing of children. With the administration's request, California alone stood to lose nearly $3 million in moneys for maternal and child health programs. I commend the Appropriations Committee for recommending an increase of over $10 million for the National Institute of Child Health and Human Development. Surely this is a right step in the direction of a new national attitude of preventive medicine.

CETA PROGRAMS

Finally, this bill contains funding for some of our most important Federal programs—those funded under the Comprehensive Employment and Training Act of 1973—CETA. H.R. 8069 includes $2.85 billion to support activities under that act, manpower programs which are of critical importance in the face of the Nation's continuing unemployment crisis.

The bill contains $1.58 billion for general manpower programs under the aegis of title I of CETA. I am happy to note that this figure coincides with the budget request and the recommendation of the House for continuing vital local programs in training, work experience, vocal education and a host of other areas. Title I programs are crucial in laying the firm foundation of training and experience which can help us avert future employment crises.

Of equal or greater importance are the funds for public service jobs approved in this bill. The Congress would provide $400 million for title II of CETA. Along with the $1.625 billion in funds for title VI approved in June—Public Law 94–41—this appropriation will permit the continuation of some 300,000 public service jobs created during recent months in response to the alarmingly high unemployment rate. These jobs and the programs under titles II and VI continue to play a pivotal role in our war on involuntary idleness. Without them, many communities would have to cut back vital services, and many workers would have to languish at the end of the unemployment lines.

With them, hundreds of thousands of Americans can hold productive, useful jobs, helping their local communities and improving their own skills. In my view, no program is more productive or more justified for its cost than our national commitment to public service jobs. I enthusiastically support the provision of these job funds, and I hope that the Congress will move shortly to strengthen and expand the public service jobs program.

Also, the committee report notes the success of many local community-based organizations operating under title III of CETA in providing manpower services for Americans with limited ability to speak English. In my home State of California, the work of such groups has been productive and useful, especially working with California's large population of Spanish-speaking citizens. I believe those programs are fully worthy of continued Federal support. Therefore, I strongly support the Appropriations Committee's instructions to the Department of Labor to insure that funding for existing programs is maintained through the end of the fiscal year. Moreover, I especially concur with the instructions of both House and Senate that the Secretary of Labor should expedite the progress of training programs under title III for Americans with limited English-speaking ability. There is no excuse for delay in writing and enforcing regulations for such programs, and want to add my voice to those urging the Labor Department to get on with this important job.

In short, I believe that the manpower provisions of this bill are well justified. The cost of manpower training and of public service jobs is far outweighed by the benefits of CETA programs. I urge my colleagues to support these appropriations, and I urge the Labor Department to proceed with all possible speed to distribute these funds once they are made available. Any course other than full support of our national manpower programs will sow the seeds of future unemployment and human misery. The alternative of full congressional and administrative backing for these programs is far preferable.

Mr. PELL. Mr. President, I rise in support of the appropriations bill. Many parts of the bill are particularly praiseworthy, but I would like to focus my comments on one section of the bill: The portion that relates to the nutrition program for the elderly. That program was designed to aid elderly people in their quest to obtain adequate food services, important counseling aid, and recreational opportunities with their contemporaries.

Under the nutrition program for the elderly, senior citizens are transported to local feeding sites—such as churches, schools, and recreation centers—where they obtain a nutritious lunch. The program is available to all senior citizens, but primary emphasis in servicing the elderly is directed toward poor people, incapacitated persons, and aged individuals living in isolation. For elderly people who are unable to travel to local feeding sites, meals-on-wheels services provide food directly to their homes.

The nutrition program for the elderly was created only a few years ago. Already, however, in this short time, the program has become immensely popular. In a survey conducted on a nationwide basis in November last year, we found out that 116,000 in 41 States are on waitnig lists seeking to participate in the program. In my State of Rhode Island, over 900 elderly people receive the benefits of the program daily; however, an additional 1,200 persons are on waiting lists. Currently, Rhode Island has six nutrition projects in the State, but several others want to initiate the program in their area.

To extend the program, the Appropriations Committee has mandated an expenditure of $200 million for the program in fiscal 1976. To reach this amount, the committee's bill appropriates $125 million and requires that an additional $75 million, taken from previous appropriations "forward funded" into this fiscal year, be expended this year. This $200 million expenditure requirement is contained in the bill's provisions requiring an increase of the program's "level of operations" to the specified amount.

HEW should increase its annualized rate of expenditures right away in order to comply with the $200 million spending mandate. The annualized rate of expenditures should be raised and subsequently adjusted, if needed, to the amount that will assure full compliance with the $200 million expenditure requirement. We also expect the HEW Secretary to be vigilant over the expenditures of the program so that funds are reapportioned from one State to another, thereby fully implementing the $200 million spending directive in the bill.

This action by the Appropriations Committee is necessary and I am glad to support it.

Mr. CLARK. Mr. President, I would like to join my colleagues in recognizing Senator MAGNUSON's efforts and leadership in bringing the Labor-HEW appropriations bill to the floor of the Senate. As a member of the Senate Committee on Aging, I am deeply aware of the Senator's concern for our Nation's older Americans. And this concern is best reflected by the Senator's efforts to provide sufficient funds for aging programs in the appropriations bill.

Last year I offered an amendment to the fiscal year 1975 appropriations bill to increase to $150 million the appropriations for the nutrition program for the elderly. That increase was urgently needed to adjust to inflationary pressures. The amendment was rejected, but the chairman of the Labor-HEW Appropriations Subcommittee agreed to direct the Department of Health, Education, and Welfare to adjust the expenditure level to $150 million for fiscal year 1975 by allowing carryover funds to be spent along with the fiscal year 1975 appropriations. I accepted this compromise because it meant that the nutrition program would have an expenditure rate of $150 million as I had intended. However, HEW failed to bring the program's expenditure rate up to $150 million until very late in the fiscal year. In fact, the program's level of expenditure was at $150 million for only 2 months.

The committee again recognizes the effectiveness of this program by directing that $200 million actually be spent in fiscal 1976. I commend the committee for supporting this program but I wish to express my concern that HEW will again fail to adjust the program's expenditure rate as expeditiously as the Congress intends. Therefore, I urge HEW to comply with the committee's requirement that the program's annualized expenditure rate be increased immediately so that the full $200 million is spent during fiscal year 1976. HEW should keep a careful oversight of program expenditures during the year so that State administrators spend $200 million in total for feeding additional elderly with funds reallotted among the States if necessary. In sum annualized expenditure rates must be increased immediately in order to assure the spending of $200 million this fiscal year.

Mr. President, every Member of the Senate has witnessed the effectiveness of this program in their own States. This program not only provides the elderly with a hot, well-balanced meal 5 days a week, but also gives them companionship, nutritional education, entertainment, recreation, and an outlet from isolation and loneliness that can never be fully measured. Anything the Senate does to support and expand this program will increase the number of participants who can benefit from this program. The Congress can be extremely proud of creating the nutrition program for the elderly because it brings the needed nutrition, comfort, and social interaction that is well deserved by our Nation's elderly.

Mr. MONTOYA. Mr. President, the committee has prepared what I consider to be a good bill, well thought out and fiscally responsible. Although there are many areas in which we could spend much more money to alleviate problems, particularly in programs which are directed toward better health care and toward greater economic opportunity for the unemployed, I am convinced that this bill represents the best possible appropriations level this year for the programs covered. Most of these programs represent issues of deep concern to the American people, and are high on the list of priorities which the people and the Congress consider to be of first importance.

Today, I want to speak to my colleagues briefly concerning one small part of this bill—but a part which I believe to be of great importance. We have added, in this bill, a comparatively small amount to the CSA budget in order to provide funding for section 222(a)(11) of the Economic Opportunity Act as amended by the Community Services Act of 1974. This section provides assistance to low-income families in rural areas to construct and acquire ownership of adequate housing, to rehabilitate or repair existing substandard units in low-income areas, and to otherwise assist families in rural areas in obtaining standard homes. The Senate bill provides an increase of $7.5 million over the House allowance for demonstration programs, and provides that $10 million of the total $16.3 million be provided for rural housing and rehabilitation assistance.

Mr. President, the need for immediate assistance to rural families who are forced to live in substandard housing is clear to all of us who come from rural States. In my State of New Mexico, 40 percent of the rural homes are listed as being "substandard"—that means housing which needs plumbing or other structural repair in order to meet minimum health and safety standards. Sadly, the homes of 76 percent of the Indian families living in rural New Mexico are substandard.

The national picture is not much better. One-fifth of all rural homes in America—20 percent—are substandard. Two-thirds of all the substandard housing in America is rural housing. Yet less than 10 percent of HUD funds has gone to rural areas. Most Federal housing assistance goes to help urban families—where the need is comparatively much less pervasive. Only 1 in every 35 urban homes is substandard.

The program which this money will fund was authorized in the amendments to the Economic Opportunity Act in 1972. It is known as the Perkins amendment because it originated in legislation prepared by Congressman CARL PERKINS, chairman of the House Committee on Education and Labor. The program authorizes assistance to nonprofit organizations so that they may help low-income rural families to rehabilitate existing substandard homes or to build new ones. Rural families are eligible for home loans through the Farm Home Administration, but unfortunately, FmHA is not an outreach agency, and most rural populations are not aware of the help which is available to them. For this reason, FmHA and other housing assistance programs have not been fully used by rural families. The rural housing development and rehabilitation assistance program—section 222(a)(11)—is intended to correct that situation. By providing for the use of nonprofit organizations to educate, assist, and develop use of this and other Federal funds for rural housing, the program can substantially increase the number of poor rural families who are able to improve their living situation.

In the past this program has been underfunded, or not funded at all. However, the small amount provided earlier for demonstration funds to do the work of this legislation has been very successful. One nonprofit group, for instance, Colorado Housing, Inc., has successfully developed about $36 million worth of rural home building and rehabilitation, with an annual budget of only $168,000. Another example is the Eastern Kentucky Housing Development Corp., which has repaired over 5,000 homes for low-income elderly rural homeowners. Many other cooperatives and rural assistance organizations are ready to use this same kind of expertise to develop housing assistance for other rural areas in the Nation.

The money which is earmarked for this program in the bill under consideration today will assist in providing help for many of the 2.5 million rural families who need better housing. I urge the support of my colleagues for this very important part of H.R. 8069.

Mr. MORGAN. Mr. President, I thank the Senator from Washington, who so ably chaired the hearings on this appropriation bill, for his courtesies to me during the hearings, and for the fine bill that he has brought to the floor of the Senate.

The Senator will recall that Mr. Robert McCreery, president of the National Cystic Fibrosis Foundation, and I testified before his committee about our concerns for the children who are suffering from cystic fibrosis and allied lung and gastroenterological diseases, and about the fact that because of the proposed administration cutbacks in the maternal and child health programs, and the programs in the NIH, not only would research be severely limited, but also that the centers which now treat so many of these patients would be underfunded, in continual uncertainty about their future, and would have to restrict, rather than enlarge their services.

I understand that the Senator from Massachusetts introduced into the hearing record a letter written to him at his request concerning the serious problems of the centers, of the crippled children's programs in particular, and of the problems of the cutbacks in research by Mr. John P. Driscoll, Jr., who is the chair-

man of the Governmental Relations Committee of the Foundation.

I have read the excellent language in the bill report in which you describe the intentions of the committee as to the funding of these centers, and am very pleased at the explicitness of the charge of the committee to HEW that,

It is the Committee's intention that sufficient amount of funding be set aside in this program to provide stability to these centers, and, indeed, to increase the number from 10 to as many as 12.

Because the bill report will not be made as available to the public as the RECORD is, I ask unanimous consent to have printed in the RECORD the relevant portions of the committee's statement on the maternal and child health program.

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

MATERNAL AND CHILD HEALTH SERVICES

The Committee recommends an appropriation of $324,617,000 for Maternal and Child Health Services, $5,217,000 above the House allowance and an increase of $113,195,000 over the 1976 budget estimate. This program is the principal Federal program providing assistance to low-income mothers and children in obtaining high-quality comprehensive health services. This program has demonstrated its effectiveness by significantly reducing infant mortality rates where there are maternal and infant care projects and by reducing hospitalization for children by providing preventive health services in children and youth projects.

The Committee has agreed with the House allowance of $295,700,000 for grants to States. This will allow sufficient funding to ensure that no State will receive less funds in 1976 than under the total 1973 funding level for the Maternal and Child Health program and will provide a modest increase for these important programs.

The Committee emphasizes its interest in an increased appropriation for the Crippled Children's Program, which has received $65 million for the past three fiscal years. Witnesses have presented testimony regarding the activities within the States which have included: services restricted to diagnosis only, no new diagnostic categories included in State program, no new surgery provided, large backlog of services, hospitalization funds depleted, and the inability to care for all cases identified, etc. Since more than two-thirds of the chronic handicapping conditions existing among children can be prevented or corrected—thereby making healthy, wage-earning, productive citizens of those who might otherwise be confined to a lifetime of institutional care or dependency—the Committee has identified the Crippled Children's Program as a priority activity during fiscal year 1976 so that the backlog of infants and young children in need of care might be addressed.

The Committee heard the effect of the proposed Administration cutbacks on research regarding cystic fibrosis and allied pediatric pulmonary and digestive diseases and also the effect of the instability of funding over the last several years on the ten pediatric pulmonary centers, due to impoundments of funds and continued uncertainty of funding. It is the Committee's intention that sufficient amount of funding be set aside in this program to provide stability to these centers and, indeed, to increase the number from 10 to as many as 12.

The continuum of care provided by Maternal and Child Health projects provides an excellent vehicle for neutralizing the problem of infant mortality, for these programs provide medical services at the most vulnerable periods from conception through school age. Experience has shown that early pre-natal care, intensive care for sick newborn infants, as well as preventive and corrective care during infancy and preschool years wil sharply impact upon both mortality and morbidity of both infants and their mothers.

Mr. MORGAN. I know that the Senator will work to assure that the language and sums noted in this bill report are agreed to in conference with the House.

I deeply appreciate the Senator's courtesies he has extended to me in this and other matters, and simply want him to know that I will work as hard as I know how to assure that children with these diseases receive the greatest possible assistance that we can give them.

Mr. BELLMON. Mr. President, before us today for consideration of passage is the Labor-HEW appropriations bill for fiscal year 1976. The Senate version of the Labor-HEW appropriations bill as reported from the Appropriations Committee recommends $36.3 billion in budget authority for fiscal year 1976 and an estimated $28.6 billion in outlays. This bill exceeds the President's budget request in both budget authority and outlays—and the bill also exceeds the levels of spending recommended by the House.

Further, while the staffs of the House and Senate budget committees have evaluated the spending impact of this bill—differently, there is universal agreement that this bill will have impact primarily on three functional areas of the budget which are each in difficulty. These functions are:

First. Function 500—education, manpower, and social services. This function is currently within the budget but the margin is only about a billion dollars; and over $6 billion of additional spending legislation is in the wings.

Second. Function 550—health. This function is already over the budget target by $2 billion in outlays—in part due to reestimated entitlements—and more spending legislation is pending.

Third. Function 600—income security. This function is already over target about $400 million and another $800 million is pending.

Recognizing the dangers implicit in this bill, nevertheless I am inclined to suport the passage of this measure at this time with the firm understanding that when the conference report comes back for final consideration, the conferees will have arrived at spending figures which are lower and which are much more in line with the budget targets as agreed upon in the concurrent resolution on the budget. I urge my colleagues in the Appropriations Committee who will be members of this conference to work with the House in drafting a bill that will be consistent with the budget figures.

Mr. NELSON. Mr. President, an article by Judith Randal, science writer for the New York Daily News, appearing in the Washington Post, August 31, 1975, deals with an important issue relative to pending legislation: The cumulative effect on man of the vast number of chemicals introduced into and present naturally in the environment.

Her article, "Testing for Cancer: Of Mice and Men," brings out important points.

The World Health Organization estimates that 75 to 90 percent of human cancer is traceable to environmental causes that could be controlled and thus tends to support the booby trap theory.

In a typical year, at least 700 to 1,000 new compounds are introduced—far more, say many experts, than mankind's biological mechanisms can keep up with, and more than the air, soil and water can disperse. In the single category of synthetic organic chemicals, for example, U.S. industrial output jumped from 15 billion pounds in 1945 to 164 billion pounds in 1972.

A very significant aspect, she points out, is that:

It cannot be assumed that people are exposed to just one such potential carcinogen in their everyday lives or that the carcinogen is capable of just one effect.

She quotes Dr. David Rall, Director, National Institute on Environmental Health Sciences:

The evidence is not only that exposures to single agents are additive and cumulative, but also suggests that some interact to produce effects they are incapable of alone.

She describes the concerns of many scientists over the carcinogenic potential of such synergistic effects—"cooperative action of discrete agencies such that the total effect is greater than the sum of the effects taken independently"—from the cumulative exposure to food additives, cosmetics, household and industrial chemicals, pesticides, and all the naturally found substances in the environment.

This article presents the finest overview of this complicated subject that has come to my attention.

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:

TESTING FOR CANCER: OF MICE AND MEN

(By Judith Randal)

(NOTE.—The author is a science writer in the Washington Bureau of The New York Daily News.)

Thinking back over the chemicals that have been linked to cancer since that book was published, it sometimes seems that almost every compound with a role in modern life has been indicted. Asbestos, hair dyes, aerosol sprays, food additives, coloring agents, prescription drugs, anesthetic gases, pesticides, plastics and, of course, tobacco—name it, and it's probably been listed by someone, somewhere, as a proven or presumptive killer.

If we escape exposure to one or another at home or in the polluted outdoors, we may face the hazard at work as our skins are brushed by substances that may cause us to develop tumors almost anywhere a decade or so later, or our lungs inhale fumes that may do the same.

All this suggests one of two things: that instead of bringing us "better things for better living," chemistry is a blind for the biggest collection of booby traps ever assembled by man or that the public's anxie-

ties have been needlessly aroused by people crying wolf.

The World Health Organization estimates that 75 to 90 per cent of human cancer is traceable to environmental causes that could be controlled and thus tends to support the booby trap theory. But manufacturers often dismiss such claims as scare tactics: the wolf theory.

A little history may help the layman start to sort things out. Two centuries ago in London Sir Percival Potts discovered that men who had been chimney sweeps in boyhood had an extraordinary high rate of cancer of the scrotum because of their early unrelenting contact with soot. This was probably the first documented example of a cancer caused by industrial exposure. There have been many since then. Workers who put luminous radium paint on watches and clocks in New Jersey in the 1920s developed a high rate of bone cancer later. A suspiciously high incidence of leukemia and other cancer is now turning up among surgical operating room workers who are exposed to anesthetics day in and day out. An outbreak of liver cancer among plastics workers has been traced to their chronic exposure to vinyl chloride gas.

"Cancer in the last quarter of the 20th Century," says Dr. Umberto Saffiotti, associate director for carcinogenesis at the National Cancer Institute, "can be considered as a 'social disease' whose causation and control are rooted in the technology and economy of our society."

In a typical year, at least 700 to 1,000 new compounds are introduced—far more, say many experts, than mankind's biological mechanisms can keep up with, and more than the air, soil and water can disperse. In quantity, too, the supply of chemicals has increased enormously. In the single category of synthetic organic chemicals, for example, U.S. industrial output jumped from 15 billion pounds in 1945 to 164 billion pounds in 1972.

Some carcinogens have always been with us, and the body's chief detoxifying organ, the liver, is to some extent equipped to deal with them. But it can be overtaxed. The benzpyrene found in cigarette smoke, for example, is produced by every fire, and the liver has enzymes to deal with it. But the liver can stand only so much benzpyrene or any other carcinogen, and what is a tolerable dose for one person may be fatal to another.

There is no legal requirement that chemicals other than drugs undergo full-scale safety testing in the absence of prior evidence that they are harmful. And until recently the emphasis even in drug testing has been on short-term chemical toxicity rather than the slow "poisoning" and delayed consequences typical of carcinogens.

This preoccupation with short-range hazards may have produced a false sense of security. For example, TCE or trichloroethylene, identified this spring as a probable carcinogen in tests financed by the National Cancer Institute, has long been relied on as an anesthetic for childbirth and oral surgery because it is notably free of immediate adverse effects. And TCE, is, besides, a water supply contaminant and used in commercial and household dry cleaning, and as an industrial solvent and decaffeinating agent. But had it not borne close molecular similarities to vinyl chloride, it might never have come to NCI's attention.

Even the most ardent cancer alarmists, however, bristle at the suggestion made by their critics that any compound can be made to produce cancer under the right laboratory conditions.

"The idea that just any chemical is a carcinogen if enough of it is given just isn't true and misleads the public," says Dr. Sidney Wolfe, a physician in Ralph Nader's Public Citizen-Health Research Group. "Probably far more chemicals are innocent than are guilty."

As an illustration he cites the Litton Industries National Cancer Institute-funded Bionetics project, which has been regarded as a landmark in the field since its first results were published in June, 1969. In this study 120 common herbicides, fungicides and pesticides—all of which could have been expected to be carcinogens—were tested in mice from infancy to the age of 18 months. Despite the fact that each chemical was continuously fed in the maximum tolerable dose (meaning the largest amount that could be given without quickly killing the animals outright), only 11 of the compounds caused a "significant" number of tumors—the scientist's way of saying that more cancers had occurred in the treated mice than in the undosed mice that were kept as controls.

HEAVY DOSES

Still the matter of dose continues to be controversial because concentrations far greater than those found in the environment are often administered in the laboratory. In announcing in July that it would stop using TCE to decaffeinate Sanka and Brim, for example, General Foods said that test animals had been subjected to "abusively high consumption levels" and that "to approximate those doses a human being would have to consume 50 million cups of decaffeinated coffee every day for his entire lifetime."

This protest overlooks several things. For one, it cannot be assumed that people are exposed to just one such potential carcinogen in their everyday lives or that the carcinogen is capable of just one effect. While vinyl chloride, for example, is generally associated in the public mind with cancer, it is turning out to be the cause of even more cases of other kinds of chronic liver disease and is also suspected of damaging the fetus.

"The evidence is not only that exposures to single agents are additive and cumulative, but also suggests that some interact to produce effects they are incapable of alone," says Dr. David Rall, director of the National Institute of Environmental Health Sciences. "What's more, with 16 per cent of Americans now dying of cancer, we aren't necessarily talking about one-in-a-million risks."

The danger of a cumulative effect is easy to understand. Almost everyone, for instance, has repeatedly eaten meat bearing a purple grade stamp. The dye in question, Violet No. 1, was banned by the Food and Drug Administration in 1973 for its cancer-causing proclivities, but plenty of other known or potential carcinogens are still on the scene. Red Dye No. 2 or amaranth, found in strawberry ice cream, cherry soda, lipstick, coca, white cake frosting mixes and hundreds of other foods, many of which have no apparent red tint, is with us still. So is the hormone diethylstilbestrol (DES), which is used to promote the growth of livestock and as a "morning-after" contraceptive.

Microscopic fibers of asbestos can be found in beer, gin, sherry and ginger ale as leftovers from the filtering process, and the mineral, which has even turned up in some coat fabrics, is a common ingredient of spackling compounds, city dust and some municipal water supplies. The drug Flagyl is widely used to treat minor vaginal infections. Polyvinyl chloride has been shown to leach out of some food containers. The list seems endless.

There are other practical problems in keeping track of which chemicals may be dangerous and which are not. Carcinogenicity testing is tremendously expensive, costing $100,000 to $200,000 per chemical when rats, mice or hamsters are used for the assays, much more if such closer relatives to men as pigs, sheep, monkeys or dogs are substituted.

Relief may be in sight, however. While few scientists believe it will soon be possible to just look at a chemical's structure and confidently predict that it is or is not a carcinogen, some shortcuts are in the works. One involves testing with bacteria rather than with animals.

Many known carcinogens are also mutagens—that is, they can produce genetic change. Prof. Bruce Ames and his colleagues at the University of California at Berkeley have found in experiments with bacteria that about 85 per cent of the chemical compounds known to cause cancer also cause mutations. Despite the 15 per cent chance of false positive or false negative results, many scientists believe the method will be useful at least for preliminary screening. And it is both fast and relatively cheap. Other methods that promise speedy delivery of tentative answers are also being tested.

Reliance on such methods, however, is still somewhere in the future. Thus, of the hundreds of thousands of chemicals out there in the environment whose safety is unknown, NCI can afford to test only 150 a year. It can use only 500 animals per experiment, and of these, 100 must be expended to establish the maximum tolerable dose of each potential carcinogen and 100 must be kept as undosed controls. And furthermore, since the average laboratory rodent lives only two years, enormous doses must be used to approximate a human experience of decades.

Dr. Samuel S. Epstein of Case-Western Reserve University put the problem this way in an article published last October in the journal Cancer Research:

"Assume that man is as sensitive to a particular carcinogen as the rat or mouse. Assume further that this particular agent carries a risk of producing cancer in one of 10,000 humans exposed; this would result in approximately 20,000 cancers in the United States population. Then the chances of detecting this in groups of 50 rats or mice, tested at ambient [typical] human exposure levels are very low. Indeed, samples of 10,000 rats or mice would be required to yield just one cancer over and above any spontaneous occurrences; for statistical significance [i.e., ironclad proof], perhaps 30,000 rodents would be needed."

VARYING SENSITIVITY

There is no guarantee, of course, that man will be as sensitive to a particular carcinogen as a laboratory animal. Indeed, sensitivities may vary even among the rats and mice and hamsters. A compound that results in stomach tumors in hamsters may lead to lung tumors in rats.

On the other hand, it's always possible that man will be more sensitive than animals to some substances. There is no way of telling in advance.

After it was shown that thalidomide caused fetal deformities, for instance, it was demonstrated that humans are 60 times as sensitive to the tranquilizer as mice, 100 times as sensitive as rats and 700 times as sensitive as hamsters. Similarly, it is known that humans are far more susceptible to at least some carcinogens than rodents.

Arthur Flemming, then secretary of health, education and welfare, told a congressional hearing on food additives in 1960 that "scientifically, there is no way to determine a safe level for a substance known to produce cancer in animals." Although increasingly sophisticated measurement techniques now make it possible to detect trace quantities of substances at the parts-per-million level and sometimes even parts-per-trillion (causing certain quarters of industry to grumble that increasingly sensitive instrumentation will be their undoing), nothing has happened since to make scien-

tists like Epstein budge from the idea that if a compound is a carcinogen, almost any contact with it involves risk.

Tests are not all of equal value and reliability, however. A National Cancer Institute committee, for example, is reviewing the data that led the FDA to ban cyclamate sweeteners in 1969 because the test animals had been dosed with both saccharin and cyclamates, and it is not clear whether the bladder tumors they developed were caused by one compound or the other or both.

Dr. William Lijinsky of the Oak Ridge National Laboratory in Tennessee, whose work is financed by NCI, notes that almost any substance will produce a cancer known as a sarcoma if implanted under the skin, so this means of administration is not as reliable as inhalation or oral dosage, which is generally regarded as the most reliable of all. And since rats are prone to develop breast tumors that never spread and can grow to be heavier than the rats themselves, the mere increase of such tumors may not be significant unless it is accompanied by the development of malignant growths that give rise to satellites.

Such are the complexities of the carcinogenesis business, however, that other noncancerous tumors are usually considered significant because, in the words of a World Health Organization technical report, "the induction of a benign tumor is often merely a stage in the subsequent occurrence of a malignancy."

THE CASE OF NITRITES

Testing also involves substances that cannot cause cancer by themselves, but do so readily when they meet another class of chemicals in the acid environment of the stomach or when subjected to heat. These are nitrates, found in some vegetables like spinach, beets and broccoli, and particularly nitrites.

The use of nitrites has been banned in Norway and Sweden. But in this country and others they are routinely added to bacon, smoked salmon, hot dogs, corned beef, sausage, processed chicken products and most luncheon meats. When the practice started in the 19th Century, contamination by the deadly botulism organisms was common and nitrites, whose dangers were then unknown, were employed as preservatives.

While industry argues that they are still needed for this purpose, the advent of refrigeration has all but eliminated the risk, and besides, cooking destroys the organism anyway. No one, for example, eats bacon raw. Thus, what many critics believe to be industry's real motivation is that nitrites enhance the natural color of meats and fish and so enhance their sales appeal.

Given heat or the mildly acid conditions of the normal stomach, nitrites (and nitrates converted to nitrites by careless exposure to bacteria after cooking) combine with nitrogenous molecules called amines to form compounds known as nitrosamines.

This is one case where large doses have not been necessary to get incriminating evidence. Nitrosamines produced naturally in the stomachs of rats, mice, hamsters, guinea pigs, dogs, rabbits and cats or fed to them after laboratory preparation regularly produce tumors of many kinds even when exposure levels are low.

In some cases, a single dose has been enough, and although rats given a nitrosamine toward the end of pregnancy remained well, their young later developed an assortment of malignancies in a variety of body sites.

While it is possible that the compounds play little or no role in human cancer, most scientists think otherwise because no species tested has been immune. The Food and Drug Administration has reported: "Nitrosamines have been described as one of the most formidable and versatile groups of carcinogens yet discovered and their role as environmental hazards in the etiobiology of human cancer has caused growing apprehension among experts."

There are several types of amines, and only those designated as "secondary or tertiary" participate in potentially dangerous reactions with nitrites. And not all of the nitrosamines formed by these reactions are necessarily carcinogens. This is probably small cause for comfort, because the vast majority of nitrosamines tested have proven to be carcinogens and because secondary and tertiary amines are nearly everywhere.

If you don't happen to get them by drinking tea, beer or wine or eating fish, meat or cereal, you may be exposed to those that are dissolved in the saliva and swallowed when you smoke. And if you avoid these foods and beverages and don't smoke, perhaps your diet includes vegetables treated with pesticides that leave amine residues behind.

Or maybe you have taken an anesthetic antibiotic, tranquilizer, diuretic, painkiller, muscle relaxant, stimulant or pill prescribed for diabetes, high blood pressure, arthritis or allergies. Oak Ridge's Dr. Lijinsky, who has been studying and testing nitrosamines since 1961, has prepared a list of more than a thousand such drugs containing the potentialy reactive types of amines.

"Almost all drugs," he says, "have ingredients that make them candidates for nitrosamine formation. That includes not only best-selling prescription medicines like Librium and Ritalin, but also over-the-counter remedies like Dristan and Contac antihistamines.

"Some of these may not react with nitrites in such a way as to be capable of inducing tumors, but you never know about any substance until you test it. My laboratory, for example, has been looking at Librium. So far only two of the animals [fed the tranquilizer and nitrites] have developed brain tumors. That's not significant; it could happen by chance, but if there are any more, we're going to worry about it. These things can surprise you."

Lijinsky cites Penar, an agent used to attack suckers (superfluous growths) on tobacco plants, as an example of just this sort of surprise.

"We expected it to be a very weak carcinogen when it reacted with nitrites, if indeed it was a carcinogen at all," he says. "Instead, it produced bladder tumors in all the rats exposed. And this bladder cancer is very similar to transitional cell carcinoma, the bladder cancer that's found in man and is a known risk for cigarette smokers. We have no idea what will happen in other species, but we're now repeating the experiment in hamsters to see what further we can learn."

LOOPHOLES AND DELAYS

The case of nitrites illuminates a loophole in the so-called Delaney amendment (named after its author, New York Democratic Rep. James J. Delaney) in the Food, Drug, and Cosmetic Act that supposedly outlaws the use of any food additive that is shown to cause cancer in animals. Since nitrites themselves do not cause cancer and the nitrosamines that do are not present in any food when purchased, the amendment would not apply, even if the Food and Drug Administration had not delegated most of its powers over nitrites to the Department of Agriculture.

Furthermore, the FDA is prone to delay and it is under constant pressure from special-interest groups that have little or no concern for consumer welfare.

The carcinogenic Red Dye No. 2 for example, has been shown in animal experiments to cause stillbirths, abortions and birth defects, even in small doses. Yet it is still found in lipsticks, vitamin pill coatings, processed foods and beverages because significant restrictions on it would, in the words of former FDA official Virgil O. Wodicka, "wipe out its use."

Nor are more aggressive public servants than Wodicka (who, incidentally, has returned to private life as a consultant to the food industry) necessarily successful in their efforts. In announcing the suspension of chlordane and heptachlor manufacture late in July because of mounting evidence that both pesticides are carcinogens that persist in the body and the environment for years, Russell Train, head of the Environmental Protection Agency, expressed dismay over a move by Reps. W. R. Poage (D-Tex.) and William R. Wampler (R-Va.) of the House Agriculture Committee to give the secretary of agriculture veto power over such actions.

Fear has been expressed that the National Center for Toxicological Research at Jefferson, Ark., which is operated by the FDA and is costing taxpayers about $13 million a year, is designed to become a tool of big business. What troubles carcinogenesis experts is that the so-called Pine Bluff laboratory is concentrating its attention primarily on giving low doses of chemicals to fairly large numbers of animals over long periods of time in the apparent hope of demonstrating that some minuscule level of a cancer-inducing substance has no effect and thus is safe.

A National Cancer Institute group led by Dr. Harold Stewart reported in 1973 that it "seriously questions whether the intended approach will provide data of practical value." While Dr. Frank J. Rauscher, director of NCI, has never made this stand official, many scientists concur.

In June, for example, Dr. Emmanuel Farber, director of the Fels Research Institute at Temple University Medical School, Philadalphia, wrote to two senators interested in toxic substances control legislation that "the early emphasis in the center on low level testing is, in my view, a misguided one" and that it would be better if the NCTR were "either under the aegis of the NCI or closely coordinated with . . . (its) activities."

PLANS FOR DES

The laboratory, in the words of FDA Commissioner Alexander M. Schmidt, is designed "to pinpoint the risks to mankind of specific chemicals suspected to be toxic."

Typical of what makes the philosophy controversial are the center's experimental plans for DES. DES, besides being an after-the-fact birth control pill and a growth stimulant for poultry and meat animals, is the known cause of some 250 cases to date of an ordinarily rare cancer of the vagina in the teen-age daughters of women who took the synthetic estrogen during pregnancy to prevent miscarriage.

Particularly disturbing to observers is that the Pine Bluff laboratory is embarking on studies attempting to show that there may be some level at which DES and other such livestock growth stimulants have no hormonal activity, on the theory that it may then be possible to equate this level with a lack of cancer risk. In fact, the strategy is scientifically dubious because detecting an absence of hormonal activity is generally even more difficult than establishing carcinogenicity.

"It sounds very dangerous to us," says Anita Johnson, the lawyer for the Nader Health Research Group who keeps up with what happens at Pine Bluff. "Instead of working hard to get known carcinogens out of the food and drug supply, FDA is choosing

to spend its time and money looking for the famous 'no-effect' dose—a dose which cancer scientists say probably does not exist and that if it does exist in one study will tell us nothing about the ordinary conditions that prevail in most of our lives."

Consumer advocates are not alone in such concerns. Providing a case in point is reaction to a paper delivered recently by the Pine Bluff center's director, Dr. Morris F. Cranmer, about benzidene, a chemical associated with a high cancer rate among workers in several industries.

"Benzidene is an interesting choice for Dr. Cranmer's research," AFL-CIO Secretary-Treasurer Jacob Clayman wrote in April in response to a request for information from Sen. Philip A. Hart (D-Mich.). "Substitutes exist for most users of this highly carcinogenic chemical and its manufacture and use, if necessary, are totally controllable. Why, then, should any agency want to set a standard permitting *any* [Clayman's emphasis] level of risk? Any firm wishing to justify its use should bear the burden of determining the risks at its own expense. To do otherwise is to subsidize and favor the industry."

Cranmer's response to this is that benzidene is indeed "one of the few proven human carcinogens," but that this doesn't negate the importance of finding out at what level of exposure the risk occurs.

"It's very important" to know this, he says, "both because benzidene continues to be made here and in other countries and because you can never get it all out. . . . So the purpose of our experimentation is to try to understand better the relationship between exposure and risk and not at all to try to say what is a safe level because that's a social decision—to be made by Congress and not by scientists."

This is, it seems, a society where the principle of innocence until guilt is proven applies at least as strongly to chemicals as to people. The danger is that a lot of hazardous substances could get off scot-free.

Mr. BAYH. Mr. President, I urge my colleagues to vote to accept the Labor-HEW appropriations bill as it has been reported by the committee. I would like to take this opportunity to express my gratitude and admiration for the outstanding work which the chairman of the Labor-HEW subcommittee and the chairman of the full committee, have done on this bill. I also wish to express my thanks to the committee staffs, who worked long and hard on the bill.

Mr. President, this is an excellent bill all around. But I will address myself principally to the health appropriations contained in this bill, as this is an area of longstanding interest to me.

In deliberating on this bill—an appropriations bill—we will be thinking and talking in terms of dollars and cents. Let us not lose sight of the fact that these dollars and cents translate into human lives. And I know of no way that a human life, that pain and suffering to the victims of illness, and to their families, can be assigned a monetary value.

Thus, while I believe that each and every penny provided for in this bill for vital health needs can be justiled as a rational economic expenditure, I also believe that the overriding justification is that these expenditures will save lives and reduce suffering.

The administration has repeatedly accused this Congress of overspending. I certainly do not dispute that this country has recently experienced its worst inflation in a quarter century, and that the inflation problem is aggravated by recessionary pressures.

But I do question the administration's economic strategy of minimal budget requests, and actual and threatened vetoes of some of the most cost-effective and productivity-enhancing programs that we have.

I am talking about health programs. To illustrate my point, let me briefly present some pertinent facts about just one of these programs—the cancer program.

It has been estimated that this dread disease—totally apart from human suffering and loss of life—costs this country $50 billion per year in medical expenses and lost productivity. This is an incredible figure. But the facts are there.

In 1973, there were at least 140,000 deaths due to cancer. The number of work years lost due to those deaths multiplied by the median personal income for that year indicates lost productivity of $17.9 billion per year due to deaths. And this figure does not include lost productivity due to cancer which does not result in death during that year.

Government expenditures under medicare and medicaid for hospital bed costs are running at about $900 million annually—and this figure does not include physicians' fees or laboratory usage. Nongovernmental expenditures for hospital bed costs—excluding, again, physicians' and laboratory services, and drugs—are at least $1 billion per year.

Finally, based on what we know of the ratio between hospital bed costs and other medical expenses, such as insurance and out-of-pocket medical, the Nation's annual cancer bill comes to a grand total of some $50 billion.

I am confident, then, in asserting that every dollar appropriated for research and development by the National Cancer Institute is a dollar which will be returned to the economy many times over in terms of increased productivity. I am confident that the cancer program will continue to relieve the weight of human suffering and will release pressure on our overburdened medical facilities for treatment of other diseases, as well as releasing the financial pressure on hard-pressed consumers.

I make these assertions based on the results which the Cancer Institute has already obtained in improved survival rates in experimental programs.

Many examples can be offered of the success of these programs. I will give only one. The historical 2-year survival rate for cancer of the bone is 20 to 25 percent. At the Sidney Farber Cancer Center, a 95 percent two-year survival rate and 75 percent disease-free survival has been obtained. Another NCI experimental treatment program has obtained a 2-year survival rate of 75 percent, with 50 percent of the patients disease-free with other drugs.

These are figures of hope, although much remains to be done before this disease is conquered.

These are hard, cold facts and figures about dollars spent and survival rates.

The story can be repeated: in terms of communicable diseases and preventive medicine; in terms of cardiovascular diseases; in terms of alcoholism, drug addiction, mental disorders; in terms of eye afflictions, diabetes and problems of the elderly.

In addition to these fine research programs, I wholeheartedly support the increases which the committee has made in funding for various health services programs. Programs such as maternal and child health services, which provides assistance to low-income mothers and children in obtaining comprehensive health care have demonstrated their effectiveness. This particular program, for example, has significantly reduced infant mortality rates and reduced hospitalization for children by providing preventive health services.

These programs are the other side of the research coin: the application of techniques and cures which have been developed and improved in the laboratory.

In this connection, a very outstanding example of how improved medical knowledge is practically applied through preventive treatment and education, is worthy of note.

More than a million Americans died from major cardiovascular diseases in 1973—more deaths than from all other diseases combined.

The Institute has already saved thousands of lives. Its research and educational program has made substantial inroads on diseases which cost this country about $20 billion annually.

A report from the National Office of Vital Statistics estimates that deaths due to strokes declined by 5 percent from 1973 to 1974; a tribute to the medical and public information campaign about high blood pressure mounted by the Heart and Lung Institute.

Yet the administration actually proposed to reduce funding for the Institute by more than $30 million. Priorities aside, this does not even make economic sense, in view of the tremendous returns in productivity and reduce medical expenses—which the public receives from HLI funding.

The committee bill seeks to fund at a realistic level programs such as HLI; programs which—in light of the best available information—will meaningfully impact on the health and welfare of the American public.

The appropriation of adequate sums in support of these programs makes sense in terms of human values, makes sense in terms of economic values, and makes sense in term of priorities.

I believe that this Congress is committed to achieving progress in coping with diseases which kill and disable millions of Americans.

I do not believe that this Congress finds it acceptable that the administration has recommended budgets for various health programs which represent a cutback—either in absolute dollars, or in real dollars which have been devalued by inflation—in vital and successful health programs.

I do not think that Congress is prepared to renege on its commitment to the American public to further basic medical research, and to provide quality health services, or that Congress is prepared to let the progress that has been made in so many areas of research slip through our grasp.

I hope that my colleagues will join with me in support of the Labor-HEW appropriations bill.

Mr. PERCY. Mr. President, I would also like to add my support to the committee's action concerning the nutrition program for the elderly. I am particularly pleased that the committee has seen fit in both the bill and report language to direct the Department of Health, Education, and Welfare to spend $200 million during fiscal year 1976 on the program. The Department is required to spend the program's fiscal year 1975 carryover funds in addition to its fiscal year 1976 appropriations. It should be noted that there has been no increase in the program's appropriations level from fiscal year 1975.

The success of the nutrition program for the elderly has been demonstrated time and again. In Illinois, over 10,000 senior citizens participate in this program each day. Estimates, however, show that 30,000 could benefit from the program if additional funds were available. I am personally troubled that senior citizens are being turned away from nutritious meals programs because funds, although available, have not been spent. The committee's action concerning this program, if approved today, will enable programs across the country to serve daily hot nutritious meals to many more senior citizens now on waiting lists.

I hope that the intent of Congress will be carried out. I urge the Department of HEW to adjust the rate of expenditure for this program in a manner to assure that the full $200 million is spent in this fiscal year, as the Appropriations Committee has directed. If necessary, funds should be reallocated among the States so that the mandated $200 million is spent. I also urge the Department to give detailed administrative guidance to the States on the obligations and expenditure procedures for these funds.

If the Department of HEW and the States follow congressional intent and direction, the Nutrition Program for the Elderly will be able to expand its special feeding projects throughout the country to serve senior citizens who are finding it increasingly difficult to buy and prepare those foods which are essential to their nutritional needs. The proper administration of this program will mean a great deal to older Americans everywhere in this country.

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## S. 2369—FOOD STAMP REFORM

Mr. CHILES. Mr. President, I introduce today, with the Senator from Georgia (Mr. NUNN), the Senator from Ohio (Mr. GLENN), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Florida (Mr. STONE), a bill to amend the Food Stamp Act.

I think that many of us have been realizing for a long time the need to reform the food stamp program. When we started that program, the purpose and intent of it was to provide nutritious meals for needy people, for those who could not take care of themselves and help themselves.

Now we look at the program and see that it has become not just that, but a massive income transfer program. Studies done for the U.S. Department of Agriculture show that over 25 percent of the people of this country, under the present rules and regulations, could qualify for food stamps, meaning that 1 out of every 4 Americans could be on the food stamp program; and if we just look at the numbers, we see it is working toward that direction.

I find nothing in my State that I hear more about from the people than their utter contempt for the way the program is now operated.

Those same people all agree with me that we ought to feed and this country can feed the people in this country who cannot help themselves, the halt, the crippled, the lame, the aged, the disadvantaged, and the motherless children; but the idea that people are getting this program who can do for themselves is, I think, the thing that is distressing many people in my State and many people across the country. They are beginning to wonder what the government is about, when we have programs like this which they are paying for, and they see the tremendous cost, and then read the studies that are done, which show that even under the present rules and regulations, over 650,000 recipients would not be qualified, under the GAO studies are ineligible to meet the requirements, but, because of the paperwork and the way it is now done, we see all kinds of errors and omissions.

The bill I am introducing today would provide that there would be a simple form, the U.S. Department of Agriculture would set up a simple form which all the States would follow, and we would have a standardized deduction, under the itemized deductions we now have, where we find all kinds of things that can be deducted before you get to the minimum level, such things as Federal, State, and local taxes, social security taxes, and mandatory union dues—all those things are taken out before they start figuring. Also, 10 percent of the gross income earned up to $30 a month, medical expenses if they are more than $10 a month, and child care.

Mr. President, if parents put their kids in private school, they can deduct that before they figure what their gross income is for your food stamps. Also included are educational expenses, including tuition, mandatory fees, but not books, living expenses, or other education-related costs. The court-ordered alimony and child support, unusual expenses due to disaster or casualty losses, shelter expenses, all of those, and others, are itemized deductions that one can now take, and that is what is allowing people, some of whom have earnings up to $15,000 a year, to be able to qualify for this program.

Mr. President, the need to reform the Food Stamp program is a pressing one.

When conceived and organized, the original intent of the Food Stamp program was to help provide nutritional meals for low income families. However, somewhere along the line, the intent and the results have been distorted.

I heard from the people of Florida during three seminars held last year and their concerns are echoed throughout the Nation.

I listened to their ideas and their apprehensions about keeping the program exclusively for the low income families.

My Government Operations Subcommittee on Federal Spending Practices, Efficiency and Open Government held several days of hearings regarding the efficiency of the Food Stamp program.

We heard much testimony detailing possible action that could be taken immediately to help correct some of the deplorable situations that now exist in the program.

Mr. President, I am today introducing a bill which will be a needed first step toward reforming this necessary but badly misdirected program.

People who are administrators and workers in the program are the first to see the need for decisive rational reform. The subcommittee heard from administrators, and we included many of their suggestions in the proposed legislation.

From the letters that I have received, there are very few people who feel that the program should be utterly scrapped. Most feel that drastic reforms should be undertaken by Congress to get the program back on its proper course.

A proper course is one which aids those low income persons who cannot provide a balanced nutritious meal for themselves.

A proper course is one which limits the eligibility to those persons clearly in need and not make provisions for an income transfer program.

A proper course is one which is simple, direct and manageable.

We are not on a proper course when there is growth precipitated largely by an open-ended eligibility system that currently makes one out of every four Americans eligibile for food stamps.

The reason for this widespread eligibility is no mystery. One need only consider the several categories of deductions available to applicants using an extensive itemized system.

First. Federal, State and local taxes, social security payroll taxes, and mandatory union dues;

Second. Ten percent of gross earned income up to $30 dollars per month;

Third. Medical expenses, if they are more than $10 a month;

Fourth. Child care, or care for an incapacitated adult, when such care is necessary for a household member to work;

Fifth. Educational expenses, including tuition and mandatory fees, but not books, living expenses, or other education-related costs;

Sixth. Court-ordered alimony and child support;

Seventh. Unusual expenses due to disaster or casualty losses;

Eighth. Shelter expenses (mortgage payments, rent and utilities) above 30 percent of income after all other deductions have been taken.

If enacted, this legislation will:

Significantly curtail the eligibility of persons in the higher income bracket by imposing a $120 dollar-a-month standard deduction. Approximately 650,000 households will be eliminated from the current rolls but—perhaps even more important—millions will be eliminated from the ranks of those currently eligible.

I want to emphasize, Mr. President, that those persons thus eliminated are not individuals or households which are poverty-ridden. These are not individuals or households which fall within the original intent of the Food Stamp Act.

There is little doubt that some rational manner must be employed to efficiently distinguish between those who use food stamps for convenience and those who use the stamps for necessity.

Further, the national income formula provides for regional modifications to meet realistic needs of urban and rural residents and would be adjusted semiannually to reflect cost-of-living changes.

Reduce administrative paperwork and computation which should sharply reduce and insure better quality control.

The General Accounting Office testified before my subcommittee that thousands of households on the program had not met eligibility requirements. Plainly, the cumbersome administrative computation defeats the purpose that real quality control should enhance.

Immediately save from $250 to $350 million dollars for fiscal year 1976. Based on the simplified system that the national income formula utilizes, this could be a very conservative estimate. But, again, the limitations on eligibility would be paramount.

Increase outreach for needy recipients as funds for administration, which will exceed $150 million for fiscal year 1975, will be made available because of the new, simplified system. The number of the desperately poor who do not participate in the program has been firmly documented by other congressional committees.

There is little doubt that many of the deserving poor have been systematically excluded from the program either because they are unaware of the program or because the bureaucratic redtape is too extensive. In either case, the legislation provides for an easier system for both the client and the caseworker.

Provide a better estimate of charges for stamp allotments.

Provide a special benefit for the aged, the millions of poor elderly people who are hardest hit by inflation.

Finally, Mr. President, Congress has a responsibility to reform a program that is federally funded and has nationwide impact. The congressional responsibility extends to seeing that the legitimately needy have nutritional assistance and that the public which supports the program have renewed faith in the virtues of the food stamp program for the poor.

The well-intentioned objectives of this program can be made to work, but only if the Congress moves with determination to redirect the program in a positive manner.

That positive manner will once again begin to restore the American taxpayer's belief that Congress can and will control Government spending and bring Government spending back in line with program objectives.

I believe, Mr. President, that the American people will support a vigorous food stamp program that fulfills congressional intent.

I thoroughly welcome the support of four other Members of this body who played instrumental parts in the hearings and who have provided valuable input on this legislation.

The distinguished Senator from Georgia (Mr. NUNN), the distinguished Senator from Ohio (Mr. GLENN), the distinguished Senator from Louisiana (Mr. JOHNSTON), and the Senator from Florida (Mr. STONE) have joined in cosponsorship of this reform legislation.

I ask unanimous consent that a detailed explanation of the bill be printed in the RECORD together with a chart showing the causes of the national income formula and the results of a recently released quality control report concerning the high degree of errors still found in the program.

This legislation would again, eliminate the errors that are found in this program.

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

SECTION-BY-SECTION ANALYSIS

SECTION 1

(a) This section of the bill amends Section 5(b) of the Food Stamp Act, which defines national eligibility standards for participation.

It establishes a standard nationwide formula for eligibility based on the net income and assets of households. In computing net income and assets the Agriculture Secretary will set a standard deduction of $120 a month plus $60 for each additional member of a household 60 years of age or older.

The standard deduction would eliminate much of the administrative time and expenses involved in calculating the present system of itemizing separate deductions. This will provide for better program efficiency and improved targeting of those most in need.

Formula modifications will be allowed on a regional basis to reflect cost of living variations in different areas of the United States.

(b) Both USDA and HEW have a certain degree of overlap on aspects of the food stamp program that could be corrected through better program coordination between the two agencies.

To accomplish this the bill further amends Section 5 of the Act by adding a new subsection that requires:

1) USDA and HEW develop a single eligibility certification form;

2) USDA and HEW shall carry out a joint outreach program to inform SSI and AFDC recipients; and

3) USDA and HEW shall develop and submit to Congress a proposal for a cooperative nutritional status monitoring system.

These changes effect the program to 1) simplify applicant's certification and reduce governmental morass; 2) insure a large number of eligible persons, presently excluded, are admitted to the program; and 3) implement the nutritional aspects of the program which were lost to income transfer aspects.

SECTION 2

Section 2 would amend the Food Stamp Act by adding four new sections that would improve aspects of the program's quality control, administrative efficiency, and evaluation.

*Section 18—Experimental projects*

This new section allows the Secretary to initiate and conduct experimental programs on a regional or statewide basis. Present statutory authority does not allow research and evaluation of any nature unless carried out on a nationwide level.

*Section 19—Quality control and administrative efficiency*

Section 19 requires USDA to formulate goals for the States to achieve in making a maximum effort to minimize eligibility errors. States would be required to reach specific error tolerance levels for specific goals at periods of 1 year, 2 years, and 5 years. The establishment of goals will be subject to periodic review.

Each State will submit a quality control plan to the Secretary for his approval describing their actions in meeting the nationwide error tolerance goals. If any State fails to meet the prescribed error tolerance goals within the time period, the Secretary may withhold 10 percent of the Federal funds made available to the States for administrative expenses.

Simplified procedures implied by the standard deduction should eliminate most of the certification errors.

The State's quality control program will also insure that all certification workers be adequately trained in conducting their duties under provisions of the Act.

*Section 20—Annual evaluation plan*

Section 20 requires the Secretary to submit to Congress an annual evaluation plan describing the Department's major objectives, achievements, and difficulties in implementing the food stamp program.

The evaluations will include progress reports on the recipients nutritional levels, the program's fairness in distributing benefits to individuals and regions, and the success of outreach programs.

*Section 21—Annual report to Congress*

Finally, this section requires that the Secretary submit to Congress a yearly report incorporating the Department's summary of program activities. Additional aspects covered by the report should include recommendations for legislative or administrative action deemed necessary to meet program objectives.

NATIONAL INCOME FORMULA ESTABLISHING MAXIMUM PARTICIPATION LEVELS FOR THE FEDERAL FOOD STAMP PROGRAM

| Family size | Annual maximum income with $120 monthly deductions | Elderly deductions |
|---|---|---|
| 1 | 3,948 | 4,228 |
| 2 | 4,908 | 5,388 |
| 3 | 6,468 | 6,948 |
| 4 | 7,908 | 8,388 |
| 5 | 9,028 | 9,468 |
| 6 | 9,828 | 10,548 |
| 7 | 11,148 | 11,908 |
| 8 | 12,240 | 12,960 |

QUALITY CONTROL IN THE FOOD STAMP PROGRAM: NONPUBLIC-ASSISTANCE HOUSEHOLDS, JULY–DECEMBER 1974

SUMMARY

1. Participation in the Food Stamp Program, and the value of bonus coupons during the period covered by this report were (preliminary estimates) as follows:

| Month and year | Total participation (persons) | Nonpublic assistance | Value of bonus stamps |
|---|---|---|---|
| July 1974 | 13,955,948 | 6,457,499 | $289,851,295 |
| August 1974 | 14,322,545 | 6,748,348 | 296,404,210 |
| September 1974 | 14,522,040 | 6,871,814 | 299,302,097 |
| October 1974 | 15,233,226 | 7,403,978 | 315,136,830 |
| November 1974 | 15,930,631 | 7,978,286 | 333,871,733 |
| December 1974 | 17,254,117 | 9,145,480 | 364,171,659 |

2. A Quality Control Program has been implemented in the nonpublic-assistance segment of the total Food Stamp Program to ensure that households receiving food stamps are legally eligible to receive them, are receiving the correct allotment, and are charged the correct purchase amount. This is carried out by reviewing a randomly selected sample of households in each State for each six-month period. This report presents the sample findings for July–December 1974.

3. Of the 29,674 sample households reviewed, 17.3 percent were found to be ineligible for participation in the Food Stamp Program compared to 21.6 percent a year earlier.

Twenty-six percent of the sample households were eligible for food stamps but had either been issued too many or charged too little, i.e., "overissued." On the other hand, 10.7 percent had either been charged too much or had not received the full stamp allotment to which they were entitled, i.e., "underissued."

4. Some of the errors inadvertently made in issuing food stamps involve only small dollar amounts. In terms of bonus dollars issued to the sample cases, 17.5 percent was made to ineligible households, 8.4 percent overissued to eligible households, and 2.6 percent underissued to eligible households.

5. The complexity of the Food Stamp Program gives rise to a wide variety in the kinds of errors which can occur. For the sample cases where errors were found, 43 percent resulted from miscalculated or incomplete income data, and another 29 percent from incorrect information on deductions (medical expenses 12.8 percent, shelter costs 12.0 percent, other deductions 4.0 percent). Financial resources and household composition accounted for 9 percent of the errors; residency and cooking facilities for less than 1 percent.

Lack of work registration accounted for 9 percent of the error cases although the households were otherwise eligible to receive food stamps. If these errors had not occurred, the ineligible error rate would have been 12.5 percent instead of its actual level of 17.3 percent.

Progress has been made in reducing work registration errors. They comprised 9 percent of the errors found in this sample for the last half of 1974 compared to 11 percent in the sample for January through June 1974.

6. Errors in food stamp issuance may occur by mistakes of the issuing agency in interpreting policy, failing to take some appropriate action, or simple errors in arithmetic. They will also occur if the recipient supplies incorrect or incomplete information, or fails to notify the agency of changes in his circumstances which would affect his stamp allotment or purchase requirement. Of the sample cases with errors, 45.5 percent were attributed to the issuing agency, 54.5 percent to the recipient.

7. A "negative action" is one which denies food stamps to an applicant or terminates participation of a household already in the program. For every household denied or terminated, approximately 19 households are authorized to participate.

Among the 19,449 sample negative actions reviewed as part of the quality control system, 7.3 percent were denied or terminated incorrectly. Corrective action aimed at reducing this rate is another safeguard for ensuring that the Food Stamp Program reaches all eligible families in need of food assistance.

BACKGROUND

The Food Stamp Quality Control Program is administered by the U.S. Department of Agriculture and carried out by the States in accordance with uniform national policies and procedures. A random sample of nonpublic-assistance households is selected in each State and all elements of eligibility are verified to establish that those who are receiving food stamps are legally eligible to receive them, are receiving the correct allotment, and are charged the correct purchase amount. A sample of households denied food stamps is also reviewed to verify that the reasons for denial were proper and valid.

The Food Stamp Quality Control Program is presently carried out only for nonpublic-assistance households, but plans are being developed to extend the coverage to all households receiving food stamps. The nonpublic-assistance segment of the program has increased from 34 percent of all food stamp households in July 1973 to 55 percent in December 1974.

The quality control sample of cases described in the following sections of this report consists of 29,674 non-assistance households which purchased food stamps from July through December 1974 in 50 States and the District of Columbia. The average household consists of between three and four persons; the average monthly caseload from which the sample cases were selected consisted of 2,366,000 households.

This quality control sample provides a management tool for both the States and the national office to identify problem areas and to distinguish between those shared by all Regions and those arising out of special situations. With this information, sound planning can be made for corrective action to reduce errors. A reduction in errors holds down program costs, at the same time it ensures that families in need of food assistance receive full benefits of the program.

The data presented here must, however, be interpreted carefully. The complex, changing nature of the Food Stamp Program raises many administrative and sampling problems which have not yet been fully resolved. Furthermore, all States did not enter the program at the same time and various start-up and staffing problems have impeded full implementation of quality control. As a result, the sample data reported are not equally valid for all States and Regions and differences must be evaluated accordingly.

CASELOADS

State monthly non-assistance caseload averaged 46,393 households, and ranged from 1,660 households in Wyoming to 236,362 households in Texas.

Table 1, on page 9, shows the regional distribution of caseloads, ranging from a monthly average of 285,000 households in the West to 690,000 households in the Southeast. There are eight States in each of these two Regions but the West contributes 12 percent of the national caseload, the Southeast 29 percent.

ERROR RATES—NUMBER OF CASES

The quality control review process focuses on identifying the kinds and sources of errors made in determining a household's eligibility for the Food Stamp Program, whether it receives the correct allotment of stamps, and whether it pays the correct amount for them. With this information available, corrective and preventive action can be taken where it is most needed to improve the overall level of program administration.

Of the 29,674 sample cases reviewed, 17.3 percent were found to be ineligible, continuing the downward trend from 21.6 percent a year earlier and 18.2 percent during the first half of 1974.

The West-Central Region had the lowest eligibility error rate, 11.4 percent compared to the national average of 17.3 percent; the Midwest Region had the highest eligibility error rate, 22.4 percent. Corresponding rates are shown in Table 1 for each administrative Region and in Table 2 for each State.

Sample households which were eligible for the program but in which errors of overissuance were found (i.e., too many stamps allotted or too small purchase charges), made up 26.0 percent of the cases reviewed, the same proportion as a year ago. On the other hand, in 10.7 percent of the sample cases the recipients were either overcharged for the stamps issued or the allotments of coupons were less than those to which they were entitled. These latter kinds of error, resulting in losses to the recipients, declined from 12.1 percent a year earlier.

ERROR RATES—BONUS DOLLARS

Some of the errors made in issuing food stamps involve only small dollar amounts. For stamps issued to ineligible households, the dollar error is the total value of the bonus stamps issued to those households, but errors in the allotment or purchase requirement for eligible households may amount to only a few dollars.

The monthly bonus dollars issued to all households in the sample amounted to $1,905,285. Bonus dollars issued to ineligible households accounted for 17.5 percent of this amount. That number is approximately the same as the proportion of sample cases found to be ineligible, 17.3 percent.

However, 8.4 percent of the bonus dollars issued were overissued in error to eligible households (undercharges and overallotments) compared to 26.0 percent of the sample cases found to contain this type of error. Similarly, underissued bonus dollars are 2.6 percent of all bonus dollars issued compared to the corresponding proportion of sample cases reviewed, 10.7 percent.

ZERO-PURCHASE CASES

A "zero-purchase" household is one to which food stamps are issued at no cost to the recipient. Such households have little or no reported income or high deductible expenses. These factors, in relation to the number of persons in the households, place them in the lowest financial bracket. Households which are apparently eligible at zero-purchase level and are in immediate need of food assistance may be certified for up to one month pending future verification. Concern over potentially high error rates among these households is partially borne out by findings in the quality control sample. The proportion of zero-purchase households found to be ineligible for food stamps is 20.1 percent compared to the corresponding overall rate of 17.3 percent. In terms of bonus dollars, the eligibility error rate is 17.5 percent—the same for zero-purchase households as for all households.

However, these relations are not uniform in all parts of the country, as Table 1 shows. The Northeast and Southeast Regions have lower eligibility error rates among zero-purchase households than among other households. In the Northeast Region the zero-purchase error rate is 12.3 percent compared to the overall rate of 18.1 percent; and, in terms of bonus dollars, the corresponding rates are 10.4 percent and 17.3 percent.

SOURCES OF ERROR

Responsibility for case errors is seldom a clear-cut decision. The agency issuing food stamps may apply the established policies

incorrectly, fail to take appropriate action, or make arithmetic and other miscellaneous mistakes. Recipients may supply incorrect or incomplete information on which the amount and cost of stamps is based, or they may fail to notify the agency of changes in their circumstances which would alter their stamp allotment or payments (e.g., changes in income, and/or shelter costs). If a combination of factors contributes to an error and the major responsibility is doubtful, the error is assigned arbitrarily to the issuing agency rather than to the recipient.

Nevertheless, Table 1 shows that more than half, 54.5 percent, of the error cases in the quality control sample were attributed to recipients, about evenly divided between their reporting incorrect or incomplete information and not reporting changed circumstances which would affect their eligibility or purchase requirement. Among errors attributed to the issuing agency, the primary cause was failure to take some action required by the program rules and regulations.

Errors caused by recipients are usually unintentional, arising from carelessness or lack of knowledge concerning the program.

TYPES OF ERROR

Table 1 lists some of the major elements which contributed to errors in the quality control sample. Calculation of income accounted for 43.3 percent of the errors, and deductions (primarily medical expenses and shelter costs) another 28.8 percent. Financial resources and household composition made up 9 percent of the errors; residency and cooking facilities less than 1 percent. The remaining errors resulted from failure to comply with the work registration requirements, procedural errors such as unsigned applications, etc., and arithmetic mistakes.

Many of the errors in this last group could be eliminated by additional staff training. For example, in this sample of cases, if no work registration errors had occurred, the ineligible error rate would have been 12.5 percent instead of its actual level of 17.3 percent. Progress has been made in this direction as evidenced by a decreasing proportion of work registration errors. In this sample they comprised 9 percent of all errors, compared to 11 percent in the previous sample for January through June 1974.

TIME OF ERRORS

Quality control reviews that accuracy and status of cases as of the month from which the sample cases are selected. Since households are certified for food stamps for varying periods of time up to a year, errors can occur not only at the time of certification but at any time thereafter. In addition to information concerning the sources and kinds of errors being made, the time when they occur is also relevant in giving direction and emphasis to those areas where corrective action will prove most effective.

Although data are not available on the time lapse between certification and review for all sample cases, reports by 21 States indicate that 57 percent of their errors occurred at the time the households were certified. Again, additional staff training is strongly suggested—in this instance, of certification workers at the local agency level.

NEGATIVE ACTIONS

A "negative action" is one which denies food stamps to an applicant or terminates participation of a household already in the program. Households which do not apply for further participation after their current certification has expired are not considered to be "negative actions."

For every household denied or terminated from participation in the program, approximately 19 are authorized to receive food stamps. State monthly negative actions during July through December 1974 averaged 2,463 cases, compared to an active or participating caseload of 46,393. Nationwide the monthly number of negative actions averaged 123,159 cases.

Review of negative actions for quality control purposes consists of determining whether the reasons for denial or termination are correct: it does not indicate that all households in this category are ineligible for food stamps. For example, an applicant who has insufficient information on hand and is requested to return with additional records frequently fails to do so and, after a reasonable time, his application is closed.

Table 3, on page 14, shows that among the 19,449 sample negative actions reviewed, 7.3 percent were in error. Corrective action aimed at reducing this rate is another safeguard for ensuring that the Food Stamp Act is effectively implemented in reaching all families who request and are in need of food assistance.

TABLE 1.—CASE CHARACTERISTICS BY ADMINISTRATIVE REGION

| Characteristic | Total | North-east | South-east | Midwest | West Central | Western |
|---|---|---|---|---|---|---|
| Number of States (including District of Columbia) | 51 | 14 | 8 | 10 | 11 | 8 |
| Average monthly caseload: | | | | | | |
| Number of households (thousands) | 2,366 | 415 | 690 | 447 | 529 | 285 |
| Percent | 100.0 | 17.5 | 29.2 | 18.9 | 22.4 | 12.0 |
| Number of cases reviewed: Total | 29,674 | 6,588 | 7,607 | 6,301 | 5,762 | 3,416 |
| Percent with errors:[1] | | | | | | |
| Ineligible | 17.3 | 18.1 | 18.5 | 22.4 | 11.4 | 13.3 |
| Eligible-overissue | 26.0 | 29.8 | 28.8 | 22.6 | 24.9 | 20.1 |
| Eligible-underissue | 10.7 | 13.8 | 13.6 | 8.4 | 7.4 | 7.8 |
| Bonus dollars issued to reviewed cases (monthly): | | | | | | |
| Total | $1,905,285 | $380,391 | $561,048 | $344,002 | $378,779 | $241,065 |
| Percent in error:[2] | | | | | | |
| Ineligible | 17.5 | 17.3 | 19.2 | 22.3 | 13.9 | 13.1 |
| Eligible-overissue | 8.4 | 10.0 | 8.6 | 8.2 | 7.9 | 6.4 |
| Eligible-underissue | 2.6 | 3.4 | 3.1 | 2.3 | 1.6 | 2.0 |
| Reviewed cases having zero-purchase costs: | | | | | | |
| Number | 2,513 | 382 | 540 | 403 | 485 | 703 |
| Percent of cases ineligible | 20.1 | 12.3 | 16.5 | 33.3 | 19.4 | 20.1 |
| Bonus dollars issued (monthly) | $277,778 | $41,915 | $63,011 | $55,101 | $52,991 | $64,760 |
| Percent of dollars ineligible | 17.5 | 10.4 | 16.7 | 24.1 | 20.8 | 14.4 |
| Percent distribution of error cases by source of error:[3] | | | | | | |
| Agency | 45.5 | 36.5 | 44.0 | 59.2 | 39.5 | 54.7 |
| Recipient | 54.5 | 63.5 | 56.0 | 40.8 | 60.5 | 45.3 |
| Total | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |

| Characteristic | Total | North-east | South-east | Mid west | West Central | Western |
|---|---|---|---|---|---|---|
| Agency errors: | | | | | | |
| Policy incorrectly applied | 15.0 | 9.4 | 16.6 | 22.2 | 13.3 | 11.5 |
| Failure to take indicated action | 21.9 | 20.2 | 20.2 | 26.4 | 17.7 | 29.4 |
| Arithmetic/transcription | 4.7 | 4.6 | 2.6 | 5.4 | 4.9 | 10.6 |
| Other | 3.9 | 2.3 | 4.6 | 5.2 | 3.6 | 3.2 |
| Recipient errors: | | | | | | |
| Information incorrect or incomplete | 28.3 | 26.6 | 28.0 | 21.9 | 40.5 | 27.7 |
| Change in circumstances not reported | 26.2 | 36.9 | 28.0 | 18.9 | 20.0 | 17.6 |
| Percent distribution of error cases by type of error:[3] | | | | | | |
| Income: | | | | | | |
| Earnings | 19.6 | 20.1 | 21.9 | 15.4 | 19.1 | 21.5 |
| Social security/pensions | 17.6 | 22.5 | 13.7 | 19.5 | 16.7 | 13.7 |
| Other income | 6.1 | 7.1 | 5.0 | 4.6 | 7.2 | 8.8 |
| Deductions: | | | | | | |
| Medical expenses | 12.8 | 10.6 | 14.8 | 8.8 | 20.4 | 8.8 |
| Shelter costs | 12.0 | 15.7 | 12.2 | 10.5 | 7.2 | 12.2 |
| Other deductions | 4.0 | 4.2 | 2.8 | 3.8 | 4.2 | 7.2 |
| Resources | 4.2 | 6.7 | 2.5 | 4.1 | 3.8 | 3.7 |
| Household composition | 4.8 | 4.8 | 5.2 | 5.4 | 4.3 | 3.3 |
| Residence/cooking facilities | .7 | .7 | .6 | .7 | 1.0 | .7 |
| Work registration | 9.0 | 4.4 | 12.3 | 10.0 | 8.7 | 9.1 |
| Arithmetic/procedural | 9.2 | 3.2 | 9.0 | 17.2 | 7.4 | 11.0 |
| Total | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| Percent distribution of error cases by time error occurred:[4] | | | | | | |
| At certification | 57.0 | 47.8 | 47.3 | 71.5 | 75.9 | 79.7 |
| Less than 30 days later | 12.8 | 8.8 | 18.3 | 11.0 | 6.2 | 5.5 |
| 30 days but less than 3 mo later | 14.6 | 15.7 | 18.2 | 8.8 | 9.3 | 6.9 |
| 3 mo but less than 6 mo later | 9.4 | 10.9 | 11.8 | 5.1 | 5.8 | 3.2 |
| 6 mo or more later | 6.2 | 16.8 | 4.4 | 3.6 | 2.8 | 4.7 |
| Total | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |

[1] Ineligible errors do not necessarily reflect households which are not in need of food stamp assistance. The errors include work registration and procedural errors where the households were otherwise eligible. For example, if errors due to the absence of work registration are excluded, the ineligible error rate becomes 12.5 percent compared to 17.3 percent when they are included. Overissue errors represent an overallotment of stamps or an undercharge for their purchase cost. Underissue errors represent an underallotment of stamps or an overcharge for their purchase cost.

[2] Bonus dollars underissued are not available for all States as indicated in table 2. Percents are based on reported data.

[3] Based on 15,699 cases for which data are available.

[4] Based on 5,631 cases of which data are available.

TABLE 2.—ERROR RATES BY STATE

| State | Percent of cases reviewed | | | Percent of bonus dollars issued to reviewed cases | | |
|---|---|---|---|---|---|---|
| | | Eligible | | | Eligible | |
| | Ineligible | Overissue | Underissue | Ineligible | Overissue | Underissue |
| Total | 17.3 | 26.0 | 10.7 | 17.5 | 8.4 | 2.6 |
| Alabama | 15.3 | 32.9 | 13.8 | 16.6 | 8.7 | (1) |
| Alaska | 17.6 | 21.6 | 9.8 | 13.0 | 4.5 | 2.8 |
| Arizona | 12.6 | 23.0 | 7.0 | 12.7 | 6.2 | .8 |
| Arkansas | 10.4 | 29.1 | 8.1 | 13.4 | 8.6 | 1.4 |
| California | 17.1 | 21.1 | 11.6 | 14.1 | 6.7 | 3.3 |
| Colorado | 22.3 | 29.0 | 5.7 | 21.5 | 8.3 | 1.5 |
| Connecticut | 24.0 | 36.1 | 15.3 | 25.0 | 12.5 | (1) |
| Delaware | 22.2 | 37.8 | 14.4 | 28.8 | 17.7 | 2.6 |
| District of Columbia | 17.9 | 47.7 | 8.4 | 20.5 | 13.0 | 2.5 |
| Florida | 25.6 | 27.3 | 15.7 | 24.6 | 7.3 | 2.7 |
| Georgia | 31.3 | 23.6 | 13.1 | 33.5 | 7.9 | 3.8 |
| Hawaii | 9.5 | 34.3 | 9.5 | 8.3 | 11.5 | 6.1 |
| Idaho | 2.3 | 23.3 | 8.5 | 1.7 | 6.7 | 1.2 |
| Illinois | 51.5 | 12.9 | 5.0 | 43.8 | 4.7 | (1) |
| Indiana | 9.4 | 19.7 | 7.6 | 8.6 | 6.3 | (1) |
| Iowa | 14.8 | 26.6 | 11.5 | 19.2 | 7.7 | (1) |
| Kansas | 14.6 | 22.3 | 5.1 | 16.6 | 9.7 | 1.1 |
| Kentucky | 15.4 | 25.5 | 10.3 | 16.0 | 8.0 | (1) |
| Louisiana | 11.4 | 31.5 | 8.5 | 14.5 | 8.8 | 1.3 |
| Maine | 9.1 | 22.9 | 10.4 | 6.3 | 8.5 | .3 |
| Maryland | 24.2 | 32.9 | 12.8 | 25.4 | 10.9 | 3.1 |
| Massachusetts | 50.0 | 30.4 | 13.0 | 41.0 | 16.0 | 4.2 |
| Michigan | 20.4 | 18.1 | 7.5 | 22.4 | 7.2 | 1.5 |
| Minnesota | 28.6 | 29.0 | 12.5 | 29.1 | 9.1 | 3.2 |
| Mississippi | 9.2 | 25.9 | 13.1 | 10.5 | 6.9 | 1.9 |
| Missouri | 12.3 | 26.0 | 7.7 | 17.4 | 11.5 | 2.5 |
| Montana | 35.1 | 22.8 | 4.1 | 41.5 | 6.0 | .9 |
| Nebraska | 10.0 | 21.1 | 8.3 | 16.2 | 6.4 | 2.3 |
| Nevada | 8.8 | 25.0 | 3.8 | 10.2 | 6.2 | .9 |
| New Hampshire | 17.8 | 39.7 | 17.8 | 21.4 | 13.1 | 8.1 |
| New Jersey | 14.7 | 37.1 | 17.4 | 17.2 | 13.6 | 4.5 |
| New Mexico | 28.7 | 22.3 | 3.2 | 27.8 | 7.2 | .8 |
| New York | 25.6 | 23.8 | 17.8 | 22.1 | 7.6 | 5.3 |
| North Carolina | 14.4 | 30.7 | 19.1 | 15.2 | 10.3 | 4.7 |
| North Dakota | 7.6 | 15.2 | 3.0 | 7.6 | 3.5 | .2 |
| Ohio | 19.6 | 29.2 | 10.5 | 21.8 | 8.7 | (1) |
| Oklahoma | 2.5 | 15.1 | 6.1 | 3.1 | 6.3 | 2.3 |
| Oregon | 26.1 | 22.1 | 6.9 | 24.0 | 7.6 | 1.6 |
| Pennsylvania | 20.9 | 31.6 | 10.7 | 21.7 | 11.3 | 2.9 |
| Rhode Island | 23.6 | 48.6 | 12.3 | 28.7 | 17.2 | 5.9 |
| South Carolina | 27.8 | 41.1 | 14.6 | 26.8 | 12.2 | 2.8 |
| South Dakota | 7.0 | 19.0 | 15.0 | 7.9 | 23.5 | 14.6 |
| Tennessee | 14.2 | 28.2 | 9.9 | 18.5 | 8.8 | (1) |
| Texas | 7.7 | 26.5 | 9.2 | 8.2 | 7.4 | (1) |
| Utah | 3.1 | 25.5 | 8.2 | 2.1 | 7.1 | |
| Vermont | 19.5 | 32.3 | 14.0 | 17.9 | 14.1 | 3.7 |
| Virginia | 11.1 | 28.5 | 12.7 | 13.7 | 10.2 | (1) |
| Washington | 5.2 | 13.8 | 5.5 | 6.9 | 4.9 | 1.2 |
| West Virginia | 6.3 | 20.1 | 13.6 | 4.9 | 6.2 | 2.3 |
| Wisconsin | 16.2 | 18.4 | 13.2 | 15.6 | 7.7 | (1) |
| Wyoming | 14.8 | 22.2 | 9.9 | 19.0 | 6.2 | 1.6 |

[1] Not available.

TABLE 3.—NEGATIVE ACTIONS BY ADMINISTRATIVE REGION

| Characteristic | Total | Northeast | Southeast | Midwest | West Central | Western |
|---|---|---|---|---|---|---|
| Number of States (including District of Columbia) [1] | 50 | 13 | 8 | 10 | 11 | 8 |
| Average monthly actions: | | | | | | |
| Number of households (thousands) | 123 | 33 | 28 | 22 | 20 | 20 |
| Percent | 100.0 | 26.8 | 22.7 | 17.9 | 16.3 | 16.3 |
| Number of actions reviewed: | | | | | | |
| Total | 19,449 | 4,672 | 4,669 | 3,708 | 3,455 | 2,945 |
| Percent with invalid decision | 7.3 | 6.6 | 12.3 | 7.5 | 5.4 | 2.4 |

[1] Massachusetts did not report data for negative actions.

Mr. CHILES. I take this opportunity to thank my fellow colleagues who have joined in this as cointroducers of this bill, and I hope that it will receive favorable consideration.

I understand that the Committee on Agriculture and Forestry is going to hold hearings, and the distinguished Senator from Alabama is going to chair some hearings in the Committee on Agriculture and Forestry that are going to be held in a short period of time.

I hope that this bill, along with others in this regard, will receive consideration.

Mr. ALLEN. Mr. President, will the Senator yield briefly?

Mr. CHILES. I certainly will yield.

Mr. ALLEN. Mr. President, I advise the distinguished Senator and the cosponsors of the legislation that a subcommittee meeting of the Subcommittee on Agriculture Research and General Legislation, which has jurisdiction of this legislation, has been called starting Tuesday, October 7, extending for a total of 4 days at that time, and there will be two other hearings later on, but on Thursday, October 9, and Friday, October 10, the subcommittee will hear testimony from the sponsors of major legislation which would amend the Food Stamp Act.

I hope the distinguished Senator from Florida (Mr. CHILES), the distinguished Senator from Georgia (Mr. NUNN), the distinguished Senator from Arkansas (Mr. BUMPERS), the distinguished Senator from Florida (Mr. STONE) and the distinguished Senator from Ohio (Mr. GLENN) will arrange with the committee to appear on behalf of the Senator's bill.

Mr. CHILES. I thank the distinguished Senator from Alabama.

We would certainly look forward to being able to testify at his hearings, and I am delighted to see that he has arranged the hearings at this early date.

Mr. NUNN. Mr. President, will the Senator yield.

Mr. CHILES. I yield.

Mr. NUNN. Mr. President, I am delighted to be a cosponsor of this reform legislation.

Too many times we in the Senate and in Congress are so busy creating new legislation that we do not oversee the administration of legislation which has already been enacted.

The Senator from Florida and his Subcommittee of Government Operations spent numerous hours, working on this bill and holding hearings to determine just what the abuses in the food stamp program have been.

As a member of the subcommittee I can attest to the fact that the Senator from Florida did an excellent job of getting away from the rhetoric about food stamps and really determining what the problems are.

I am delighted the Senator from Alabama and the Committee on Agriculture and Forestry are going to have hearings on this subject.

I know that my senior colleague, the Senator from Georgia (Mr. TALMADGE) is just as concerned as I am about the food stamp program, and I know that the Senator from Alabama is also concerned about it.

I believe that we are about at the point where needed reform legislation has a chance of passage in this body.

I therefore support the food stamp reform bill which Senator CHILES is introducing, and of which I am a principal cosponsor. Rhetoric about problems in the food stamp program is as abundant as the abuses and seldom is there a reasonable and constructive legislative reform effort. I believe that Senator CHILES' bill, which is a result of hearings in the Federal Spending Practices, Efficiency and Open Government Subcommittee of the Committee on Government Operations, is a logical and reasoned approach to reforming the food stamp program to bring it in closer compliance with the actual goals of the program.

In recent months, the new media has reported startling revelations concerning several Federal assistance programs. One focus has been the abuses prevalent in the food stamp program. The term abuse is somewhat of a misnomer because most of the activities which are referred to are perfectly legal under existing laws and regulations. This is the unfortunate circumstance which we are attempting to correct through this legislation.

The purpose of the food stamp pro-

gram is to provide nutritional assistance to individuals and families who do not have sufficient financial resources to provide an adequate diet for themselves. While this intention was clearly expressed at the time of enactment of the original authorizing legislation, subsequent interpretations and regulations have not adequately reflected the congressional desire to provide assistance solely to the needy. The result has been a program which is replete with administrative errors and individuals receiving assistance who can easily provide an adequate diet for themselves. In my view, the bill which Senator CHILES has introduced is the first of two necessary steps to correct these problems. This legislation will restrict the legal guidelines for qualification so that the letter of the law will more closely correspond with the intent of Congress. The second necessary step is to demand the implementation of administrative steps which would correct many of the existing problems in the program even before reform legislation is enacted.

The most inequitable part of the food stamp program, and the part which makes abuse possible, is the system of deductions from income which are used in order to determine food stamp eligibility. These currently permissible deductions include: Federal, State, and local income taxes; social security payroll taxes; union dues; child care expenses; and shelter expenses above 30 percent of income after all deductions have been taken.

In some cases these deductions have added up to a total of $7,000 or more making eligible many households with incomes in excess of $15,000 per year.

Through juggling of these permissible deductions, individuals who are financially capable of providing themselves with a more than adequate nutritional diet are able to qualify for food stamp assistance.

Even though not in compliance with present law and regulations, cases have been cited to me showing deductions for such items as retirement contributions, savings bonds, and even boats or car payments. These errors are inevitable when one caseworker has to compute eligibility on forms that are as complicated as income tax forms.

This Food Stamp Reform bill would implement a standard deduction of $120 per month along with an added $60 per month for households with members 60 years of age or older. The implementation of this form of deduction would prevent the use of excessive and unjustified itemized deductions to permit the qualification of those individuals who can afford to provide for themselves.

Another important advantage of the standard deduction approach would be the elimination of a large percentage of the currently prevalent computation errors. The volume of computations which the itemized deduction system requires results in an immeasurable number of administrative errors and a commensurate number of erroneous qualifications. This system would also facilitate a more expeditious handling of applications, thereby reducing administrative costs and permitting more legitimate applicants to be processed.

Along this same line, the food stamp reform bill would require the Secretaries of Agriculture and Health, Education, and Welfare to develop a single eligibility form for qualification for food stamps, supplemental security income assistance, aid to families with dependent children assistance, and old-age survivor disability insurance. This commonality of paperwork should also reduce administrative costs and errors.

I do not think there is anyone in this body who opposes the basic principle of providing nutritional assistance to needy individuals and families. This bill will not eliminate any people who are deserving of receiving this form of assistance; however, it will eliminate in excess of 600,000 households which are at income levels which do not deserve this type of assistance. This reduction would produce an immediate saving of $250 to $350 million.

It should be made clear that this legislation is not only directed at reducing the food stamp rolls. It will also create a more organized and active outreach program in order to identify and assist in qualification of those deserving individuals who are not already on the rolls.

Mr. President, I strongly support this bill and urge that it be given expeditious consideration as I mentioned earlier. However, I believe that administrative authority currently exists through which substantial improvements in the food stamp program could be implemented immediately.

A good example of the administrative suggestions that can be implemented is found in the work of a special committee appointed by the Georgia Senate to investigate the food stamp program in our State.

State Senators Ebb Duncan, George Warren and Henry McDowell spent many months researching the history and operations of the food stamp program and were extremely knowledgeable on the subject prior to the formation of their committee.

As a result of the expertise which these individuals brought to the project, as well as their determination to improve the administration of a program which is reputed to be replete with inefficiencies nationwide, the Georgia Special Committee on Food Stamps made several recommendations which, when implemented, will save millions of Federal and State dollars annually in Georgia.

This committee determined that individuals and families who would not otherwise be eligible for food stamps have been qualifying for this assistance by claiming fewer than their authorized number of exemptions for Federal tax purposes. Through the use of this procedure, individuals can lower their net monthly income and qualify for food stamps and then also receive a withholding tax refund in April. This system of claiming fewer dependents, for withholding purposes, also permits individuals and families who are legitimately eligible for stamps to receive more bonus stamps than they are actually entitled to receive. I am distressed that the administration of the food stamp program is structured so that by juggling the number of exemptions which are claimed for withholding purposes, individuals can lower their monthly net income to a level which qualifies them for food stamps and then receive a refund in April.

The Georgia Special Committee on Food Stamps has developed a chart and procedure designed to eliminate this form of abuse. This chart permits the local caseworker to compute an individual's eligibility level based upon their gross income and thereby avoid any undue benefit to the applicant from underclaiming exemptions for withholding. This procedure will also eliminate several clerical steps in the computation of eligibility which will result in a reduction of error and processing time.

The special committee estimates that through the implementation of their chart which efficiently computes the monthly net income from the gross income figure, they will eliminate in excess of 50,000 people from the food stamp rolls, reduce administrative costs by 25 percent, improve the error rate involved in computing eligibility substantially, and greatly reduce the time required to process applicants. In dollar terms, the committee estimates that this procedure will save in excess of $16 million in Georgia in bonus food stamps alone, merely by removing ineligible individuals from the rolls. The savings which will be generated by the reduction of computation and conversion errors are difficult to estimate in dollar terms. According to the committee, however, it will be significant. I think it is also important to realize that the reduced processing time will enable local officials to expedite consideration of the many bona fide applications for nutritional assistance.

Mr. President, this is an example of Georgia's efforts to improve the food stamp program. It seems to me that efforts of this type should be made in every State in the Nation and especially by the U.S. Department of Agriculture. It is my understanding that these procedures or similar ones could be adopted by USDA without any new legislation.

I believe that the Department of Agriculture currently possesses sufficient rulemaking authority through which to accomplish these improvements. I have joined Senator TALMADGE, chairman of the Senate Agriculture Committee, in contacting USDA to emphasize our determination that corrective administrative procedures must be instituted.

I have personally contacted James Lynn, Director of the Office of Management and Budget and I have asked that he and his Office consult with the Agriculture Department in implementing new regulations which can potentially save hundreds of millions of dollars.

Although it is difficult to estimate the actual savings potential if this reform legislation is enacted and corrective administrative steps such as I described are implemented, I believe that hundreds of millions of dollars per year could be saved in the food stamp program.

I would urge my colleagues to join in these efforts to enact a substantive food stamp reform bill and, in the meantime, to urge the USDA to implement corrective administrative procedures.

Mr. CHILES. I thank the distinguished Senator from Georgia. His statement and the findings by the Georgia State legislative committee are revealing and add to the fact that much could be done by a change of the rules and regulations.

In fact, the Senator from Florida feels that the Department of Agriculture perhaps could put in a standard deduction today under the existing legislation. But they have not done so. I think it is time Congress did speak in this matter and say that if they are not going to do it, we are going to legislate that there will be a standard deduction.

I yield to the Senator from Ohio.

Mr. GLENN. Mr. President, today I join my colleagues Senator CHILES and Senator NUNN, on the Government Operations Committee's Subcommittee on Federal Spending Practices, Efficiency and Open Government, in introducing the Food Stamp Reform Act of 1975.

This legislation was formulated as a result of hearings held by the subcommittee the week of April 28 that focused upon the efficiency of the food stamp program.

Mr. President, the food stamp program is a program that has grown from 400,000 recipients in 1965 to 19.5 millon recipients in fiscal year 1975. The program that cost $35 million in 1965, cost $5 billion in fiscal year 1975 and, depending on economic conditions, could cost as much as $7 billion in fiscal year 1976 according to the USDA. Much of this growth, Mr. President, is undoubtedly attributable to the severe economic recession since participation increased by 50 percent since June 1974.

However, Mr. President, there is evidence to indicate that even given an economic recession, the food stamp program is: First, not reaching all those for whom it was originally intended, those who are in the low income category; and second, that the program has become a bureaucratic nightmare of paperwork and computations that has led to widespread and costly errors in certification and to abuse of the program by those for whom the program was not originally intended.

Mr. President, let me briefly describe how this program operates and attempt to pinpoint the major problem areas that have developed. The Food Stamp Act provides that where all members of a household receive public assistance they are automatically eligible to receive food stamps. Nonpublic assistance households, those in which no one receives cash welfare, or, only some members of a household receive cash welfare, must apply and be certified as eligible for stamps. Their eligibility is based on the adjusted net monthly income after specified exclusions and deductions, household size, and resources. This latter group makes up 55 percent of the program.

Mr. President, it is the itemized deduction portion of the program that has led to so much bureaucratic chaos, redtape, wasted money, and fraud in the program. I believe that it is the itemized deduction part of the program that has fueled the political fire that the program is now embroiled in. I further believe that it is essentially the itemized deduction part of the program that has led to the wild and often erroneous charges and allegations made about the program. This part of the program is the part that is most time consuming and most susceptible to error. This part of the program is most conducive to encouraging people with ample means to become "food stamp lawyers" by bending and twisting regulations.

Mr. President, perhaps it is the food stamp program's preoccupation with the itemized deduction process that has led to its neglect of meaningful "outreach" programs, programs designed to inform those who are clearly eligible but who lack the necessary knowledge of the program. And, Mr. President, perhaps it is the food stamp program's involvement with the bureaucratic redtape of itemized deductions that led to the spectacle, reported by the Senate Select Committee on Nutrition and Human Needs of a 70-year-old woman in Detroit, a social security recipient, being forced to wait 6 months before certification. This woman was reduced to eating in the stores.

Yet the Select Committee on Nutrition and Human Needs documents the existence of advertisements taken out by profitmaking operations for handbooks that show greater income families how to manipulate itemized deductions so as to legally qualify for food stamps. As an example, perhaps the most offensive advertisement of this kind is one reprinted in the appendix of the August 1, 1975, report "Who Gets Food Stamps" prepared by the staff of the Select Committee on Nutrition and Human Needs. This "ad" was entitled "Taxpayers making up to $16,000 a year now eligible."

In determining a household's eligibility for the food stamp program, some deductions from total income are allowed for:

First. Federal, State, and local taxes, social security payroll taxes, and mandatory union dues;

Second. 10 percent of gross earned income up to $30 per month;

Third. Medical expenses, if they are more than $10 a month:

Fourth. Child care, or care for an incapacitated adult, when such care is necessary for a household member to work;

Fifth. Educational expenses, including tuition and mandatory fees, but not books, living expenses, or other education-related costs;

Sixth. Court-ordered alimony and child support;

Seventh. Unusual expenses due to disaster or casualty losses; and

Eighth. Shelter expenses—mortgage payments, rent and utilities—above 30 percent of income after all other deductions have been taken.

It is obvious that a system like this, requiring large numbers of individual receipts and records would be difficult to administer. It is also obvious that the complexity of this type of procedure especially works to the disadvantage of lower-income individuals who may not be well attuned to the bureaucratic maze.

Mr. President, it is time to bring the food stamp program into clear focus. It must serve those who are in need promptly and efficiently. It must not become a bureaucratic monstrosity that wastes taxpayer money and encourages abuse of congressional intent.

Our bill eliminates itemized deductions and provides a standard deduction of $120 plus $60 for households with members 60 years of age or older. The standard deduction may be modified on a regional basis to meet realistic needs of urban and rural residents. This provision would curtail eligibility of persons in the higher-income bracket, thus freeing money and resources for concentration in areas of real need. An estimated 650,000 households in the higher-income brackets would no longer be eligible, estimated fiscal year 1976 savings would be $250 to $350 million. Our standard deduction of $120 plus a $60 elderly deduction is high enough so as to be equal to or exceed the itemized deductions taken by low-income households. However, these deductions are low enough to prevent abuse of the program by higher income individuals. We must remember that the majority of participating households have gross incomes lower than the net income limits. The ridding of the bureaucratic mess attendant to itemized deductions will streamline the program and insure fewer errors and increased quality. A USDA study, released only last week, found errors affecting 26 percent of sample households with 17.3 percent of sample households being found ineligible to receive stamps. Of the errors, 43 percent resulted from miscalculated or incomplete data and 29 percent resulted from incorrect data on deductions. Translated nationally, over a year, it is estimated that these errors could cost $640 million.

The USDA study shows that a large portion of errors, 54.5 percent is attributable to the recipient's failure to report changes in circumstance. That the program's regulations themselves lead to a tie-up of the program may be seen from the fact that for every 1 household denied or terminated, 19 are authorized to participate. Thus, there is bureaucratic emphasis at the complicated entry level with very little followup. And, even at the entry level, the program is not operating efficiently.

Mr. President, a standard deduction with an allowance for regional variations and a special deduction for the elderly makes sense. It is operable, uncomplicated and it would not hurt the poor. On the contrary, it will benefit them. It would eliminate redtape. The GAO report of February 28, 1975, "Observations on the Food Stamp Program" states "use of standard deductions could simplify program administration and reduce program errors." The July 21 report by the Food and Nutrition Service, of the USDA, prepared in accordance with Senate Resolution 58, states that a standard deduction would reduce time and "greatly simplify certifications procedures." So, this idea has support and logic behind it. I would hope that it becomes a con-

structive, positive feature of the upcoming debate on the program.

Mr. President, our bill also mandates outreach and informing of needy recipients of their eligibility for the program. Additionally, we call for several steps in which HEW and USDA should coordinate and cooperate in eliminating duplicity and thus streamline the program.

In conclusion, Mr. President, let me stress that this bill would:

First. Save from $250 to $350 million by curtailing eligibility of persons in the higher income brackets;

Second. Provide for a real effort to be undertaken to bring those not participating but who are eligible into the program—those who need it most;

Third. Reduce redtape and improve efficiency.

Mr. President, this bill is not a panacea. It is a bill designed to better target the program, draw clear lines of eligibility and to head off a possible bureaucratic and economic catastrophe.

The long range solution is to begin to think about this program in conjunction with a total review of all social welfare programs. Out of such a review will hopefully come new and better solutions to our social problems. I expect to be back on this floor in support of some of those broader solutions in the near future.

I thank the Senator from Florida and commend him for his work on this bill.

Mr. CHILES. Mr. President, I thank the Senator from Ohio for cosponsoring the bill and for the work he has done in our subcommittee, in the hearings we held, and the studies we made that led to the bill. He has a good grasp—much of it coming from his previous training and experience—of the fact that we are not managing the system very well.

We are not really taking care of the needy that we started out to try to take care of in this program. We are seeing that it is going to many people who do not need the program. Then we see the problem of the alienation we are causing to the rest of our taxpayers because of what they see in this program.

It is strange that somehow it is always the taxpayers who see this long before we see it, and certainly before the bureaucrats ever see it, that we have a program that is not working and not doing what we intend it to do. The taxpayers cry out, and it seems that for too long their voices are not heard. But I think their voices are reaching a peak now. They are being heard, and it gives us an opportunity to do something about the program.

Mr. President, my distinguished colleague from Florida, who is presiding over the Senate at this time, is a cosponsor of this bill. He has always had much input into this legislation and into trying to do something about taking care of needy people and seeing at the same time that we do not have thousands of people on the rolls who are not eligible. Because of his many visits to Florida and the contact he is keeping with the people there, he understands this matter clearly, and I am delighted to have him as a cosponsor of this measure.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill, S. 2369, is as follows:

S. 2369

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 5(b) of the Food Stamp Act of 1964 is amended by striking out the colon preceding the first proviso and "*Provided*, That such standards" and inserting in lieu thereof a period and the following: "Such standards shall prescribe schedules specifying the amount to be paid by households of different sizes on the basis of the net income and assets of each such household. The amount of the net income and assets specified in such schedule shall be adjusted semiannually to reflect any changes in the cost of living during the preceding six month period (based on the Consumer Price Index published by the Bureau of Labor Statistics). In computing the net income and assets of any household for purposes of determining eligibility under this Act, the Secretary shall provide a standard deduction of $120 plus, in the case of any household with one or more persons 60 years of age or older, $60. Such standard deduction shall be effective beginning July 1, 1976, adjusted semiannually thereafter to reflect any changes in cost of living during the preceding six month period (based on the Consumer Price Index published by the Bureau of Labor Statistics). The standard deduction shall be modified by the Secretary on a regional basis to reflect variations in the cost of living in different areas of the United States.

(b) Section 5 of such Act is further amended by adding at the end thereof a new subsection as follows:

"(d)(1) Notwithstanding any other provision of law, the Secretary and the Secretary of Health, Education, and Welfare shall jointly prescribe a single form which shall be used for eliciting information required for eligibility certification of applicants under this Act, the supplemental security income program under title XVI of the Social Security Act, the aid to families with dependent children program under part A of title IV of the Social Security Act, and the old age survivor's disability insurance program under title II of the Social Security Act.

"(2) The Secretary and the Secretary of Health, Education, and Welfare shall jointly initiate and carry out an outreach program designed to inform recipients of (A) supplemental security income benefits, provided for in title XVI of the Social Security Act, (B) aid to families with dependent children benefits, provided for in part A of title IV of the Social Security Act, and (C) old age survivor's disability insurance benefits, provided for under title II of the Social Security Act, of their eligibility to participate in the food stamp program under this Act and to assist such recipients in establishing their eligibility for benefits under this Act.

"(3) The Secretary and the Secretary of Health, Education and Welfare shall formulate and submit to the Congress, within 90 days after the date of enactment of this paragraph, a proposal for a cooperative nutritional status monitoring system. They shall also submit recommendations for such legislation as may be necessary to carry out such proposal."

SEC. 2. The Food Stamp Act of 1964 is further amended by adding at the end thereof the following new sections:

"EXPERIMENTAL PROJECTS

"SEC. 18. (a) In carrying out the provisions of this Act, the Secretary is authorized and directed to carry out on an experimental basis, in one or more areas of the United States, simplified eligibility certification procedures, new eligibility requirements, extensive outreach programs, and program evaluation procedures different from those applicable on a nationwide basis.

"(b) As a part of his annual report to the Congress required by section 21, the Secretary shall include the results of the measures carried out in the previous year pursuant to the provisions of subsection (a). He shall include in such report a discussion of the program innovations carried out, the degree of success or failure of such innovations, and the need for further study before such innovations are adopted or rejected for use on a nationwide basis.

"QUALITY CONTROL AND ADMINISTRATIVE EFFICIENCY

"SEC. 19. (a) The Secretary shall establish a realistic set of goals to improve quality control and administrative efficiency under this Act. Separate goals shall be established for achievement at the end of 1 year, 2 years, and 5 years following the date of enactment of this section. The Secretary shall also establish separate tolerance levels for eligibility errors.

"(b)(1) Each State shall be required to develop and submit to the Secretary for approval a State Quality Control Plan which shall specify the actions such State proposes to take in order to meet the error tolerance goals established by the Secretary. The State Quality Control Plan for any State shall specify the anticipated caseload work for the coming year and the manpower requirements needed and the specific administrative mechanisms proposed to be used to carry out the food stamp program in such State and to meet the error tolerance goals established by the Secretary for such State.

"(2) The Secretary shall approve any State Quality Control Plan submitted by any State if he determines such plan will achieve the goals established by him for such State under subsection (a) of this section.

"(3) If any State fails substantially to carry out the State Quality Control Plan approved by the Secretary for such State for such year, he shall withhold from the State an amount equal to 10 per centum of the funds which would otherwise be payable to such State under section 15(b) for such fiscal year for administrative expenses.

"(4) The State Quality Control Program for any State shall also be required to include plans for a comprehensive program of training for all certification workers who will be engaged in implementing the new certification regulations provided for under section 5(b) of this Act.

"(5) Any training program approved by the Secretary as part of a State Quality Control Program for any State shall be maintained on a continuing basis to insure a satisfactory performance level for all new workers engaged in carrying out the food stamp program in such State.

"(6) As used in this section, the term 'quality control' means monitoring and correcting the rate of errors committed in determining the eligibility of applicant households for benefits under this Act and in determining the correct level of benefits to be provided households upon certification of their eligibility.

"ANNUAL EVALUATION PLAN

"SEC. 20. (a) The Secretary shall prepare and submit to the Congress, at the same

time the President submits his budget to the Congress each year, an Annual Evaluation Plan setting forth the Department of Agriculture's plans for evaluating the major objectives of the food stamp program, the extent to which such objectives are being achieved, and the cost and time requirements for carrying out such plans.

"(b) The Secretary shall indicate in his Annual Evaluation Plan the issues and objectives to be evaluated. Such issues and objectives shall specifically include—

"(1) the nutritional intake of the individuals participating in the food stamp program;

"(2) the relative fairness of the food stamp program between different income levels and age groups;

"(3) the relative fairness of the food stamp program as between different regions of the United States;

"(4) an evaluation of the success of the outreach programs; and

"(5) an evaluation of any other issues and objectives specified by the Secretary.".

"ANNUAL REPORT TO CONGRESS

"SEC. 21. The Secretary shall prepare and submit to the Congress, at the same time the President submits his budget to the Congress each year, a report entitled 'Annual Report on the Food Stamp Program'. The Secretary shall include in such report—

"(1) a summary of the achievements, failures, and problems of the States in meeting the quality control goals established under section 19 of this Act;

"(2) recommendations for an analysis of quality control goals for the next 1, 2, and 5 year periods;

"(3) a summary of all evaluation activities conducted by the Department of Agriculture in accordance with the Annual Evaluation Plan provided for in section 20 of this Act;

"(4) recommendations for program modifications based upon an analysis of quality control and evaluation information;

"(5) recommendations for any additional issues for evaluation; and

"(6) such other recommendations for legislative or administrative action as the Secretary may deem appropriate.".

## DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION ACT, 1976

The Senate continued with the consideration of the bill (H.R. 8069) making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

Mr. McCLURE. Mr. President, on behalf of the junior Senator from Oklahoma (Mr. BARTLETT), I call up amendment No. 889.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE), on behalf of Mr. BARTLETT and Mr. BELLMON, proposes an amendment:

At the end of the bill, add a section as follows:

SEC. . No funds appropriated under this act may be spent to pay unemployment compensation to persons drawing federal civil service or military retirement income. Provided that, if such person's federal retirement income is less than the unemployment compensation for which he would otherwise be qualified, he may draw the difference in unemployment compensation.

## SWEARING-IN CEREMONIES OF SENATOR-ELECT JOHN A. DURKIN

Mr. MANSFIELD. Mr. President, it is anticipated that Senator-elect John A. Durkin will be sworn in at approximately the hour of 12 o'clock noon tomorrow. The swearing will be done by the distinguished Senator from New Hampshire (Mr. COTTON) who will be presiding in the chair at that time and on that occasion.

## ORDER FOR RECOGNITION OF MR. BELLMON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, Mr. BELLMON be recognized for not to exceed 15 minutes.

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

## ORDER FOR CONSIDERATION TOMORROW OF H.R. 8069

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after Mr. BELLMON has been recognized and has consummated his order, the Senate recume consideration of the HEW appropriation bill.

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

Mr. ROBERT C. BYRD. That would mean that the Senate would return to the HEW appropriation bill about 9:50 or 9:55.

Mr. President, it would mean also that consideration of the HEW appropriation bill would be resumed no later than at 10 o'clock. I ask unanimous consent that that be the case.

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

## COMPARABILITY PAY RAISE

Mr. ROBERT C. BYRD. Mr. President, has the order been entered to the effect that the Senate will begin its debate on the resolution of disapproval regarding the comparability pay raise at 1 p.m. tomorrow?

The PRESIDING OFFICER. There is no order, just an announcement to that effect.

Mr. ROBERT C. BYRD. Very well, Mr. President; I shall leave it in that status.

## PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at the hour of 9:30 tomorrow morning. After the two leaders or their designees have been recognized under the standing order, Mr. BELLMON will be recognized for not to exceed 15 minutes; after which the Senate will resume consideration of the HEW appropriation bill not later than 10 a.m. Amendments will be voted on throughout the day. The pending amendment at that time will be the amendment by Mr. BARTLETT and others. At some point during the day—I estimate it to be at around 1 p.m.—the Senate will take up the resolution of disapproval with respect to the comparability pay raise. There is a maximum time limitation on that measure of 2 hours. Conceivably the vote could come before the expiration of 2 hours, but there will be a rollcall vote on that measure.

Upon the disposition of that measure, the Senate will resume consideration of the HEW appropriation bill, if final action on the HEW appropriation bill has not preceded the action on the comparability pay resolution. I hope and expect that the Senate will complete action on the HEW appropriation bill tomorrow. It is obvious that there will be several rollcall votes tomorrow.

## RECESS UNTIL TOMORROW, SEPTEMBER 18, 1975, AT 9:30 A.M.

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 9:30 a.m. tomorrow.

The motion was agreed to; and at 6:21 p.m., the Senate recessed until Thursday, September 18, 1975, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate September 17, 1975:

INTERNATIONAL ATOMIC ENERGY AGENCY REPRESENTATIVES

The following-named persons to be the Representative and Alternate Representatives of the United States of America to the Nineteenth Session of the General Conference of the International Atomic Energy Agency:

To be Representative:

Robert C. Seamans, Jr., of Massachusetts.

To be Alternate Representatives:

Richard T. Kennedy, of the District of Columbia.

Myron B. Kratzer, of the District of Columbia.

Marcus A. Rowden, of Maryland.

Nelson F. Sievering, Jr., of Maryland.

Gerald F. Tape, of Maryland.

## CONFIRMATIONS

Executive nominations confirmed by the Senate September 17, 1975:

IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

National Oceanic and Atmospheric Administration nominations beginning Ronald L. Crozier, to be commander, and ending Lawrence E. Cosgriff, to be ensign, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 1975.