GOLDEN JUBILEE OF RT. REV. MSGR. NICHOLAS H. WEGNER, BOYS TOWN DIRECTOR

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 1975

Mr. ABDNOR. Mr. Speaker, I am pleased to join with my colleague from Nebraska (Mr. McCOLLISTER) in paying tribute to the 50th anniversary of ordination to Priesthood of the Rt. Rev. Msgr. Nicholas H. Wegner.

For those of us in South Dakota, we know Monsignor Wegner as Father Wegner, the director of Father Flanagan's Boys' Home at Boys Town, Nebr.

Father Wegner became director of Boys Town in May 1948, upon the death of its founder, Msgr. Edward J. Flanagan. He served as director for 25 years until his retirement at age 75 in October 1973.

On March 7, this Friday, Monsignor Wegner will celebrate the golden jubilee of his ordination.

As tribute is paid for his great contributions in an illustrious 50 years of service, I would like to particularly refer to his role in providing the guidance and counsel which has helped so many boys become outstanding citizens. I can think of no greater service than that of helping a youngster along the rockly road of life, teaching him how to make the most of his opportunities and how to recognize and avoid the pitfalls which may lie ahead.

A tremendous debt of gratitude is owed Monsignor Wegner for his work with youth and on the occasion of his 50th anniversary of ordination, I deem it an honor to join in the salute to him.

Mr. Speaker, I would like to include in the RECORD a biographical sketch about Monsignor Wegner:

THE GOLDEN JUBILEE OF RT. REV. MSGR. NICHOLAS H. WEGNER

Monsignor Nicholas H. Wegner became Director of Father Flanagan's Boys' Home at Boys Town, Nebraska upon the death of its founder, Monsignor Edward J. Flanagan in May, 1948. Msgr. Wegner—he preferred to be known as Father Wegner—served Boys Town for 25 years until his retirement at age 75 in October, 1973. He was succeeded by Rev. Robert P. Hupp.

Under Father Wegner's direction, Boys Town expanded greatly, not only in its traditional work of caring for disadvantaged and homeless boys, but in extending its service to youth nationally and internationally.

The Boys Town Institute for Communication Disorders in Children was created in June, 1972. Initially financed at $30 million from the Boys Town endowment fund, it will be headquartered on the Boys Town campus and will include a clinical, diagnostic and rehabilitation center; a pre-school language and learning center; built in conjunction with and adjacent to the Creighton University's Criss Institute for Health in Omaha, Nebraska, just a few miles from Boys Town. It will care for physically handicapped boys and girls and will be receiving its first patient applications in 1976.

A second major youth service project undertaken during Father Wegner's term as director of Boys Town is the Boys Town Center for the Study of Youth Development. Funded at $40 million from the Boys Town endowment fund, the research complex is headquartered at Boys Town and has regional research centers at Stanford University and at the Catholic University of America. The Center will research such painfully urgent youth problems as rejection of parents, drug addiction, inability or unwillingness to learn, and social maladjustment.

Recent major developments on the Boys Town campus include a new grade school, built at a cost of $2 million, and acclaimed by educators nationwide as being outstanding among grade schools in the matter of architecture, equipment, and teacher/student facilities. By unanimous action of the Home's Board of Directors, the school was named for Father Wegner.

Tall, well over six feet, lean and sturdy of frame, Father Wegner's figure was a familiar sight anywhere on Boys Town's beautifully-landscaped 1,700 acres, or in its more than 50 buildings. He was born July 6, 1898, at Humphrey, Nebr., one of 12 children of Mr. and Mrs. Herman Wegner, Nebraska pioneers. He attended Humphrey schools and later helped finance his education as a pitcher with a semi-pro baseball team. His skill attracted contract offers from two major league teams but he chose the priesthood. He studied at St. Joseph's Seminary, Teutopolis, Ill.; St. Paul Seminary, St. Paul, Minn.; and the Gregorian University in Rome, where he obtained his Doctorate in Sacred Theology and where he was ordained March 7, 1925. He later received a degree in Canon Law from the Catholic University of America in Washington, D.C.

His first priestly assignment was as assistant pastor of St. Cecilia's Cathedral in Omaha, September, 1925. Less than four years later he was named Assistant Chancellor of the Diocese of Omaha, becoming Chancellor on July 1, 1939. On November 15, 1944, he was honored as a Domestic Prelate, with the title of Right Reverend Monsignor.

He was administrator of the Archdiocese of Omaha during the interim between the death of Archbishop James Hugh Ryan and the installation of Archbishop Gerald T. Bergan. On December 15, 1959, he was named Protonotary Apostolic by Pope John XXIII. On January 13, 1960, he was named Vicar General of the Archdiocese of Omaha.

In addition to his concern for the spiritual needs of "his boys"—symbolized by the Catholic chapel where Father Flanagan lies buried, and a Protestant chapel with resident chaplain—Father Wegner insisted upon scholastic excellence and a wide variety of extra-curricular activities. The Boys Town High School is accredited by the North Central Association of Colleges and Secondary Schools. The Boys Town Choir gives concerts around the country. There is a varsity team in all major sports.

Father Wegner, long and actively identified with the Boy Scouts, had been honored as a 25-year veteran of scouting. There are seven Boy Scout units on the campus.

Demonstrating his interest in the problems of youth everywhere, he made a five-month trip through the Far East and the Middle East on behalf of the State Department, counseling on youth problems. He aided in establishing a counterpart of Father Flanagan's Boys' Home at Monterrey, Mexico, and also a Boys Town in the Philippines.

For his work with youth and service to society he received numerous awards and citations, among such honors being a Doctor of Laws from Creighton University.

In recognition of the dedication and the 25 years Father Wegner served the youth of this country as well as thousands of boys who called Boys Town their home, the Alumni of Boys' Town, Nebraska are honoring Msgr. Nicholas H. Wegner on March 7, 1975 on his 50th Golden Jubilee.

SENATE—*Thursday, March 6, 1975*

The Senate met at 12 noon and was called to order by Hon. GARY W. HART, a Senator from the State of Colorado.

PRAYER

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

Hear the words of the book of Proverbs:

Keep thy heart with all diligence; for out of it are the issues of life.—Proverbs 4: 23.

O Lord, our God, keep our hearts alive with the divine spirit that our heads may work better for the Nation and Thy coming kingdom. 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., March 6, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. GARY W. HART, a Senator from the State of Colorado, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. GARY W. HART thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, March 5, 1975, be dispensed with.

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 the nomination of an excellent choice to be Secretary of Labor.

There being no objection, the Senate

proceeded to the consideration of executive business.

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

DEPARTMENT OF LABOR

The legislative clerk read the nomination of John T. Dunlop, of Massachusetts, to be Secretary of Labor.

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

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

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.

AID TO CAMBODIA

Mr. MANSFIELD. Mr. President, on February 25, in a letter to the Speaker of the House, the President said that "an independent Cambodia cannot survive" without the supplemental aid he requested and posed the question: "Are we to deliberately abandon a small country in the midst of its life and death struggle?" The day before, Assistant Secretary of State Philip Habib told a Senate Foreign Relations Subcommittee that only if the aid requested was provided can "that nation survive." Now Secretary Habib has made a "summary of negotiating efforts on Cambodia" available to the Congress and the media. The State Department claimed yesterday that the August 1973 halt of U.S. bombing in Cambodia, which Congress ordered—and I did not vote for that particular proposal—cut off "extremely promising" efforts to negotiate a settlement of the Cambodian conflict.

This is extravagant language, sadly reminiscent of the political rhetoric of another era. Cambodia's survival as a nation is not involved in the supplemental request; neither is there a question of the survival of the Cambodian people. But there is, admittedly, a possibility that Congress denial of more military aid may tend to expedite negotiations between the Cambodians themselves.

The interests of the people of Cambodia will best be served by bringing an end to the killing, not by providing more bullets and guns by the United States, China, and the Soviet Union, but by providing rice and medical supplies.

Cambodia is not ours to win or lose, just as China was not ours to win or lose. The struggle in Indochina is not a football game, with the United States as coach. It is, in Cambodia, a war among Cambodians in which we have permitted ourselves, unfortunately, to become involved on one side. If there is one lesson the United States should have learned from the long, bitter years in Vietnam it is that we should stay out of civil wars of other nations.

Fingerpointing at home will only foul public discussion of legitimate policy issues relating to Indochina. And blamesmanship will not help to build a cooperative working relationship between Congress and the executive branch on foreign policy matters. The question is not who lost Cambodia, if the present government falls, but who got us into Cambodia, for what purpose and what its cost in men, money, refugees, and destruction has been.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from Michigan.

(The remarks made by Mr. GRIFFIN at this point appear in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Utah is recognized for not to exceed 15 minutes.

Mr. GARN. Mr. President, I ask unanimous consent that a member of my staff, Daniel Wall, may have the privilege of the floor during the colloquy this morning.

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

GOVERNMENTAL SOVEREIGNTY OR COMPULSORY PUBLIC SECTOR BARGAINING

Mr. GARN. Mr. President, in a letter to L. L. Stewart, president of the National Federation of Federal Employees, President Franklin Roosevelt said:

> . . . militant tactics have no place in the functions of any organization of government employees. . . . A strike of public employees manifests nothing less than an intent on their part to obstruct the operation of government until their demands are satisfied. Such action, looking toward the paralysis of government by those who have sworn to support it, is unthinkable and intolerable.

For 200 years Americans have recognized and fought for the representative, ordered, and sovereign government that President Roosevelt stood for in his statement. Yet forces are mounting which threaten this Government and the elements which support it. I refer to the drive to carry compulsory bargaining even deeper into the public sector. The battle cry has reached Capitol Hill, and as all of us in Congress know, a serious legislative drive will soon be underway to enact compulsory bargaining laws—laws that any objective analysis will show to be violently incompatible with a sovereign, responsible government.

The key ingredients we will doubtless see in forthcoming public sector collective bargaining legislation are:

First. Federal imposition of compulsory public sector bargaining on all governments—in other words, the law would force a sovereign government to negotiate as an equal with a private organization—in this case, a labor union.

Second. Monopoly bargaining privileges—that is, individual public employees would be compelled to accept unwanted union officials as their "exclusive representatives" in dealing with their own government employer.

Third. Compulsory membership where all public employees, including those who do not want the alleged "services" of the union, will have to join or pay money to the union—or lose their right to work for their own government.

It is my purpose and that of several of my colleagues to take a careful look today at a wide range of legislative proposals covering public employees. We contend that these proposals, if enacted, will severely damage the public interest. Our quality of life will be diminished through the wanton disregard of the individual rights of millions of Americans. And, the free spirit of democracy will be crushed by those who seek to compromise it.

What has led us to the point where we can actually seriously discuss the transfer of any of the sovereign functions and powers of government to a private, independent organization not subject to public control and rarely subject to public scrutiny?

The answer can be found in the enormous growth of employment in Federal, State, and local governments. The Bureau of Labor Statistics estimates that public employment has grown faster than any other sector of the economy. There are now some 14 million government workers—three million Federal employees and 11 million State, county, and municipal employees—and their number is growing by leaps and bounds. Public employment unions, having discovered that government unionism holds the most lucrative potential of all, are the fastest growing and best organized labor unions in the country. From 1951 to 1972, government work forces grew by 151 percent, payrolls by 596 percent, union membership by 130 percent, and strikes by public employees by 1,000 percent. And, I might add that one need not be a Philadelphia lawyer to realize the cost of these strikes to the taxpayer both in terms of higher taxes and in terms of disruption to the community.

Therefore, it is hardly unexpected that Americans have begun to take a closer look and active interest in labor relations of State, local, and Federal Governments. And, as a result, several States and legislatures have passed legislation governing labor relations of public employees. What have we reaped from this activity? Where has it left us and where will it take us?

Legislators have usually been persuaded to adopt the "orderly process" of collective bargaining from the private sector. The enactment of such laws are usually justified in the name of peace and tranquility. Union supporters assure the public employee/employer conjugal bliss and reduced "industrial strife." Yet the facts support the contrary.

Virtually every "solution" has created more unionization problems than have been solved. Conflicts, unrest and illegal

strikes continue to mount. Moreover, the concessions employees are not able to get at the bargaining table they frequently try to get from the legislatures. The solutions, for the most part, often do nothing more than merely add to the power and privilcges of union organizers,

The prohibition of public employees from striking is based on a sound premise which recognizes their unique position and potential ability to paralyze the community by a strike action. However, the record shows that officials of public employee unions openly flout laws which stand as obstacles to their quest to take over control of public services—openly flout them and then brag about their illegal actions. Seldom has this resulted in any significant legal penalty, however, because of fear on the part of public officials that strong punishment will be met with even more intensive retaliation. In New York City a few years ago, officials of public employee unions convincingly proved that they can put a major U.S. metropolis out of business whenever they choose to do so. What happened in New York City has also happened in recent years in Philadelphia, Baltimore, Albuquerque and dozens of other major cities.

Further, the majority of economists recognize the power of labor unions to force up wages and costs year after year without corresponding advances in productivity. This monopoly element, as we have recently seen first hand, is a prime cause of inflation.

Moreover, it is widespread knowledge that many candidates and elected officials have depended on contributions from labor organizations. Many newly elected Members of Congress are indebted to organized labor for their financial backing that helped them win elections. All unions including public employee unions are out for political control. Yet, the implications of political power in the hands of the public sector are far more threatening than for other unions.

And of course there is the fundamental question of whether employees should be forced to relinquish their bargaining rights to unions which they do not want.

Contrary to the evidence, a wide range of proposals will be presented for our consideration based on the hypothesis that compulsory collective bargaining for government employees "safeguards the public interest and contributes to the effective conduct of public business." Despite the profound differences between the public and private sectors, there are those who approve extension to the public sector of the same kind of compulsory collective bargaining legislation which has been operative in the private sector for some 40 years.

When the Federal Government sanction was given to exclusive union representation and compulsory unionism in private employment for private industry in 1935—through the National Labor Relations Act—it thereby extended to a private organization—a union—the power of government.

But several public employee legislative proposals would go far beyond NLRA. Bills suggested by the American Federation of State, County, and Municipal Employees and the National Education Association would force a wide aggregation of union power and special privilege on every government unit in the country outside of the Federal Government. Among a long list of special privileges these proposals would: grant monopoly status to a union without secret ballot elections, authorize strikes of public employees, permit union officials to engage in coercive acts, authorize and approve full compulsory union membership and obligate every State, political subdivision, town, city, county, borough, district, school board, board of regents, public or quasi-public corporation or any other entity which is tax supported to abide by its provisions and to obey the decisions of a national public employment relations commission.

Today's discussion will look into all aspects of these various legislative proposals as well as the development of a new spoils system through public employee political action, the rights of State and municipal governments and their employees, compulsory arbitration and the role of individual freedom in an orderly society.

This discussion will also define the distinctions between the public sector and the private sector. The public and the private sectors are as different as night and day. And, a fundamental problem lies in the fact that private sector models are being applied to the public sector where they are not appropriate. By definition collective bargaining suggests a parity of powers which is essential to the bargaining process. In the public sector this parity is nonexistent. Management in the private sector is granted a greater degree of economic leverage than its counterpart in the public sector. Because of market restraints, it is possible for an employee of private industry to negotiate himself out of a job. However, because government supplies essential services for the public, it is not possible for him to "lock out" the employees or go out of business.

The most fundamental question we will address in this dialog is whether government sovereignty can survive in the wake of compulsory public-sector bargaining. Noted law professor Dr. Sylvester Petro states:

> There is an absolute and ineradicable incompatibility between government sovereignty and compulsory public-sector bargaining, an incompatibility which must necessarily weaken if not ultimately destroy effective governing power and the integrity of government vis a vis the general citizenry, since the necessary consequence of according public-employee unions exclusive bargaining status is to encourage among government employees a tendency to repose their loyalties primarily in the units which they have been induced to believe are their protagonists.

Obviously, what we need asked and answered is whether the government—by its nature, a monopoly and the protector of all citizens' rights and liberties, has the authority legally or morally, to transfer any of its functions to a private, independent organization. When public officials acting under authority granted to them by other public officials, give union organizers the right to say who will perform public service and how those services will be performed, do we not have a situation in which the authority of government has been divested from the public?

Unwelcome as it may be in many quarters, and unrealistic as it may seem in others, the proper labor relations policy for any government might well be one which rejects collective bargaining in every form.

Last September, the U.S. District Court for the Middle District of North Carolina held constitutional a State law which declared contracts between government and unions in that State to be void. In its decision the Court said:

> . . . to the extent that public employees gain power through recognition and collective bargaining, other interest groups with a right to a voice in the running of the government may be left out of vital political decisions. Thus, the granting of collective bargaining rights to public employees involves important matters fundamental to our democratic form of government. The setting of goals and making policy decisions are rights inuring to each citizen. All citizens have the right to associate in groups to advocate their special interests to the government. It is something entirely different to grant any one interest group special status and access to the decision-making process.

It is our hope that the discussion today will generate a serious national dialog about compulsory public-sector bargaining laws and governmental sovereignty. I would like to suggest that the American people and their representatives take a hard look at the validity of legislation that sanctions compulsory unionism. I, for one, intend to introduce legislation to protect this country against universal adoption of compulsory public sector bargaining laws, and I urge my colleagues to support it.

I want to make it clear that I am not opposed to voluntary unionism, or the right of individual public employees to organize and join unions if they so desire. But I am a great believer in the right of free people to decide whether they wish to do that or not. I am also a great believer in the right of the States to decide whether they shall have compulsory unionism or not.

I am not proposing or intending to propose national right-to-work laws. There are only 14 States that do so, and that is their right, to make such decisions on their own. They should not be mandated by the Senate or by Congress in efforts to impose their will on all the local governments of this country. As a former mayor, I could not tolerate that intrusion into my ability as the chief administrative officer of a city to make such decisions, and be held accountable to the citizens of my city for those decisions.

The ACTING PRESIDENT pro tempore. The Senator's 15 minutes have expired.

Mr. GARN. I ask unanimous consent that Elizabeth Yee be accorded the privileges of the floor during the remainder of the discussion on this subject.

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

Under the previous order, the Senator from South Carolina is recognized for not to exceed 15 minutes.

Mr. THURMOND. Mr. President, my colleagues here today will address the question of whether the Federal Government should impose upon the States and their political subdivisions a system of compulsory public sector collective bargaining. More broadly, we will be considering whether it is in fact in the public interest and is sound public policy for any government to be compelled to recognize and bargain with unions.

I believe that in consideration of this issue, we must pay careful attention to the question of the effect that such a system of compulsory bargaining would have on the sovereignty of government.

In this area, I would like you to consider what sovereignty consists of, whether it can exist where government is forced to submit itself and its decision-making processes to the negotiating table. I hope that at the conclusion of these remarks, it will be crystal clear that governmental sovereignty is absolutely essential and that it is so diametrically opposed to any system of compulsory public sector collective bargaining that it would not only be a grave error for us to legislate such a system for the States and their political subdivisions, but an equally grave error for this body to approve any system whereby the agencies of the executive branch of the Government of the United States would be compelled to bargain with unions representing its employees.

I wish to say at the outset that I do not believe that this position reflects on my part or on the part of my colleagues any antiworker sentiment whatsoever. We are faced with a very difficult question of public policy, and I believe the interest of the entire public, including all the employees of Government at all levels in America, is best served by systems of redress of grievances and terms of employment under which elected representatives hold and retain complete and ultimate control of the decisionmaking process. Employees of Government, like all employees, have the right of association in unions to present their position on these matters. However, because of the uniquely different character of Government employment, it is clear that collective bargaining is a system completely inappropriate to determining the terms and conditions of employment.

However, the question is sovereignty and the different nature of government which makes compulsory collective bargaining completely out of the question.

First of all, Government is a monopoly. There is not, and there cannot be, any competition with Government in its activities. There are those who will argue that Government is engaged in many activities in direct competition with the private sector. However, rather than being an argument against the concept of monopoly in Government, this should be considered an argument against these activities of Government, and we should reserve that discussion for another day. I do not think anyone will seriously question the necessity of a governmental monopoly on national defense, law enforcement, judicial proceedings, taxation, the coinage of money, or a long list of functions which belong entirely to the people through their elected representatives.

Second, in Government, as opposed to the private sector, there is no profit motive. I regard the profit motive as one of the single most important forces in giving America its tremendous productive capacity. It is at the very heart of our system of competitive free enterprise, a system which has produced a higher standard of living and more goods and services at lower prices than any other economic system, but we must submit that the profit motive is absent from considerations of Government employer-employee relations. In short, if we or any other body of elected officials pay our employees less money, not 1 cent of that money goes into our pockets. Our commission, as is that of every other elected public body, is to provide necessary services to the people in the best and most efficient manner possible. To provide those services, we must employ people, and the better people we employ, the better service we can provide. Thus it is in our interest and in the public interest to employ and keep in our employment the very best employees. In order to do this, we must keep ever mindful that the total compensation of our employees and their working conditions must be comparable with those in the private sector.

Now we come to the last and most crucial difference between public and private employment. That is the very nature of Government itself. The ruling principle of action in the private sector is free contract. That is, every action that takes place between free individuals in a free society is done by mutual agreement. This is true in employment, in purchase, in all of our obligations. However, the ruling principle of action in Government is force. Government is government only because it and it alone has the power to rule by compulsion. This is the way it must be because only through compulsion can Government insure the ordered, peaceful society upon which all other segments of society depend for their existence.

This is the crux of the question, can any government exist as government once it has lost its sovereignty? Furthermore, can any government retain sovereignty when it must submit important decisions of public policy to collective-bargaining negotiations with unions?

The answers to these questions are simple and clear, because of the very nature of unions and collective bargaining.

A collective-bargaining relationship—any and every collective bargaining relationship—depends on establishing an adversary relationship between employer and employee. Unions, in order to win and hold the loyalty of their members, must demand more than the employer is willing to offer. If a union were to accept only what the employer offered, it would serve no useful purpose for its members and soon it would have no members. So unions by virtue of their very nature and to preserve their existence, must make demands. The only instrument that unions have at their disposal to support their demands is the withdrawal of the services of their members—the strike. The strike is, even when it is peaceful, the use of force. It cannot be defined or construed any other way. No government can call itself sovereign if it permits the use of force to enforce demands against it. We can see from this that there can be no true collective bargaining without strikes and there can be no true government with strikes.

This is the essential question we must face. Are we to have sovereign government, or are we to have public sector collective bargaining? We cannot have both. I am confident that the vast majority of the American people will agree with this position.

For us, my colleagues, the question is equally simple. We must decide whether we as the elected representatives of the people are going to continue to run our Government, or whether we are going to turn it over to a relative handful of professional union organizers.

I am firmly convinced that we must do everything in our power to resist any attempts to institute a system of compulsory public sector collective bargaining at any level of Government. I do not doubt for a moment that the future of our system of government depends on it.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Arizona is recognized for not to exceed 15 minutes.

UNIONIZATION OF FEDERAL, STATE, COUNTY, AND MUNICIPAL EMPOLYEES

Mr. FANNIN. Mr. President, I commend my colleagues, the Senator from South Carolina and the very able and distinguished Senator from Utah; the Senator from South Carolina, who served with distinction as Governor, and who has great knowledge in the field which he is discussing, and who has worked with the employees both at the State and the local levels. I am very pleased to follow him in discussing this subject, so important to all the people of America, and my colleague from Utah, the former mayor of Salt Lake City, that great city that stands as a symbol of good government in this country of ours, and who performed admirably as its mayor, and who is now a U.S. Senator. We are proud that we have him with us, with his knowledge of the affairs of municipalities that has proven to be very helpful to us, having had recent experience in these particular fields, because we are in a period of changing times, some better and some otherwise. However, we know that there are different issues that face our municipalities today than, perhaps, when some of us served in our particular States several years ago.

Mr. President, Congress is now confronted by demands from union spokesmen to sanction the forced unionization of the 14½ million individuals employed by the States, local jurisdictions, and the Federal Government. These incredible demands were dramatized last November 6 by the first meeting of the AFL–CIO's new Public Employees Department. That meeting was featured by an address by the labor federation's president, George Meany, who said:

Certainly, it's against the law to strike the civil service, but it's AFL–CIO policy to ignore those laws.

Now, just imagine that.

Mr. President, I was appalled by the irresponsibility of that statement.

Mr. Meany advised our 14½ million civil servants to "quit working for the guy who's kicking you around." Is that not a fine way to address these people?

You stop the job. You shut it down. You take the consequences, and you fight. And if the guy happens to be the mayor of a city or the governor of a state, it doesn't make a damn bit of difference.

That is the end of the quote, that particular quote. I think that is a shameful quote.

It was reassuring to note that Mr. Meany was censured on the editorial page of the New York Times. That newspaper is influential. I do not always agree with it, but it observed in its edition of November 10:

The accent Mr. Meany chose to put on militant action to bring Governors and Mayors to heel—with or without a law—raised new doubts that the general welfare would benefit from a Federal mandate to strengthen civil service unions.

On November 11 the New York Daily News editorialized as follows:

The 94th Congress must screw up its courage and take a firm stand against such reckless labor adventuring. Government workers are entitled to representation and bargaining. But strikes against the public should be taboo—period. And that goes also for compulsory union membership. We simply cannot afford these callous, indefensible threats to the health, safety and economy of the nation. Nor should civil service workers be compelled to pay tribute to unions to hold jobs won on merit.

Mr. President, I think that illustrates exactly what we are discussing today.

These people are proud public servants. They want to hold their jobs on the basis of their merit, their work, they want to go forward, they want to earn a right to go forward.

Mr. President, today public employees in 34 of the 50 States are shielded from compulsory unionism by constitutional provisions, laws and executive orders.

Those States are Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, and Wyoming.

Mr. President, the people of these States have afforded their friends and neighbors that work for their governments this protection that is so vital to their State and the future of their particular communities, and certainly vital to this great Nation of ours.

Obviously, the safeguards now enjoyed by civil servants in those States would be eliminated by a new Federal law authorizing the forced unionization of citizens employed by the States and their political subdivisions.

Mr. President, the erection of barriers against involuntary union membership in the public sector was strongly recommended by the Advisory Commission on Intergovernmental Relations. In March 1970, that distinguished bipartisan body published its recommendations dealing with employer-employee relations in the public sector.

Mr. President, it is advantageous for us to recall that this Commission was created by the Congress in 1959. Its members represent the general public and the legislative and executive branches of Federal, State, and local governments. The Commission overseees the operation of our federal system with its division of powers, and it submits carefully studied recommendations relating to improvement of the system.

In their 1970 report members of the Advisory Commission on Intergovernmental Relations declared:

While recognition of the right to membership is fundamental, of equal importance is the principle that no public employee should be required or coerced into joining an organization as a condition of employment . . . the right to refrain is just as basic and precious as the right to join, and the Commission supports this position.

Some authorities contend that State legislation should not include language that gives employees the option of not joining an employee organization. They point out that the States should not mandate the "choice" provision since it would preclude employer and employee representatives from negotiating union and closed shop agreements. The preferable approach, according to this argument, is for the State laws to remain silent on this matter, thereby providing a greater degree of flexibility for public agencies and employee organizations to arrive at agreements tailored to fit their own special circumstances.

The Commission believes these contentions ignore the fact that in the public service the right to join an employee organization must be accompanied by the right not to join. When the right to join becomes a duty, obviously freedom of choice becomes merely a catchword.

The union shop and the closed shop may or may not be appropriate for various crafts and trade portions of private industry. But given the size of many governmental jurisdictions and agencies, the diversity of employee skills, and the intense competition between and among public employee organizations, this arrangement is wholly unsuitable in the public service.

A similar view of impropriety of compulsory unionism in the Federal service was expressed 13 years ago by then-Secretary of Labor Arthur Goldberg. He spoke out in defense of prohibition against the union shop and the closed shop in Executive Order 10988, issued by the late President John F. Kennedy to authorize collective bargaining in the Federal service.

Addressing members of the American Federation of Government Employees, Secretary Goldberg said:

I know you will agree with me that the union shop and closed shop are inappropriate to the Federal government. And because of this, there is a larger responsibility for enlightment on the part of the government union. In your own organization you have to win acceptance by your own conduct, your own action, your own wisdom, your own responsibility, and your own achievements . . . so you have an opportunity to bring into your organization people who come in because they want to come in and who will participate, therefore, in the full activity of your organization.

Now, Mr. President, that was Secretary Goldberg addressing this Government employees' organization, so this is not a partisan issue, this is an issue of righteousness, this is an issue of freedom.

Significantly, the ban on forced unionism in the Federal service has been maintained by President Kennedy's three successors. A similar prohibition was incorporated by the Congress in the Postal Reorganization Act of 1970.

Mr. President, if we permit ourselves to be stampeded on the issue of authorizing involuntary unionism in the public sector, exposing 14½ million public employees to union coercion, then the American people will recognize clearly that the Congress merits their contempt.

Mr. President, we should listen to the voice of the American people. We should take the actions by the people that are close to the scene of activity, to understand what is happening. They are the ones that have made the decisions as to what to be done in their particular States, particular localities.

Mr. President, I think it would be highly irresponsible for us to take an action that is contrary to their best interest.

I yield the floor, Mr. President.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Nevada is recognized for not to exceed 15 minutes.

Mr. McCLURE. Mr. President, I ask unanimous consent that the time allotted to the Senator from Nevada under the special order be allotted to the Senator from Utah (Mr. GARN).

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

Mr. GARN. Mr. President, I wish to amplify my previous remarks with some specific examples of the effect of laws passed by Congress that are not nearly as severe as the matter we are condemning today, that being mandatory collective bargaining and binding arbitration, and the effect these laws have had on the cities and States of this country. I refer specifically to the imposition of the Fair Labor Standards Act upon municipal and State and county governments of this country last year, despite the position of the National League of Cities Board of Directors representing 15,000 cities across this country, despite the fact that the Governors' Conference took a similar position in opposition to the Congress of the United States imposing the Fair Labor Standards Act and the provisions of it on local government, despite the fact that we testified opposed to it—Mayor Tom Bradley of Los Angeles and I, he being a Democrat, I being a Republican—despite the fact that the National League of Cities Board of Directors representing 15,000 cities, both liberals and conservatives, Republicans and Democrats, came back and testified before House and Senate committees in opposition, so that a very united bipartisan, nonpartisan effort opposed this, nevertheless it was imposed upon the cities of this country at a tremendous

cost to the taxpayers of this country. I use my own city as an example.

It will require us to pay time and a half to firemen for sleeping. There will be no additional firemen, no better quality of fire service, and just in my relatively small city a cost of $3 million a year to the local taxpayers for nothing. There is an additional half million dollars because of rules that are involved with telling us how to run our personnel management system.

I will put in a specific example here. Most people know that in Salt Lake City you have very distinct seasons. You have hard winters and warm summers. So our park department employees would work a lot of overtime on the parks and golf courses during the summer and build up overtime. I might add this was on a voluntary basis. They enjoyed taking that compensatory time off in the middle of the winter when they were not needed. They would take 5 or 6 weeks off at a time and enjoy the long periods. The snow removal crews would do the opposite and would take the time off during the summer. So it enabled us to balance our work force. The employees loved it. As I said, it was voluntary and 85 percent of the employees chose to work in that manner. It saved the taxpayers some money.

Now, because Congress, due to the influence of the national labor organizations, has decided to ignore all of the mayors and Governors of this country, because I do not suppose we have as much political power, they changed those rules and said that you cannot grant compensatory time off unless you grant it during the week in which the overtime was incurred, or the following week, or you have to pay it in cash at time and a half.

That is an imposition of another half million dollars of cost on Salt Lake City government.

Congress in their great wisdom passed revenue sharing. Salt Lake City received $4 million in revenue sharing. Because of the imposition of the Fair Labor Standards Act, Congress has taken $3.5 million of it away. But more importantly, it has taken away the right of an elected mayor and a city council to make decisions in their own community, in their own sovereign community, and be held accountable to the voters of that community for their actions. So the Congress giveth and they taketh away. We have a net of a half million dollars left.

Well, we were ignored. We were not listened to by the Congress. A small group of labor leaders obviously had more effect on the outcome of this imposition of the Fair Labor Standards Act than the representatives of all of the cities in this country. So we decided to take it to court. We did, and we have received an injuction, a restraining order, from the imposition of this law. We are going to find out whether the Congress of the United States has the constitutional right to impose their will on the locally elected officials of this country.

The Governors Conference is supporting the National League of Cities and the U.S. Conference of Mayors in this effort.

I wish to add that I hope the American people will wake up to what is being done, to demonstrate the arrogance of some people in the labor movement to impose their will, despite the feelings of the elected representatives of this country.

I wish to report to the Senate a meeting held this week with the Congressional Cities Conference Workshop on Collective Bargaining held March 3, 1975, 2 p.m. to 4:30 p.m., at the International Ballroom East, Washington Hilton Hotel, Washington, D.C.

I refer to a memorandum addressed to me from Commissioner Jennings Phillips, Jr., of Salt Lake City, Utah.

This concerns the Congressional Workshop on Collective Bargaining held during the League of Cities Conference at the Washington Hilton Hotel.

Present were: Robert LaFortune, mayor, Tulsa, presiding; Robert Moss, General Counsel, House Subcommittee on Labor of the House Committee on Education and Labor; and George P. Sape, Associate Counsel, Senate Committee on Labor and Public Welfare, representing Donald Elisburg.

I want the arrogance of this statement to be carefully noted in the RECORD:

> In the introductory remarks, both Mr. Moss and Mr. Sape advised those present that regardless of what the Supreme Court's decision was on the suit brought by the League of Cities contesting the right of Congress to interfere with the employment practices of the cities and counties of this country, it was their opinion that Congress would move ahead to impose such regulations on the cities and counties.
>
> After questions by those present, Mr. Moss and Mr. Sape stated Congress could very well make collective bargaining and the right to strike a condition of getting a federal grant.

That is really something, when employees of the Senate and the House of Representatives of the United States are telling mayors of this country that even if we win a suit in the Supreme Court of the United States declaring the very act of the Congress to be unconstitutional, that Congress will go ahead and stuff it down our throats anyway.

Mr. Moss and Mr. Sape were extremely arrogant and in essence said that we could do nothing to stop it and had just as well sit back, relax, and enjoy it.

I submit that it is time the American people awakened to what is being imposed upon them. If they want to have Government close to the people, if they want their local mayor and city council, county commissioners, Governors, and legislators able to be anything but local stooges for the Federal Government, then we cannot tolerate further extension of the power of the Federal Government into the internal affairs of local and State government. We cannot tolerate a bill that imposes mandatory collective bargaining and binding arbitration on the cities and counties of this country.

We need to work to repeal the imposition of the Fair Labor Standards Act which interferes with the sovereign right of a mayor or a Governor to administer the affairs of his own city or State.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wyoming is recognized for not to exceed 15 minutes.

Mr. HANSEN. Mr. President, I have consistently supported efforts to require private sector unions to conduct a secret ballot vote among their members before calling a strike. I have also supported efforts to require that each new offer from management be voted on by the membership. I believe that these measures are necessary to instill the greatest amount of democracy into union affairs. Under this system, a strike could not be called unless a majority of members desired it, and union leaders would not be allowed to reject management offers without first consulting the membership. This would go a long way toward placing control of their own affairs back in the hands of the workers instead of a few union leaders.

Mr. President, in the public sector we are faced with increasing union demands for a federally mandated system of compulsory collective bargaining. A major concern has to be the question of strikes.

The undesirability of public sector strikes and the reasons for this are obvious to all of us. One needs only to look at the havoc wrought by these strikes—such as those in San Francisco and Baltimore—to realize their danger.

In Baltimore—police, prison guards, and sanitation workers on strike at the same time. The result: Garbage piled in the streets; individuals attempting to take their own garbage to the dumps harassed and physically threatened by strikers, in one instance fired upon—an uprising of inmates at the city prison subdued only with the assistance of nonrebellious inmates—looting and arson erupt within hours after the police walk off the job, resulting in millions of dollars of property damage and at least one death. And the national president of the union threatens Governor Mandel that Baltimore City would burn to the ground unless their demands were met.

In San Francisco—the city crippled by a massive strike of its employees. Public transportation shut down—schools experiencing 25 percent attendance and on a half-day schedule—San Francisco General Hospital operating on an emergency-only basis, all but 150 critically ill patients moved to other locations—over 100 million gallons of raw sewage a day being pumped into the bay. After the settlement, a local labor leader tells the strikers:

> I want to compliment you on the way you mounted your picket lines—the way you kept this city in turmoil until our demands were met.

One would think that something really terrific had been accomplished, without ever giving a thought to the havoc and the pain and suffering that resulted from this illegal strike.

The scene has been repeated arcoss the country: a firemen's strike in Albuquerque that resulted in residents attempting to put out fires with garden hoses; a prolonged teacher strike in Wisconsin that led to deep divisions and outbreaks of violence within the community; a recent bus strike in Washington that, as reported in the Washington Post, most

adversely affected low-income individuals that relied on the buses to get jobs far from their homes; a recent case in New York City where the leadership of the firefighter's union called a strike after the membership had voted against it.

As a rule, have we been able to prevent these work stoppages? Experience shows that we have not. Learned opinion holds that under a system of compulsory public sector collective bargaining these strikes are, in fact, unavoidable.

Experts in the field of labor relations have reached this conclusion. Theodore H. Kheel, the well-known arbitrator, has said that "collective bargaining and strikes are like siamese twins." Robert Hillman, former labor commissioner for the city of Baltimore, at a conference on public sector labor relations held this past December at the University of Maryland said, "collective bargaining means strikes." He further characterized as "hypocritical" those who believe strikes can be prevented through the enactment of legislation which obligates government to bargain with unions.

Labor leaders have echoed this and, as their actions demonstrate, have shown a total lack of regard for the law and society by engaging in illegal strikes. George Meany, speaking at the founding convention of the AFL–CIO's new Public Employee Department, said:

> If you just quit working for the guy who's kicking you around. And if that guy happens to be the mayor of the city or the Governor of a State, it doesn't make a damn bit of difference.

Actual experience with public sector collective bargaining further verifies this. The State of Michigan, for example, enacted public sector bargaining legislation in 1965. In the 7 years prior to this, they had experienced one strike. In the 3 years that immediately followed, there were 103 illegal strikes. In fact, a statistical compilation of all States shows an average of 1.92 strikes per State per year before the enactment of compulsory collective-bargaining legislation and 6.58 strikes per State per year thereafter.

Let me repeat those figures: The average statistical compilation of all States prior to the enactment of this legislation was 1.92, and after the enactment of compulsory collective-bargaining legislation, that figure rose to 6.58 per State per year thereafter.

Legislated strike bans have proven ineffectual, as have penalties for illegal strikes. The vast majority of public sector strikes have been and continue to be illegal. The penalties against both the union and the individuals striking have rarely been enforced, even in those States where the law has been written so as to make these penalties automatic and mandatory. Prime among the reasons for this has been the tendency to include in the "negotiated" settlement of a strike a clause granting amnesty to the strikers and their union.

The simple fact is that collective bargaining and strikes are inseparable. Public sector unions are going to strike when and where they feel like it.

The recent trend has been to give up the fight altogether and legalize public sector strikes, much to the delight of the unions. The State of Pennsylvania undertook such a course of action in 1971, and in 1972 had the dubious honor of leading the Nation in the number of public sector strikes.

The point being conveniently ignored by the proponents of compulsory public sector collective bargaining is that public sector collective bargaining is the reason for public sector strikes. This fact is inescapable. A union must satisfy its membership. To do this, that union must make demands. This establishes the adversary relationship that unions thrive on. To maintain this adversary relationship and insure the success of their demands, the union must show a willingness to strike, for the strike is their equalizer. The establishment of a willingness to strike necessitates actually going on strike when the situation demands it.

We, as legislators, have a responsibility to our constituents to see that public safety is maintained and that Government services continue uninterrupted. To fulfill this responsibility, we must oppose the injection of compulsory public sector collective bargaining into our society.

SUMMARY

Faced with increasing union demands for compulsory public sector collective bargaining, a major concern has to be the question of public sector strikes.

The undesirability of public sector strikes and the reasons for this are obvious.

We have been unable to prevent them. Experts on labor relations and union leaders have declared them unavoidable. Actual experience has echoed this. Strike bans and penalties have been ineffectual.

The reason for public sector strikes is public sector collective bargaining. The rational course is to oppose compulsory public sector collective bargaining.

Mr. President, I was very much interested in the observations of the distinguished junior Senator from Utah. Here is a man who has had firsthand experience in the managing of a great city. He is a man who knows what he is talking about. He is a man who has experienced firsthand what some of the laws that are passed by Congress can do to a city in America. I am a believer in the right of people to join unions. I am well aware, as every interested American must be that unions have moved the standard of living and the welfare of workers forward in a very marked fashion in this country in the last 100 years.

I think the words of the distinguished junior Senator from Utah and others here today who have talked on this subject ought to be listened to by every Member of this body. They ought to be read by every Member of the other body, and before we pass legislation that guarantees public employees the right to strike, we had better see what we are doing. I hope that this Congress will act responsibly in this area and not take a step that, some say, would be a step forward, but, in fact, would be a very sad, step backward for America.

This is a great country. The rights of individuals are protected here as they are nowhere else on Earth.

I yield the floor.

Mr. McCLURE. Mr. President.

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

Mr. McCLURE. Mr. President, I ask unanimous consent that the order of appearance between Mr. BUCKLEY and myself be reversed and that he be recognized at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York is recognized.

Mr. BUCKLEY. I thank the distinguished Senator from Idaho.

Mr. President, I wish to address, in my remarks, one aspect of this discussion, namely, whether or not the Federal Government has any authority or any right to intervene in what is basically the business of the States and their political subdivisions.

Mr. President, I find it disturbing to read predictions in the newspapers that this Congress will soon enact what is described as "a new Federal law granting collective bargaining rights" to the more than 11 million employees of the Nation's States, counties, cities and towns.

During the current session numerous bills have been introduced here for the purpose of mandating collective bargaining at all levels of government. Such legislation was submitted to the 93d Congress and to several of its predecessors.

But somehow, we are seeing steam generated behind them.

I recognize that this legislation has been the subject of public hearings conducted by committees and subcommittees of the Senate and House of Representatives.

It would be a grave mistake, in my view, for the Federal Government to attempt to dictate to the States and their political subdivisions with respect to their own employees.

If a given State bargains, or refuses to bargain, with its own civil servants, that is the State's business and not the business of the Federal Government.

If a given State grants monopoly bargaining privileges to labor unions comprised of its own employees, or withholds such privileges, that is the State's business and not the business of the Federal Government.

If a given State either prohibits or sanctions the mandatory unionization of State workers who do not want to be represented by labor unions, that also is the State's business and not the business of the Federal Government.

If a given State decides to permit employees of the State and its political subdivisions to engage in strikes, that, too, is the State's business and not the business of the Federal Government.

Several proposals now pending in the Congress would compel all of the 50 States and their political subdivisions to recognize and bargain with unions purporting to represent their employees. These proposals would also extend monopoly bargaining privileges to recognized unions. They would legalize the practice of requiring workers on public

payrolls to pay dues or fees to labor unions as a condition of employment. And the measures to which I refer would put the Federal Government's stamp-of-approval on strikes by State, county, and municipal employees—including public schoolteachers.

The very fact that serious consideration is likely to be accorded—in fact, is being accorded—these proposals illustrates how far we have strayed from the principles which guided the Nation's Founding Fathers.

The men who established our form of government sought to diffuse sovereign power. George Washington said:

> Government is like fire, a dangerous servant and a fearful master.

Students of our country's history well remember that ratification by the States of our Constitution was assured only by adoption of the first 10 amendments to that document. Throughout our national life those amendments have been popularly known as the "Bill of Rights" and have been deemed to be that body within the Constitution that protects the citizens and protects the States from the kind of domination out of a centralized government that ultimately represents a threat to all our liberties.

The 10th amendment explicitly declares:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Nowhere, Mr. President, do I find in the Constitution anything that remotely suggests that the Federal Government would have the authority to dictate the way in which the individual sovereign States would conduct their own relationships with their own employees.

Mr. President, the imposition by the Congress of a collective bargaining straitjacket on the States and local jurisdictions would be an indefensible violation of the authority reserved to the States by the 10th amendment to the U.S. Constitution.

It would extend still further the already dangerous concentration of power in the Federal Government and would continue the transformation of our once-sovereign States into the status of mere administrative units for the administration of Federal policy. This is precisely the result that the Constitution was designed to prevent, a concentration, namely, of power that would ultimately threaten the freedoms of our people. Such a law would supersede and override constitutional provisions and statutes adopted by a majority of the States in the Union. Within recent years many States have enacted comprehensive collective bargaining laws for the benefit of public sector employees.

A distinct advantage of our form of government is that it encourages the use of the States as laboratories in which varied ideas and theories can be tested without committing the entire Nation to a certain policy or course of action. The collective bargaining process is now being tested in the public sectors of many of our States, and even if it had the constitutional authority to impose its will, Congress ought not to try to interfere. It would, in fact, be well advised to permit that testing to continue.

To date no less than 34 States have chosen to outlaw compulsory unionism in their public sectors. By what authority will we, as Federal legislators, tell the States they may not prohibit the forced unionization of public employees over whom they exercise jurisdiction?

In 1959 the Congress created the Advisory Commission on Intergovernmental Relations to monitor the operation of the American federal system and also formulate recommendations pertinent to the system's improvement. The Commission periodically chooses specific intergovernmental issues for study and invites review and comment by spokesmen for all affected levels of government, representatives of interested groups, and technical experts. Members of the Commission then debate the selected issue and formulate its policy position on the issue.

In 1970 the Commission published its findings and recommendations after conducting a 1-year study of employer-employee relations in the public sector. In unmistakable language, the Commission's report expressed vigorous opposition to:

> Any Federal effort to mandate a collective bargaining, meet and confer, or any other labor-relations system for the employees of State and local jurisdictions or for any sector thereof. Little would be left of the Federal principle of divided powers were such legislation enacted. No interpretation of the commerce power, of the State as proprietor, or of the "general welfare" clause can, in our opinion, serve as a legitimate constitutional basis for this kind of drastic infringement upon the basic authority of the States and localities as governments in a federal system.

Mr. President, it is germane to observe that agencies of the Federal Government are not yet obligated by law to engage in bargaining with their employees. Under the prevailing circumstances, imposition by the Congress of such an obligation on the States and their political subdivisions would be anomalous—not to say gratuitous.

The failure or refusal of the Congress to apply a labor relations law to its own agencies and departments and their employees was not overlooked by the Advisory Commission on Intergovernmental Relations. Its report concluded:

> In the absence of overwhelming evidence of the unwillingness or inability of State and local governments to act, the Federal Government should refrain from preemptive action. Such evidence clearly is lacking at present. States and localities have developed and are developing their own response to the challenge of employee militancy, especially teacher militancy. Given the nature of this challenge, experimentation and flexibility are needed, not a standardized, Federal, preemptive approach . . .
>
> The Federal Government clearly has an interest in the development of stable and equitable labor-management relations at the other levels. This interest can be best served, however, by avoiding actions that would exacerbate these relations and by focusing on ways and means of directly encouraging the establishment of strong, innovative personnel systems.

The Commission, whose members represent the public and the executive and legislative branches of Federal, State and local governments, is a respected and permanent bipartisan body. Among its members who fashioned the 1970 report on employer-employee relations in the public sector were Senator MUSKIE of Maine, former Senator Ervin of North Carolina, the late Senator Karl E. Mundt of South Dakota, Congressman ULLMAN of Oregon, Congressman FOUNTAIN of North Carolina, and the former Congresswoman from New Jersey, Mrs. Florence P. Dwyer.

Mr. President, I appeal to my colleagues to heed the Commission's recommendation. We are bound by our oaths to reject all legislation designed to compel the States and localities to bargain with labor unions purporting to represent their employees.

I might add, Mr. President, that only 2 weeks ago, at the National Governors' Conference, the Committee on Executive Management and Fiscal Affairs adopted the following resolution, which I shall read in its entirety. It is headed "Public Employee Relations," and reads as follows:

> The United States Congress is considering legislation which would provide to State and local government employees the right to organize and collectively bargain. This legislation would substantially replace individual state laws and porcedures which now regulate these activities with a uniform federal law.
>
> The National Governors' Conference opposes federal intervention in this area. It is the belief of the Nation's Governors that matters relating to the employees of State and local governments are within the sole jurisdiction of these units and are not properly the subject of federal legislation.
>
> The National Governors' Conference, in adopting this statement, takes no position on the principle of collective bargaining for public employees but states its firm commitment to the view that this is an area which should be left to the discretion of the several States.

Mr. President, I know it has become unfashionable in this body to suggest that there are any constitutional limitations remaining to Federal action. The courts have cooperated in a gradual expansion of the commerce clause, so that it bears no conceivable relationship to what our founders intended, and the same thing has been said about the general welfare clause. And although each one of us is sworn to defend the Constitution, I believe we ought to remind ourselves once in a while as to what is in the Constitution.

The PRESIDING OFFICER. The time of the Senator from New York has expired. Under the previous order, the Senator from Idaho (Mr. MCCLURE) is recognized.

Mr. MCCLURE. Mr. President, let me begin by expressing my commendation to those who have already spoken, particularly to the freshman Senator from Utah (Mr. GARN), the former mayor of the great city of Salt Lake City, and to the Senator from South Carolina (Mr. THURMOND) for his comments, and also to commend the additional comments by the Senators from Arizona, Wyoming, and New York, who have just concluded.

Mr. President, the nature of our discussion here today brings to mind an enduring observation by the 17th cen-

tury philosopher, Baruch Spinoza, on the role of government in a free society:

. . . The object of government is not to change men from rational beings into beasts or puppets, but to enable them to develop their minds and bodies in security, and to employ their reason unshackled . . . in fact, the true aim of government is liberty.

This philosophy quickly found its way into our own national law and discourse.

It is not a long step from Spinoza's ideal government to the Declaration of Independence, in which the Founding Fathers wrote:

. . . That all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed.

Our society, our Constitution, and supposedly every law and statute enacted by Congress in the past 200 years is built on this concept of government and the governed.

Yet, I am afraid, we have wandered far astray in the field of labor relations law; and, if we are careless in our actions to come, we might not only jeopardize the freedoms we are supposed to protect, we might even jeopardize the Government itself.

As we have already noted, union professionals are trying to build a case for Federal legislation affecting labor relations in the public sector—in the Federal Government, as well as every State, county and borough across the country.

They will undoubtedly attempt to sell these proposals to us in the name of liberty and worker rights.

They will discuss the right to join a union—and it must be noted here that that is a right already protected by the U.S. Constitution—and various other claimed rights, such as the "right" of Government employees to strike against their Government.

But they will ignore other rights, rights which may not seem too important to them, but which in one way or another affect all of us. While it is true that each person has a different focus and perspective on his own and the Nation's needs, there are some insights common to all. Everyone will agree that the protection of his freedom is basic to all other propositions. Most people see that the best way to protect their own freedom is to insist on the protection of freedom for others.

For many, the most precious freedom of those guaranteed by the Constitution is that of religion. They insist that without it any adherence to freedom in other forms is folly. Representatives of several religious groups have come to me explaining that compulsory unionism would force them to violate their religious convictions. Because of this I offered an amendment to the 1970 Postal Reorganization Act providing that:

No individual who is a member of a religious sect or division thereof, the established and traditional tenets or teachings of which oppose a requirement that a member of such sect or division join or financially support any labor organization as a condition of employment, if such individual pays to the Treasurer of the United States a sum equal to the initiation fees and periodic dues uniformly required as a condition of acquiring and retaining membership in a labor organization which is representative of the employee unless said individual and said labor organization mutually agree upon some other condition of employment.

This amendment was accepted by the House Committee on Post Office and Civil Service. Although the section to which it was amended was ultimately removed from the bill for very different reasons, Congress made it clear that it did not intend to undermine religious beliefs. It seems to me that those people who profess to believe in the separation of church and state ought to be in the forefront of this fight to prevent an incursion by the state into what is for some a religious matter. This will give those people a chance to show that what they really believe in is a separation of church and state—not a separation of church and people.

It is important to stress here again that government, by definition, is unique. It is a uniquely privileged and powerful monopoly, whose very existence is derived from the consent of the governed.

As the distinguished scholar Russell Kirk wrote last year in Education magazine:

By its nature, government is a monopoly. In any community nowadays, ordinarily, there exists but one police force, one fire department, one department of sanitation, one post office system . . . one apparatus for the collection of revenue and the disbursing of public funds.

If the people employed in such a monopoly are subject to the will of officers in a union, in some emergency the authority of government might be defied successfully by the men who dominate the union.

Then he warned, even the most essential public services, including the ordinary enforcement of law and keeping of the peace—

Would depend upon the mood and the ambitions of the people controlling the union. The real government might be the union itself.

Harsh words, but not unrealistic if we fall into the trap of granting to public sector union officials monopoly control of the public sector workforce through the concession of monopoly representation privileges and compulsory union shop taxing powers, coupled with the right to strike in those unions.

If we grant them monopoly status, we have, as Dr. Kirk has eloquently pointed out, in effect, created a system of dual governments—one legitimate, appointed by the authority of the people, and the other a de facto government, accountable to no one except possibly the political system it feeds on.

The citizen taxpayer, subject to abuse by both governments, could exercise some control over the one, but would be virtually powerless to control the monopoly of the other.

As union officials gain a bigger and mightier foothold, and are able to exercise more control over the selected government, we could be faced with the actual day-to-day operation of vital government services at the whim of a union bureaucracy.

Government is unique. Its function is to serve the cause of liberty. We cannot have liberty and compulsory monopoly unions in control of the public service workforce, coupled with the right to strike. The measure of any proposition must be its impact upon a free people. It would be ironic if we were to move into the bicentennial period by inaugurating a program so alien to all that our Founding Fathers fought for.

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

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina (Mr. HELMS) is recognized.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum on the time of the Senator from North Carolina.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. Under the previous order, the Chair will recognize the Senator from North Carolina (Mr. HELMS).

Mr. HELMS. Mr. President, I ask unanimous consent that I will be allowed to yield 2 minutes of my time to the distinguished Senator from Nebraska.

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

Mr. CURTIS. I thank my distinguished friend.

The PRESIDING OFFICER. The Chair might inform the Senator from North Carolina that the quorum call was taken from his time of 15 minutes.

Mr. HELMS. Very well.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. CURTIS. Mr. President, I wish to join with the distinguished Senator from Utah and others in calling attention to the Senate the problems involved in these efforts for unionization of Government employees at all levels of Government.

Within the last day or two, there was an account that appeared in the Washington Star concerning what has happened in the State of Illinois.

I believe in the right of people to join the union, I do not think that should be interfered with. I do not believe in the principle of compulsory unionism either by coercion or by a matter of law.

I also wish to point out that there are certain essential services of Government which by their very nature call for restraint.

So, whatever might be our attitude toward strikes involving nongovernmental activities, I am of the opinion that it is not according to sound public policy that these Government unions should be allowed to strike.

We will be faced with this problem in reference to the postal service before long and I think it is important that we look at all of the problems involved and not permit this to further deteriorate a very poorly administered and run postal service.

In saying that, I want to set the record straight, I am sure that there are

just countless honest and dedicated postal workers. Yet there is something wrong somewhere. Our Postal Service continues to deteriorate.

I want to again commend the distinguished Senator from Utah for taking the lead in promoting thought on this important subject.

I thank my distinguished friend from North Carolina.

I yield back the remainder of my time.

NORTH CAROLINA'S SOLUTION

Mr. HELMS. Mr. President, we have just heard it from our colleagues—about the threat to the basic political institutions of the country posed by the compulsory public-sector bargaining proposals being offered for our consideration.

We have discussed here today, in particular what compulsory public sector bargaining on all levels of Government by Federal legislators would mean.

These proposals would compel through Federal action individual public employees to accept an unwanted union as their "exclusive representative" in dealing with their own government, and most likely—as a consequence of compulsory monopoly representation—would cause workers to pay tribute to union officials in order to keep their jobs.

Antistrike provisions and the myriad other technical details union officials propose really only obscure these basic problems—each of which threatens both individual and government sovereignty.

Mr. President, there are very few among us, I think who would argue with these other points made here today:

That strikes against the government cannot be tolerated by a free society.

That government must—by definition—be responsive to and fully accountable to the people at all times.

That the only true function of government is the preservation of liberty.

And that pubic sector employees are indeed different from their counterparts in industry, both in terms of the rights and privileges they enjoy and the nature of their noncompetitive employment.

I believe that there is a viable solution without passing Federal laws. We can preserve government sovereignty and individual freedom in the public sector without being unrealistic, and certainly without being "unfair" to public employees.

In fact, in my State of North Carolina we have devised and implemented a viable solution at the State level. All public-sector collective bargaining is prohibited in the State of North Carolina.

We recognize that all public employees—and all Americans—are protected in their right to join lawful employee associations by the first amendment.

We have rejected, however, the notion that governments should be duty bound to recognize and bargain with these associations. Experience has taught us that the one thing which gives growth and strength and pressuring power to a union is to recognize that union, treat with it and enter into exclusive agreements with it. Each such agreement is a prelude to successive negotiations, accommodations, and agreements until the union grows to become uncontrolled and uncontrollable.

Now, Mr. President, the North Carolina General Statutes, section 95-98 reads as follows:

Contracts between units of government and labor unions, trade unions or labor organizations concerning public employees declared to be illegal.—Any agreement, or contract, between the governing authority of any city, town, county, or other municipality, or between any agency, unit, or instrumentality thereof, or between any agency, instrumentality, or institution of the State of North Carolina, and any labor union, trade union, or labor organization, as bargaining agent for any public employees of such city, town, county or other municipality, or agency or instrumentality of government, is hereby declared illegal, unlawful, void and of no effect.

Mr. President, this North Carolina statute is a good law. It has successfully restrained the growth of public sector union power in North Carolina. Yet it has not led to continuous struggles with public employee disputes and conflict. And the statute has withstood challenges in the courts.

In a September 1974 decision the U.S. District Court for the middle district of North Carolina held constitutional this North Carolina law which declares invalid any contracts between a sovereign government and a union in that State.

The court said, that—

To the extent that public employees gain power through recognition and collective bargaining, other interest groups with a right to a voice in the running of the government may be left out of vital political decisions. Thus, the granting of collective bargaining rights to public employees involves important matters fundamental to our democratic form of government. The setting of goals and making policy decisions are rights inuring to each citizen. All citizens have the right to associate in groups to advocate their special interests to the government. It is something entirely different to grant any one interest group special status and access to the decision-making process.

Simply put, the court made a very affirmative statement of the rights of all citizens and groups of citizens to have equal access to their own Government.

While the North Carolina law puts a statutory prohibition on recognition and contract-making, it does not preclude representatives of employee associations from petitioning their government over conditions in the workplace. What it does preclude is government granting monopoly status to a particular union, trading away its own sovereignty, and depriving individual workers of their precious liberty to deal with their own government.

A strict nonrecognition policy, such as exists in North Carolina, would prevent any compromise of necessary government sovereignty.

Second, as the court found last September, it would keep the channels of redress open to all employees—not just to a monopoly bargaining organization.

Third, it would allow government administrators to create and conduct responsible, humane, and effective public employee personnel policies—a responsibility which, when subject to adversary collective bargaining, is less imaginative, and less progressive.

The attention of government administrators would thereby be focused—as it should be—on dealing effectively with the employees and their interests, rather than dealing with the union and its interests.

Among the most important considerations, however, is the fact that nonrecognition would prevent the abuses of human liberty which has been created by the National Labor Relations Act's "exclusive recognition" and compulsory unionism policies.

The North Carolina experience seems to be a good place to start. It shows that the States can handle the problem on their own without Federal intervention. I commend this law to my colleagues as the way to go in the States which they represent.

Mr. President, the decision of the U.S. district court on the North Carolina law, provides further insights into its working and value, and I ask unanimous consent that the decision be printed in the RECORD.

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

[No. C-286-WS-72]

IN THE U.S. DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, WINSTON-SALEM DIVISION

Winston-Salem/Forsyth County Unit of the North Carolina Association of Educators, an unincorported association, and Jacqueline A. Ballentine, individually and on behalf of other similarly situated teachers in the Winston-Salem/Forsyth County School System, Plaintiffs, v. A. Craig Phillips, State Superintendent of Public Instruction; Frank Crane, Commissioner of Labor for the State of North Carolina; Robert B. Morgan, Attorney General of the State of North Carolina; and John C. Kiger, Omeda Brewer, Eunice Burge, Richard Janeway, Mary Lauerman, William F. Maready, Alan R. Perry, Carol G. Thompson, As Members of the Winston-Salem/Forsyth County School Board, and the Winston-Salem/Forsyth County School Board, and David W. Darr, Henry L. Crotts, G. P. Swisher, Dr. W. L. Thompson, Jr., and Leonard Warner as Members of the Forsyth County Board of Commissioners, and the County of Forsyth, Defendants

Before Craven, Circuit Judge, Gordon, Chief Judge, and Ward, District Judge.

Argued July 12, 1974, decided September 17, 1974.

William G. Pfefferkorn of Winston-Salem, North Carolina, for the plaintiff.

Edwin M. Speas, Jr., Assistant Attorney General, North Carolina Department of Justice, Raleigh, North Carolina, for defendants A. Craig Phillips, Frank Crane, and Robert B. Morgan; William F. Womble, Jr., of Womble, Carlyle, Sandridge & Rice, Winston-Salem, North Carolina, for Winston-Salem/Forsyth County School Board; and P. Eugene Price, Jr., County Attorney, Winston-Salem, North Carolina, for Forsyth County Board of Commissioners, and the County of Forsyth.

OPINION OF THE COURT

Ward, District Judge:

This case presents a renewed attack on North Carolina General Statute 95-98 which provides that contracts between state governmental units and public employee labor

organizations shall be void.[1] Previously, in *Atkins v. City of Charlotte*, 296 F. Supp. 1068 (W.D.N.C. 1969), a three-judge court upheld the constitutionality of that statute while declaring related sections to be unconstitutional.[2]

In the instant case, plaintiffs request injunctive and declaratory relief against the statute on the grounds that it operates to violate their rights of freedom of association guaranteed by the First Amendment of the United States Constitution and of equal protection and due process guaranteed by the Fourteenth Amendment. Jurisdiction is premised upon 28 U.S.C. §§ 2201 and 1343 and 42 U.S.C. § 1983. A three-judge court has been properly convened pursuant to 28 U.S.C. §§ 2281 and 2284.

Plaintiff Winston-Salem/Forsyth County Unit of the North Carolina Association of Educators is an unincorporated labor association representing professional employees, including teachers and administrators. The individual plaintiff is a teacher in Forsyth County and a member of the association. She wishes to represent all teachers in the Winston-Salem/Forsyth County School System. The defendants are State officials, the Winston-Salem/Forsyth County School Board, the Forsyth County Board of Commissioners, and the County of Forsyth.

The discontinuation of a salary supplement plan in 1972 supplied the irritant which caused plaintiffs to bring this action. In 1967, the school officials proposed the plan whereby the teachers in the Winston-Salem/Forsyth County school district would receive a portion of a school tax as part of their salary supplement. Since the supplement was tied to a county tax, it would increase along with the tax base of the county. The school board approved the plan. In 1972, the County Commissioners terminated the plan when they adopted the final budget for the county. Plaintiffs admit that no one source can be blamed for the discontinuation of the plan. They say that the determination of local school salaries results from input by the State Board of Education and the local units composed of the school board and county commissioners. Plaintiffs suggest that one of the reasons for the termination of the salary supplement was the discovery of the statute, N.C.G.S. 95–98, by the governmental officials between 1967 and 1969. Plaintiffs claim that upon this discovery, the school officials became increasingly intransigent in their discussions with the teachers' association. They would like to blame a drop in their membership to their claimed growing ineffectiveness in discussions with the school officials after the purported discovery of N.C.G.S. 95–98.

In this case, there never was a signed contract between the teachers' organization and the school board. Defendants suggest that plaintiffs lack standing because there is no contract which is rendered void by N.C.G.S. 95–98. We agree that the plantiffs never had a contract or agreement with the school. However, we read that fact as the basis of their complaint. They say that the school refuses to enter into a contract with them, or even engage in meaningful discussion, because of the statute. Viewed in this light, the question before this court is not moot and plaintiffs have standing to litigate the issue.

Plaintiffs allege that the statute is unconstitutional because of the detrimental effect it has on their ability to associate in a labor organization. They contend the statute renders negatory their right to associate since it voids any contract obtained by the association. Thus, they say, it becomes fruitless for the organization to discuss matters with the school, and the individual teachers in turn become disenchanted with their organization.

Accepting those consequences as true, we cannot accept the premise that plaintiffs' alleged right of association requires that state governmental units negotiate and enter into contracts with them. The Constitution does not mandate that anyone, either the government or private parties, be compelled to talk to or contract with an organization. What Judge Craven wrote in *Atkins, supra*, at 1077, is controlling and bears repeating:

"We find nothing unconstitutional in G.S. § 95–98. It simply voids contracts between units of government within North Carolina and labor unions and expresses the public policy of North Carolina to be against such collective bargaining contracts. There is nothing in the United States Constitution which entitles one to have a contract with another who does not want it. It is but a step further to hold that the state may lawfully forbid such contracts with its instrumentalities. The solution, if there be one, from the viewpoint of the firemen, is that labor unions may someday persuade state government of the asserted value of collective bargaining agreements, but this is a political matter and does not yield to judicial solution. The right to a collective bargaining agreement, so firmly entrenched in American labor-management relations, rests upon national legislation and not upon the federal Constitution. The State is within the powers reserved to it to refuse to enter into such agreements and so to declare by statute."

The other cases considering the problem raised here have likewise rejected plaintiffs' argument. *Newport News F.F.A. Loc. 794* v. *City of Newport News, Va.*, 339 F. Supp. 13 (E.D. Va. 1972); *Hanover Tp. Fed. of Teach. L. 1954* v. *Hanover Com. Sch. Corp.*, 457 F.2d 456 (7th Cir. 1972). While the First Amendment may protect the right of plaintiffs to associate and advocate, not all of their associational activities have the protection of that amendment. The State is not required to provide plaintiffs with a special forum in order to advocate their views. It is under no duty to provide a "guarantee that a speech will persuade or that advocacy will be effective." *Hanover Tp. Fed. of Teach. L. 1954* v. *Hanover Com. Sch. Corp., supra*, at 461.

Plaintiffs' reliance on *Healy v. James*, 408 U.E. 169, 92 S.Ct. 2338, 33 L.Ed.2d 266 (1972), in support of the request for reconsideration of *Atkins* is misplaced. *Healy* concerned a college's denial of recognition to a student group. The Court held that the nonrecognition abridged the student group's First Amendment rights. The college had denied the group a formal meeting place, and the use of college bulletin boards and the college newspaper. Significantly, it had granted those rights to other student groups. The court noted that "the group's possible ability to exist outside the campus community does not ameliorate significantly the disabilities imposed by the President's action." (408 U.S. at 183, 33 LdEd.2d at 280). Thus the restriction in *Healy, supra*, directly affected the student group's right of advocacy and ability to organize in a situation where the college had granted those rights to other groups. In the present case the statute we are concerned with does not differentiate between public employee labor associations, nor does it restrict in any material way the ability to organize.

In *Healy, supra*, the college's action materially and discriminatorily affected the student group's right to speak and advocate. Here the statute has no such effect. All that it does is to render void contracts between the labor association and the State. As stated previously, the First Amendment does not guarantee that an organization's advocacy will be effective; it only protects the right to speak.[3]

The State, as a matter of public policy, has chosen not to enter into enforceable contracts with public employee organizations. That policy decision cannot be regarded lightly, or as merely the result of anti-union animus. The decision of whether to permit public employees to engage in collective bargaining with the government involves far greater interests than the mere right to association claimed by the plaintiffs here. Professor Sylvester Petro in "Sovereignty and Compulsory Public-Professor Bargaining," 10 *Wake Forest Law Review* 25 (1974), ably and thoroughly discusses the case against the recognition of public employee labor organizations and bargaining with them. Even in an article more sympathetic to plaintiffs' position, Professor Summers discusses serious problems which cannot be avoided if collective bargaining problems which cannot be avoided if collective bargaining is permitted. *See* Summers, "Public Employee Bargaining: A Political Perspective," 83 *Yale Law Journal* 1156 (1974). There the author views collective bargaining by public employees as part of the political decision-making process. As such it cannot be fairly compared with collective bargaining in the private sector. While he sees collective bargaining in the public sector as giving the public employees a chance to give unity, clarity, and persuasion in discussing their views with a governmental body, he also notes that, at present, permitting public employee collective bargaining might well over-shift the balance of power because of the inability, in some instances, of present governmental structure to effectively deal with a collective bargaining situation. Moreover, to the extent that the public employees gain power through

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[1] N.C.G.S. 95–98 reads as follows:

"*Contracts between units of government and labor unions, trade unions or labor organizations concerning public employees declared to be illegal.*—Any agreement, or contract, between the governing authority of any city, town, county, or other municipality, or between any agency, unit, or instrumentality thereof, or between any agency, instrumentality, or institution of the State of North Carolina, and any labor union, trade union, or labor organization, as bargaining agent for any public employees of such city, town, county or other municipality, or agency or instrumentality of government, is hereby declared to be against the public policy of the State, illegal, unlawful, void and of no effect."

[2] The statutes declared unconstitutional in *Atkins, supra*, were N.C.G.S. 95–97, which prohibited fire fighting employees of a governmental unit from becoming members of or from assisting a labor organization which was affiliated with a national or international labor organization that had collective bargaining as one of its purposes, and N.C.G.S. 95–99, which provided a criminal penalty for violation of the related sections of the chapter.

[3] In *Aurora Ed. Ass'n E. v. Board of Ed., Etc., Kane County, Ill.*, 490 F.2d 431 (7th Cir. 1973), the court distinguished *Hanover Tp. Fed. of Teach L. 1954 v. Hanover Com. Sch. Corp., supra*, from the issue before it concerning whether a school could penalize a teacher who merely *believed* that teachers should ge given the right to strike. It said at 434:

"Whatever else may be said about the case, it dealt with the question whether a public body is under a constitutional duty, apart from statute, to bargain collectively with the labor representative of its employees. There was no occasion to consider in that case, and the court did not consider, the problem of this case, that is, whether a public body may interfere with its employees' freedoms to think and to speak—which from the beginning of time have been recognized as wholly different from the freedom to associate and to seek to use the strength which comes from union in assembly and action. See Wyzanski, "The Open Window and the Open Door," 35 Cal.L.Rev. 336 (1947)."

recognition and collective bargaining, other interest groups with a right to a voice in the running of the government may be left out of vital political decisions. Thus the granting of collective bargaining rights to public employees involves important matters fundamental to our democratic form of government. The setting of goals and making policy decisions are rights inuring to each citizen. All citizens have the right to associate in groups in order to advocate their special interests to the government. It is something entirely different to grant any one interest group special status and access to the decision-making process. As Professor Summers notes at 1193-94:

"In the private sector the parties may agree at the bargaining table to expand the subjects of bargaining, but a public employee union and a public official do not have the same freedom to agree that certain decisions should be removed from the ordinary political processes and be decided by them in a special forum. The private employer's prerogatives are his to share as he sees fit, but the citizen's right to participate in governmental decisions cannot be bargained away by any public official.

"In legal terms the principal question in the private sector is what the *mandatory* subjects of bargaining are, *i.e.*, what decisions the employer *must* share with his employees. The principal question in the public sector is what the *permissible* subjects of bargaining are, *i.e.*, what decisions *may* be made through the specially structured political process."

Viewed in this context, plaintiffs' purported right to associate via collective bargaining must compete with equally, if not more, important rights belonging to the citizenry.

The actual decision of how to accommodate public employees in the decision-making process without denying the right of association to others is a legislative decision.[4] Both legally and logically that decision is the prerogative of the legislature, which is much better suited to make it than are the federal courts, whose many duties cannot, under our system of government, include those of legislation. In North Carolina, the legislature has decided to resolve the competing interests by voiding contracts between the state and public employee labor organizations.

Plaintiffs also urge that N.C.G.S. 95-98 violates equal protection and due process. We disagree. While an unwarranted or unjustified interference with a First Amendment right may also be a violation of a Fourteenth Amendment right, *McLaughlin v. Tilendis*, 398 F.2d 287 (7th Cir. 1968); *Shelton v. Tucker*, 364 U.S. 479, 81 S.Ct. 247, 5 L.Ed.2d 231 (1960), we have concluded that the statute in question does not violate plaintiffs' right of freedom of association under the First Amendment. From our previous discussion it follows, and we so hold, that plaintiffs' Fourteenth Amendment rights are not violated.

Plaintiff's request for injunctive and declaratory relief is, therefore, denied.

[No. C-286-WS-72]

IN THE U.S. DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, WINSTON-SALEM DIVISION

Winston-Salem/Forsyth County Unit of the North Carolina Association of Educators, An Unincorporated Association, and Jacqueline A. Ballentine, Individually and on Behalf of Other Similarly Situated Teachers in the Winston-Salem/Forsyth County School System, Plaintiffs, v. A. Craig Phillips, State Superintendent of Public Instruction; Frank Crane, Commissioner of Labor for the State of North Carolina; Robert B. Morgan, Attorney General of the State of North Carolina; and John C. Kiger, Omeda Brewer, Eunice Burge, Richard Janeway, Mary Lauerman, William F. Maready, Alan R. Perry, Carol G. Thompson, As Members of the Winston-Salem/Forsyth County School Board, and the Winston-Salem/Forsyth County School Board, and David W. Darr, Henry L. Crotts, G. P. Swisher, Dr. W. L. Thompson, Jr., and Leonard Warner as Members of the Forsyth County Board of Commissioners, and the County of Forsyth, Defendants

ORDER

For the reasons set forth in an Opinion of the Court entered contemporaneously herewith,

It is ordered that the relief requested by the plaintiffs in the prayer for relief be and the same hereby is denied, and the action is dismissed.

For the Court:

HIRAM H. WARD,
U.S. District Judge.

SEPTEMBER 17, 1974.

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

SENATE RESOLUTION 100—SUBMISSION OF A RESOLUTION RELATING TO DISCRIMINATION IN INTERNATIONAL COMMERCE

(Referred to the Committee on Commerce.)

Mr. SCHWEIKER. Mr. President, on behalf of myself and Senator WILLIAMS, and Senators ALLEN, BAYH, BEALL, BENTSEN, CASE, CLARK, CRANSTON, DOMENICI, FONG, GARN, PHILIP A. HART, HARTKE, HUMPHREY, LEAHY, MATHIAS, MCGEE, MCGOVERN, MONDALE, MOSS, MUSKIE, NELSON, PACKWOOD, PROXMIRE, RIBICOFF, ROTH, HUGH SCOTT, STAFFORD, STONE, TUNNEY, and WEICKER, I submit today a sense of the Senate resolution condemning blacklisting in international trade.

In recent weeks, it has become clear that Arab investors are using their vast economic leverage to dictate the ethnic composition of international business institutions. Two of Britain's most prestigious investment banking houses, N. M. Rothschild & Sons and S. G. Warburg & Co., were excluded from a $20 million bond issue at the request of the Libyan Arab Foreign Bank and the Kuwait Foreign Trading, Contracting, and Investment Co. Lazard Freres & Co., a Paris banking institution associated with Lazard of Manhattan, was excluded from a $25 million bond issue at the request of a company funded by Kuwait, Qatar, and Lebanon. And apparently a number of U.S. companies have passively accepted the Arab boycott list, and in some cases have even tried to negotiate their way off.

The standard apologies for blacklisting are that companies—or countries—cannot be denied the right to determine who they will do business with, and anyway, the Arabs have maintained a boycott list for years. But let us not fool ourselves, Mr. President—the boycott is not simply a businessmen's guide anymore. It is now an offensive trade weapon, deployed to dictate the ethnic composition of international business firms.

And while the Arabs have been maintaining boycott lists for years, the Arab countries were never a major world market—until the oil money explosion. Suddenly the Arab countries have emerged as the only flourishing area in our world economy, and the Arab boycott lists are now backed up with massive economic leverage. So it is an entirely new situation, Mr. President, and I do not think we can afford to silently acquiesce to these discriminatory tactics.

I was gratified by President Ford's strong reaction to this situation last week, and I commend him for it. But I think we in the Senate also have a responsibility to face this issue, and to put the world on notice that the full force of this Government's influence will be used to counter discriminatory demands. If we accept these economic strong-arm tactics today, I predict we will face an uglier choice next month or next year—and the stakes wil be higher then.

The Senate can make two responses to blacklisting tactics, Mr. President: We can condemn these tactics unconditionally and urge individuals and institutions to resist them, and we can prepare detailed legislative countermeasures. The resolution we introduce today accomplishes the former objective, and I hope the Senate moves promptly to consider legislation in this area.

Today's resolution does not push us into any precipitous action in the Middle East, and it allows sufficient flexibility so current diplomatic efforts are not impeded.

But it also suggest very clearly certain legislative approaches which might be considered if these tactics continue. First, individual Americans—and American institutions—must be encouraged to say "no" to discriminatory demands. One way to accomplish this is to insure that those who take discriminatory actions to obtain approval from the blacklisters immediately forfeit all U.S. Government assistance from such agencies as the Commerce Department, the Export-Import Bank and the Overseas Private Investment Corporation. This would give every individual and company an additional reason to resist boycott pressures.

Second, we should review all government-to-government relations with the nations which impose these demands. I do not think it makes much sense to be the major weapons supplier to countries which boycott American companies—and I think every transaction we have

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[4] The Tenth Amendment of the United States Constitution reserves to the states those powers not delegated to the federal government. The Amendment is a clear expression of the desire that the states would retain their sovereignty within our federal form of government. The decision by the State of North Carolina to void contracts between public employee organizations and governmental units is a matter entrusted to the state's sovereign discretion. See *Atkins, supra*, as quoted above. It cannot be emphasized enough that in speaking of a state's sovereignty, the term means more than prerogatives belonging to some inanimate object, rather it signifies the right of the people of a state to govern themselves under the form of government of their choosing. Therefore, since the prospect of public employee collective bargaining impinges upon those rights, it truly is important that the legislature, elected by the people, determine whether to permit such collective bargaining, and if so; on what terms.

with such countries should be scrutinized by Congress if these practices continue.

In closing, Mr. President, let me say that the question we address today is a fundamental one. Do we stand up and affirm our commitment to the principles on which this Nation was founded, or, for a few Arab dollars, do we look the other way? I think the broad support for this resolution clearly indicates that the U.S. Senate will stand up and be counted on this issue—and I am confident individual American citizens will do likewise.

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

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

S. RES. 100

Whereas discrimination in international commerce against individuals or institutions on religious, racial, or ethnic grounds is repugnant to the principles of our nation;

Whereas President Ford has declared that such discrimination "has no place in the free practice of commerce as it has flourished in this country";

Whereas the Export Administration Act of 1969 declares "it is the policy of the United States . . . to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States . . . "; and

Whereas acquiescence, by individuals, institutions, or nations, to such discrimination undermines international commerce and the fundamental rights of every American citizen: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Discrimination in international commerce against individuals or institutions on religious, racial, or ethnic grounds must not be tolerated, and all Americans are urged not to cooperate in any way with such discriminatory practices.

(2) Every individual or institution approached to participate in any such discriminatory practice should be required to make a full report of such action to the appropriate agency of the United States Government, which should make this information a matter of public record.

(3) Appropriate agencies of the United States Government should discourage such discriminatory practices and review all forms of Government support, subsidy, or assistance to American companies which acquiesce in such discrimination.

(4) The United States Government should examine its relationships with countries which practice such discrimination, and the President should advise the Congress as to any justification for continuing any foreign aid, sales of defense articles or services (whether for cash or by credit, guarantee, or any other means) or other assistance programs for the benefit of any country practicing such discrimination.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President of the United States.

Mr. SCHWEIKER. Mr. President, I yield 5 minutes of my time to the distinguished Senator from Florida (Mr. STONE), who is one of the sponsors of my resolution.

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. STONE. Mr. President, during the past months, it has been revealed that a number of private concerns have yielded to the pressure of Arab petrodollars and agreed to discriminate against Jewish investors because of their "Zionist sympathies."

This is an extension of previous boycott efforts by the Arab States to isolate and stifle Israel. In the past, this boycott, under the aegis of the Arab League, has been aimed at industrial and commercial firms that engage in trade and commerce with Israel. Now, the Arab financial world, enhanced by its huge oil profits, has joined the Arab League boycott refusing to participate in international bond issues which are also backed by Jewish financial houses.

It is disheartening that the Arab world is extending its policy of economic warfare during this delicate period when Israel is declaring her intent to return territory in return for the beginning of normalized relations with her Arab neighbors. Moreover, this new Arab economic warfare injects direct religious discrimination into the business dealings between nations.

While this new form of blackmail has been repudiated by many individual businessmen in both Western Europe and the United States, the failure of European governments to take a firm stand against these practices, can only encourage the Arabs to politicize the financial world.

The American people have always stood up against attempts at international blackmail and discrimination against individuals and minority groups. We already have the anti-boycott legislation of 1965 and other antidiscrimination laws on the books which might have to be strengthened to meet these new challenges.

An editorial in the February 14, 1975, Wall Street Journal, entitled "Bad for Business," calls upon the United States to take the lead in resisting Arab pressure and force an early end to the Arab blacklist scheme.

I quote one paragraph from the editorial:

It may well be useful to obtain further legislation voiding contracts with boycott clauses if only to forestall the inevitable broadside bills that would seriously hamper straightforward trade. At a minimum, the Office of Export Control should make public the reports of boycott compliance, which are currently confidential.

The editorial further points to the need for American businessmen to reject immoral business practices based on ethnic or religious exclusion.

I ask unanimous consent that the text of this editorial be printed in the RECORD.

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

BAD FOR BUSINESS

Arab economic pressure on the West took a particularly ugly turn this week with the revelation of a blacklist against banking interests with Jewish connections. In terms of both morality and self-interest, it is incumbent on Western businesses to resist such pressure, and on the U.S. government to press for an early end to the whole Arab blacklist.

A Kuwaiti investment firm withdrew from two leading syndicates headed by Merrill Lynch this week; it objected to the inclusion in the syndicates of Lazard Freres, which is on the Arab boycott list. This follows reports that Lazard Freres in Paris, the Rothschild Merchant Banking Group and S. G. Warburg and Co. of London have been excluded from European syndicates. The blacklisting of these firms appears less to be an attempt to undermine Israel than an attempt to inject anti-Semitism into Western business practice.

The Arabs have had trouble distinguishing these two purposes throughout their 30-year-old economic boycott of businesses with ties to Israel. Until recently the boycott was in any event massively ineffective. But the economic warfare is bound to become far more effective with the massive accumulation of oil revenues. Businessmen who desire to get their hands on some of this money will be tempted to carry anti-Israel, and even anti-Jewish discrimination far beyond the hopes of the Arab's leagues "Israel Boycotting Agency."

In fact, the boycott is still not notably successful in the U.S. The Commerce Department's Office of Export Control demands a report on each business transaction that complies with boycotts against friendly countries. In the most recent period, the second quarter of 1974, these transactions numbered 167.

Compliance is relatively infrequent because it is often unnecessary. The rhetoric of the militant boycott bureaucracy in Damascus carries little weight when each Arab country decides what goods and services it really needs. In one case we know of, an American subcontractor was asked to sign a contract originating in Abu Dhabi stipulating that none of the goods came from an Israel-connected company. The subcontractor, who happened to have close ties to Israel, vehemently protested, and Abu Dhabi went ahead with the deal, minus the boycott condition.

As one European financier said of the loan syndicate situation, resistance to the boycott demands could have been ridiculously easy. Thus, it is remarkable that some reputable banks have so readily complied. That compliance is almost certain to arouse public hostility toward any dealing with "the Arabs," no matter how innocuous. This sort of reaction already has blocked two Arab entrepreneurs from buying into banks in San Jose, Calif., and Pontiac, Mich., even though no hint of anti-Israeli or anti-Jewish bias was involved. Investors like Saudi Arabia's Adnan Khashoggi or Ghaith Pharaon or Lebanon's Ahmad Sarakbi—and their American colleagues—should have a lively interest in calling a halt to this dangerous trend.

The U.S. government should make it clear to Arabs and, more important, to American businessmen, that attempts to do business by discriminatory clauses will backfire badly. Some such clauses already are illegal and their use should be prosecuted. It may be useful to obtain further legislation voiding contracts with boycott clauses if only to forestall the inevitable broadside bills that would seriously hamper straightforward trade. At a minimum, the Office of Export Control should make public the reports of boycott compliance, which are currently confidential.

The alternative to a strong stand now will be dishonorable behavior by a few American businessmen and a disgusted public reaction with who knows what legislative consequences. For businesses to follow the Arab bidding and introduce ethnic discrimination into their dealings would be morally repugnant. In anything but the shortest view, it would also be very bad for business.

Mr. SCHWEIKER. Mr. President, I yield to the Senator from Connecticut (Mr. RIBICOFF).

Mr. RIBICOFF. Mr. President, I am pleased to add my name to the resolution of my distinguished colleagues from Pennsylvania and New Jersey. The devel-

opments which have prompted this resolution demand the attention of both Houses of Congress. We must go on record in complete opposition to the Arabs' blacklisting tactics and give careful thought and prompt action to strong measures to counter this totally unacceptable procedure.

I note with apprehension and dismay the inclusion of 13 Connecticut firms on this list. The Arabs have cited companies which have always been evenhanded in their operations. They include such business giants as Connecticut General, Colt Firearms, and Pratt & Whitney—healthy organizations which employ thousands of Connecticut residents and maintain unyielding standards in their business relations.

Mr. President, the impact of this boycott is only the most recent in a series of developments which pose a severe challenge to the American economy. The first and most noticeable change was, of course, the tremendous increase in oil prices. This single action rocked the foundation of both industrialized and underdeveloped economies and is responsible for a significant portion of our current economic dilemma.

The influx of Arab investments in many U.S. industries represented a different kind of problem. These investments must be monitored carefully. These investors could, with a concerted effort, shake the structure of many key industries and send our financial markets into confusion.

It is argued that these investments are simply one method for recycling petrodollars and thereby recovering part of the outflow from high oil prices. It is important to remember, however, as the Arabs themselves well know, that American firms are secure and profitable repositories of this newfound wealth. And in the years ahead we can expect the American economy to become relatively even more inviting. This security is a U.S. asset, and we must not let the beneficiaries be those who might do us harm.

Now we are faced with another threat to our economy—and this challenge strikes at the very root of America's traditions. By excluding certain firms from Arab trade and investment, the boycotters are hoping to impose their prejudices on others.

I applaud the President for stating his objections to these tactics in such strong terms. We in the Senate must also raise our voices on this issue and confront it head on.

Like many of my colleagues, I will work toward long-range solutions to this situation. But let those who continue these discriminatory practices know now that they will not be tolerated. America will not exchange her principles for the advantage of Arab trade.

Mr. SCHWEIKER. Mr. President, I yield to the Senator from New Jersey (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. President, the governments of the Arab world are spearheading an international campaign of religious discrimination against the State of Israel and, regardless of nationality, against American businesses with Jewish ownership, officers, and even customers. In my judgment, this political exploitation of economic leverage for blatantly discriminatory purposes through blackmail, blacklists, and boycotts is a dangerous and foreboding development in international commerce and relations that is without historical parallels.

In joining with Senator SCHWEIKER to cosponsor this sense of the Senate resolution, I believe the U.S. Senate must officially condemn this latest manifestation of Arab oil diplomacy. Religiously inspired economic discrimination is contrary to American values, and disruptive of the orderly conduct of our economic affairs, at both the national and international level. This Nation must use every means at its disposal to bring this reprehensible and unlawful conduct to the sudden and ignoble end it deserves.

Through their support of the Arab League and its boycott manifesto made public last week, Middle Eastern governments have evidenced their resolve to do more than assert their sovereign prerogative to boycott a country with whom they are at war. Beyond that, they have demonstrated their intention to enlist in their international discriminatory crusade against Israel and Jews, or persons in sympathy with these groups or their causes, American businesses and citizens as well as those of other countries. Unfortunately, some businessmen anxious to establish or maintain business relationships with Middle Eastern countries in these difficult economic times may submit to these unconscionable dictates.

Although the Arab boycott is more than a quarter of a century old, it has only recently come under strong attack. Last week, expressing the sentiment of our Nation, the President declared that:

> Such discrimination is totally contrary to the American tradition and has no place in the free practice of commerce as it has flourished in this country and in the world in the last 30 years.

Leading government officials, businessmen, clergy and scholars, regardless of political or religious beliefs, have joined voices to deplore the heinous purposes and implications of the Arab boycott. Under instructions from the President and in response to demands from myself and many of my colleagues, Government agencies are already studying suitable techniques to effectively deal with the Arab financial boycott.

The Subcommittee on Securities is nearing completion of 3 days of hearings on S. 425, the Foreign Investment Act of 1975. At the hearings, the dimensions of the Arab boycott and broader questions concerning this country's approach to foreign investment are being explored. And, in a separate action on Monday, I introduced an amendment to S. 425 which would prohibit the acquisition of more than 5 percent of the equity security of any U.S. company by any foreign investor who has forced or attempted to force other firms to boycott an American business because of its dealings with or in a foreign country with which the United States has diplomatic relations.

I am hopeful the result of this intensive reexamination will be to encourage foreign investment while at the same time discouraging practices which can only cause major disruptions in international affairs and diminish the prospects of a durable peace in the Middle East. However, in light of the apparent success of the Arab boycott in imposing their exclusionary and discriminatory policies on some European businessmen and governments, I believe official condemnation by the Senate, even if only symbolic and nonbinding, is obligatory. This is the precise purpose of this sense of the Senate resolution.

To further insure the immediate cessation of these practices, I believe the Senate in unequivocal terms, must serve notice to instigators of these boycotts: first, that it will not tolerate conduct of this kind; and, second, that official action will be taken against American companies and individuals who, voluntarily or involuntarily, acquiesce or participate in such boycotts. With the unanimous support the resolution should command, it will constitute official affirmation that the U.S. Senate is prepared to lend its considerable influence to discourage practices so antithetical to the national values we are all elected to safeguard.

The United States must not leave to others the responsibility to lead the opposition against blackmail, blacklists, or boycotts such as we are now witnessing.

The Export Administration Act of 1969 declares the policy of the United States "to oppose restrictive trade practices and boycotts fostered or imposed by foreign countries against other countries friendly to the United States." I supported this declaration of policy then and I support it today. Nevertheless, it may not be adequate alone to convey our fundamental opposition to restrictive discriminatory trade practices which involve our own nationals and interject foreign political, discriminatory, and religious considerations into American national and international economic affairs.

In this connection, I must conclude that the "quiet diplomacy and persuasion" suggested last week by a State Department official would be a woefully inadequate, and, indeed, even a dangerous, American response to the Arab boycott. To continue our policy of informal and nonpublic negotiations is to do no more than condone the practices and perpetuate the conditions which led to the boycott in the first place.

In my judgment, a long-term and more realistic solution will be found. In the meantime, this sense of the Senate resolution will strengthen the resolve of U.S. companies to continue to oppose boycotts and encourage our allies to take a similar stance.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. THURMOND). The Senator from Kentucky is recognized for 15 minutes.

AMENDMENT OF THE UNIFORM TIME ACT OF 1966—S. 980

Mr. FORD. Mr. President, I thought for a moment that my maiden voyage

was going to be disrupted by my being caught in the Chair.

Today, I introduce my first piece of legislation, together with the senior Senator from Kentucky. We raise an age-old question called "time," in an effort to amend the Uniform Time Act of 1966. Hopefully, this legislation will improve the attitude, the confusion, and, yes, the concerns and fears of the general public.

Mr. President, the question of what time it is, and what time it should be, has repeatedly been asked in reference to actions taken in setting clocks ahead, or back, an hour.

At present, we are experiencing daylight saving time because of the Emergency Daylight Saving Time Energy Conservation Act of 1973. This act was the result of an amendment to the Uniform Time Act of 1966, and designed to conserve energy throughout the United States.

In reality, Mr. President, the most significant result of the amendment has been public confusion.

I find no conclusive evidence that energy has been saved insofar as conservation can be traced to the amendment enacted on December 15, 1973. In fact, there are examples of more energy usage.

I do find overwhelming evidence that Federal action has only produced needless work on the part of those who must struggle with this matter.

By introducing legislation to amend the Uniform Time Act of 1966, Senator HUDDLESTON and I hope we can settle once and for all an issue which has, at times, produced chaos.

In the vague hope of saving energy, this country is now on 8 months of daylight saving time and 4 months of standard time. Instead of saving energy, in many cases it has caused the additional use of energy. Factories are opening earlier, lights are turned on sooner, people arise earlier in the morning, when the day is colder and additional heat is needed. The present situation endangers the lives of schoolchildren, disrupts the working day of the farmer, hinders commerce, and inconveniences the general public.

In this building today in the offices of many Members of this body, high school students from across the country are visiting. Many have visited my office this morning. Those students are going to school, under the present law, at 9:30 in the morning, and hopefully they can arrive home in the evening before dark.

There is no excuse for schoolchildren to stand on the roads in the dark, waiting for transportation to their classes. There is no reason for parents to bear the concerns prompted by longer periods of daylight saving time. There is no reason to establish time settings that result in energy use rather than energy savings.

A lesson has been learned, and it has been learned the hard way. Yet, the senior Senator from Kentucky and I believe that this measure will bring some of the current problems down to a minimum.

In essence, it provides that daylight saving time shall begin on the first Sunday in May and end on the last Sunday in September of each year. The Uniform Time Act of 1966 provides for daylight saving time commencing on the last Sunday of April and ending on the last Sunday of October of each year.

More important, Mr. President, there are concerns by many that any effort that is made to make permanent an 8-month daylight saving time period each year would result in chaos and family disruption, while serving no purpose whatsoever in the critical matter of energy conservation. Our measure, therefore, seems the most acceptable approach to an ongoing issue which Congress must settle for the benefit of those whom Government serves, and that is the people of this great country.

I hope that the hearings will be held promptly and that we will do those things which will bring back from the chaotic position in which we now find ourselves the peace and tranquillity that the people of this country deserve.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the senior Senator from Kentucky.

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

STATEMENT BY MR. HUDDLESTON

I am pleased to cosponsor this bill to shorten by approximately 5 weeks a year the period during which Daylight Saving Time is in effect under the Uniform Time Act of 1966.

The conditions with regard to time zones in Kentucky, and I am sure in many other States, have been chaotic in the past year and a half. We tried year-round Daylight Saving Time. It was my contention when year-round Daylight Saving Time was enacted that it would not result in any appreciable savings of energy. Instead, the result would be inconvenience and disruption of the lives of millions of Americans. I believe our experience bore me out. In the vague hope of saving energy, we endangered the lives of schoolchildren, disrupted, the working day of our farmers, hindered commerce and inconvenienced the public in general. And, instead of saving, in many cases we encouraged the additional use of energy as workers got up in the coldest part of the day, parents drove their children to school rather than permit them to take the bus, and people decided to drive rather than wait in the dark for public transportation.

Now we are trying Daylight Saving Time for 8 months of the year. While we are grateful for a 4-month reprieve, the problems remain the same as long as Daylight Saving Time is in effect during a winter month. Even under the amended provisions, schoolchildren must stand in the dark while awaiting school buses, presenting a serious safety hazard. I have had numerous complaints from parents throughout the State, and most recently the Kentucky Farm Bureau appealed to Senator FORD and me to seek a change in the law.

We have experimented too long at the expense of schoolchildren, farmers, businessmen and the public in general, and it is time to assure them that we will not put them through the hazards and inconveniences of winter Daylight Saving Time again. I hope that our proposal to return to a reasonable Daylight Saving Time policy can be acted upon favorably as soon as possible.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes each.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO THE GIRL SCOUTS OF AMERICA

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

The PRESIDING OFFICER (Mr. THURMOND). The clerk will state the resolution.

The second assistant legislative clerk read as follows:

It is the wish of the Congress to pay tribute to the achievements of the Girl Scouts of the United States of America as this important youth movement celebrates its 63rd anniversary on March 12, 1975.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

Mr. BAYH. Mr. President, I think the resolution speaks for itself. It documents at some length the tremendous service that the Girl Scouts have provided for their community and our country.

On March 12, 1975, the Girl Scouts of the United States of America will celebrate their 63d anniversary. Founded in 1912 for the purpose of "inspiring girls with the highest ideals of character, conduct, patriotism, and service that they may become happy and resourceful citizens", Girl Scouts of the United States of America has served more than 32 million girls in its 63-year history. Chartered by Congress in 1950, Girl Scouts of the United States of America has actively worked to develop our Nation's most precious resource: America's youth.

Today, more than 3 million girls, ages 6 to 17, through participation in over 160,000 troops, are learning to relate to others with increasing skill, maturity and satisfaction; developing meaningful values giving direction to their lives; contributing to American society through their own talents and in cooperative effort with others; and fostering an awareness of themselves as unique, resourceful persons of worth today and in the future.

Girl Scouts of the United States of America is an organization whose business is America's future. Through its informed educational program of environmental action, youth leadership, career exploration, and cooperative community-oriented projects, Girl Scouts of the United States of America is actively involved in strengthening our American way of life.

As a member of the World Association of Girl Scouts and Girl Guides, Girl Scouts of the United States of America, through participation in exchange visits, conferences, and seminars, has been continually involved in promoting a better understanding of the hopes and aspira-

tions of all the world's population. The international work of the Girl Scouts of the United States of America will play a significant role in the observance of International Women's year 1975.

I ask all my colleagues to join with me today in expressing the pride of Congress in the outstanding contribution Girl Scouts of the United States of America has made to our American way of life.

The concurrent resolution (S. Con. Res. 22) was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 22

Whereas the Girl Scouts of the United States of America were granted a Charter by Congress in 1950;

Whereas Girl Scouts, since its founding, has been dedicated to helping girls develop as creative, responsible individuals with a deep sense of personal worth, and has helped millions of girls to grow into resourceful women;

Whereas the informal educational programs of the Girl Scouts involve girls and volunteer adults in an ongoing partnership in a variety of service, social and environmental action, youth leadership, career exploration, and other cooperative, community-oriented projects;

Whereas these activities benefit others, promote active participation in matters affecting the home, the community, the Nation, and the world, and encourage the development in girls of skills, or personal, social, ethical, and spiritual values, and of a sense of oneness and interdependence with others;

Whereas Girl Scouts of the United States of America continues to make an outstanding contribution to the strengthening of our American way of life;

Whereas the anniversary week of the founding of the Girl Scout movement is an appropriate time to express America's congratulations and gratitude to the more than three and a half million girls and adults who participate in Girl Scouting: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that this Nation should pay tribute to the continuing strength and growth of Girl Scouting, to the pioneering role of Girl Scouting in expanding the personal horizons of girls and women, to the encouragement which Girl Scouting gives to understanding and friendship among the youth of all nations, and to the allegiance of Girl Scouting to the noble and enduring principles upon which this Country was founded.

QUORUM CALL

The PRESIDING OFFICER. Is there further morning business?

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

EXTENSION OF THE DEFENSE PRODUCTION ACT OF 1950

Mr. ROBERT C. BYRD. Mr. President, I send to the desk a joint resolution introduced by Mr. MANSFIELD for himself and Mr. HUGH SCOTT, 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 to amend the Defense Production Act of 1950, as amended, and for other purposes.

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. 48) 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 subsections (h), (i), and (l) of Section 720 of the Defense Production Act of 1950, as amended, are amended to read as follows:

"(h) In the first sentence strike out 'March 1, 1975' and insert 'June 30, 1975'. In the second sentence strike out 'June 30, 1975' and insert 'December 31, 1975'.

"(i) (2) In the second sentence strike out 'for the fiscal year ending June 30, 1975' and insert 'to remain available until December 31, 1975'.

"(1) Strike out 'for the fiscal year ending June 30, 1975' and insert 'to remain available until December 31, 1975'."

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the ACTING PRESIDENT pro tempore (Mr. GARY W. HART) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

At 1:33 p.m., a message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the joint resolution (H.J. Res. 219) making further continuing appropriations for the fiscal year 1975, and for other purposes; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. MAHON, Mr. WHITTEN, Mr. SIKES, Mr. PASSMAN, Mr. EVINS of Tennessee, Mr. NATCHER, Mr. FLOOD, Mr. CEDERBERG, Mr. MICHEL, and Mr. SHRIVER were appointed managers of the conference on the part of the House.

The message also announced that Representative THOMAS P. O'NEILL, of Massachusetts, the majority leader, recommends the name of Robert O. Tiernan, of Rhode Island, for the term ending April 30, 1977; and Representative JOHN RHODES, of Arizona, the minority leader, recommends the name of Vernon W. Thomson, of Wisconsin, for the term ending April 30, 1980, as members of the Federal Election Commission, pursuant to the provisions of section 208(a), title 2, Public Law 443.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF THE CENTRAL INTELLIGENCE AGENCY

A letter from the Director of the Central Intelligence Agency transmitting, pursuant to law, a report of the experience of the CIA with requests for information under the Freedom of Information Act during the calendar year 1974 (with an accompanying report); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 66. A bill to amend title VIII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training and to revise and extend programs of health revenue sharing and health services (Rept. No. 94-29).

By Mr. PROXMIRE, from the Committee on Appropriations, without amendment:

S. Res. 61. A resolution disapproving the proposed deferral of budget authority to carry out the homeownership assistance program under section 235 of the National Housing Act (views of the Committee on the Budget and Committee on Banking, Housing and Urban Affairs) (Rept. No. 94-30).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. GARY W. HART, from the Committee on Armed Services:

Donald G. Brotzman, of Colorado, to be an Assistant Secretary of the Army.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By WILLIAM L. SCOTT, from the Committee on Armed Services:

Victor V. Veysey, of California, to be an Assistant Secretary of the Army.

(The above nomination was reported with the recommendation that it be con-

firmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. STENNIS. Mr. President, as in executive session, from the Committee on Armed Services, I report favorably the following nominations in the Army: Gen. Michael Shannon Davison to be placed on the retired list in that grade; Lt. Gen. Elvy Benton Roberts to be placed on the retired list in that grade; and, Maj. Gens. Robert Morin Shoemaker and Howard Harrison Cooksey to be lieutenant generals. In the Navy, Rear Adm. Stanley S. Fine for appointment as Director of Budget and Reports in the Navy for a 3-year term; and, 38 captains for promotion to rear admiral. In the Marine Corps there are 11 temporary appointments to the grade of brigadier general—beginning with Francis W. Tief and ending with Charles D. Roberts, Jr.—and 9 Marine Corps Reserve appointments to the grade of major general. In the Air Force Reserve, there are 5 appointments to the grade of major general and 12 to the grade of brigadier general—list begins with Brig. Gen. Richard Bodycombe to the grade of major general and ends with Col. Edwin D. Woeller, Jr., to be brigadier general. I ask that these names be placed on the Executive Calendar.

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

Mr. STENNIS. In addition, Mr. President, there are 1,204 in the Army for appointment to the grade of colonel and below; in the Navy and Naval Reserve there are 2,038 to the grade of commander and below; in the Marine Corps and Marine Corps Reserve there are 1,909 for appointment to the grade of colonel and below; and, in the Reserve of the Air Force there are 52 Air National Guard promotions to the grade of lieutenant colonel. Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that these lists be placed on the Secretary's desk for the information of any Senator.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of February 3, 7, 11, 18, 20, and 25, 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, by unanimous consent, the second time, and referred as indicated:

By Mr. BENTSEN:

S. 973. A bill to amend the Internal Revenue Code of 1954 to provide incentives for the efficient use of gasoline and the increased use of coal and to encourage the development of synthetic fuels and solar energy. Referred to the Committee on Finance.

By Mr. GRIFFIN (for himself and Mr. PHILIP A. HART):

S. 974. A bill to amend the Internal Revenue Code of 1954 to repeal the excise tax on trucks, buses, and tractors and parts and accessories for such vehicles. Referred to the Committee on Finance.

By Mr. McCLURE:

S. 975. A bill to amend the Act of December 27, 1950. Referred to the Committee on Commerce.

By Mr. McCLURE (for himself, Mr. CHURCH, Mr. CRANSTON, Mr. FANNIN, Mr. HANSEN, and Mr. METCALF):

S. 976. A bill to exempt range sheep industry mobile housing from regulations affecting permanent housing for agricultural workers. Referred to the Committee on Labor and Public Welfare.

By Mr. MATHIAS (for himself and Mr. CHURCH):

S. 977. A bill to terminate certain authorities with respect to national emergencies still in effect, and to provide for orderly implementation and termination of future national emergencies. Referred to the Committee on Government Operations.

By Mr. EASTLAND (for himself, Mr. STENNIS, Mr. BAKER, and Mr. ALLEN):

S. 978. A bill to authorize the financing of parkways from the Highway Trust Fund, and for other purposes. Referred to the Committee on Public Works.

By Mr. SPARKMAN:

S. 979. A bill for the relief of Benesdene L. Strawn. Referred to the Committee on the Judiciary.

By Mr. FORD (for himself and Mr. HUDDLESTON):

S. 980. A bill to amend the Uniform Time Act of 1966 in order to provide that daylight saving time shall begin on the first Sunday in May and end on the last Sunday in September in each year. Referred to the Committee on Commerce.

By Mr. PHILIP A. HART:

S. 981. A bill to amend the Food Stamp Act of 1964 to increase the Federal share for State administrative expenses in carrying out the food stamp program, to authorize the sale of coupon allotments in credit unions, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. SPARKMAN:

S. 982. A bill for the relief of Jae Sill Rim and his wife, Young Ja Rim. Referred to the Committee on the Judiciary.

By Mr JACKSON (for himself and Mr. FANNIN) (by request):

S. 983. A bill to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands. Referred to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself, Mr. ABOUREZK, Mr. BROOKE, Mr. BUMPERS, Mr. CHURCH, Mr. CRANSTON, Mr. GRAVEL, Mr. PHILIP A. HART, Mr. GARY W. HART, Mr. HASKELL, Mr. HATFIELD, Mr. HOLLINGS, Mr. HUMPHREY, Mr. INOUYE, Mr. JAVITS, Mr. JOHNSTON, Mr. KENNEDY, Mr. McGEE, Mr. MAGNUSON, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. NELSON, Mr. PACKWOOD, Mr. RANDOLPH, Mr. RIBICOFF, Mr. STEVENSON, Mr. TUNNEY, and Mr. JOHNSTON):

S. 984. A bill to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land resource programs and to assist Indian tribes to plan the use of tribal lands; to encourage expeditious energy facility siting decisions; to coordinate Federal programs which significantly affect land use; to encourage research on and training in land resource planning and management; to establish an Office of Land Resource Planning Assistance in the Department of the Interior; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. PELL (for himself, Mr. SCHWEIKER, Mr. BAKER, Mr. BAYH, Mr. BEALL, Mr. BROCK, Mr. BROOKE, Mr. BUMPERS, Mr. CASE, Mr. CLARK, Mr. CRANSTON, Mr. CULVER, Mr. DOMENICI, Mr. GOLDWATER, Mr. PHILIP A. HART, Mr. HARTKE, Mr. HATHAWAY, Mr. HUMPHREY, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. LEAHY, Mr. MATHIAS, Mr. McGEE, Mr. McGOVERN, Mr. McINTYRE, Mr. MONDALE, Mr. MONTOYA, Mr. NELSON, Mr. PASTORE, Mr. RIBICOFF, Mr. STAFFORD, Mr. STONE, and Mr. TUNNEY):

S. 985. A bill to amend the Social Security Act to establish a procedure for the prompt payment of social security benefits to individuals whose social security checks have been lost, stolen, or otherwise delayed; to expedite hearings and determinations respecting claims for benefits under titles II, XVI, and XVIII of the act and part B of title IV of Federal Coal Mine Health and Safety Act of 1969; and to amend title II of the Social Security Act to limit to 25 percent the reduction that may be made in an individual's benefit check for any month because of any previous overpayments of monthly benefits. Referred to the Committee on Finance.

By Mr. MATHIAS (for himself, Mr. EAGLETON, Mr. GARN, Mr. INOUYE, and Mr. STEVENSON):

S. 986. A bill to end the District of Columbia Self-Government and Governmental Reorganization Act by abolishing the National Capital Service Area. Referred to the Committee on the District of Columbia.

By Mr. BUCKLEY:

S. 987. A bill to amend the Internal Revenue Code of 1954 and certain other provisions of law to provide for automatic cost-of-living adjustments in the income tax rates, the amount of the standard, personal exemption, and depreciation deductions, and the rate of interest payable on certain obligations of the United States. Referred to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. JAVITS, Mr. WILLIAMS, Mr. SCHWEIKER, and Mr. STAFFORD):

S. 988. A bill to amend the Public Health Service Act to revise and extend programs of the National Heart and Lung Institute and National Research Service Awards. Referred to the Committee on Labor and Public Welfare.

By Mr. KENNEDY (for himself, Mr. JAVITS, Mr. WILLIAMS, Mr. SCHWEIKER, Mr. PELL, Mr. HATHAWAY, Mr. CLARK, Mr. McGOVERN, Mr. ABOUREZK, and Mr. RANDOLPH):

S. 989. A bill to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the health and allied health professions, to revise the National Health Service Corps program, and the National Health Service Corps scholarship training program, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. KENNEDY (for himself, Mr. JAVITS, Mr. WILLIAMS, and Mr. SCHWEIKER):

S. 990. A bill to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the health and allied health professions, to revise the National Health Service Corps program and the National Health Service Corps scholarship training program, and for other purposes. Referred to the Committee on Labor and Public Welfare.

S. 991. A bill to amend the Public Health Service Act, to revise the programs of student assistance, to revise the National Health Service Corps program, to establish a system for the regulation of postgraduate training programs for physicians, to provide assist-

ance for the development and expansion of training programs for nurse clinicians, pharmacist clinicians, community and public health personnel, and health administrators, to provide assistance for projects to improve the training provided by undergraduate schools of nursing, pharmacy, and allied health to provide assistance for the development and operation of area health education systems, to establish a loan guarantee and interest subsidy program for undergraduate students of nursing, pharmacy, and the allied health professions, and for other purposes. Referred to the Committee on Labor and Public Welfare.

S. 992. A bill to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the health professions, to revise the National Health Service Corps program and the National Health Service Corps scholarship training program, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. INOUYE.

S. 993. A bill to provide for the adoption of "The Perpetual Calendar." Referred to the Committee on Commerce.

By Mr. PASTORE:

S. 994. A bill to authorize supplemental appropriations to the Nuclear Regulatory Commission for fiscal year 1975. Referred to the Joint Committee on Atomic Energy.

By Mr. ROTH:

S. 995. A bill to regulate investment by foreign governments and foreign government enterprises in certain U.S. business enterprises. Referred to the Committee on Banking, Housing and Urban Affairs and the Committee on Commerce, jointly, by unanimous consent.

By Mr. SCHWEIKER (for himself, Mr. JAVITS, Mr. KENNEDY, and Mr. WILLIAMS) (by request):

S. 996. A bill to amend titles VII and VIII of the Public Health Service Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MANSFIELD (for himself and Mr. HUGH SCOTT):

S.J. Res. 48. A joint resolution to amend the Defense Production Act of 1950, as amended, and for other purposes. Considered and passed.

By Mr. BAYH (for himself and Mr. THURMOND):

S.J. Res. 49 A joint resolution to amend the joint resolution entitled "Joint Resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America." Referred to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. JAVITS, Mr. PELL, Mr. SCHWEIKER, and Mr. WILLIAMS):

S.J. Res. 50. A joint resolution to authorize and request the President to proclaim the second week of April of each year as "National Medical Laboratory Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN:

S. 973. A bill to amend the Internal Revenue Code of 1954 to provide incentives for the efficient use of gasoline and the increased use of coal and to encourage the development of synthetic fuels and solar energy. Referred to the Committee on Finance.

ENERGY CONSERVATION AND DEVELOPMENT ACT

Mr. BENTSEN. Mr. President, I am today introducing a four-point program to gradually reduce energy consumption and encourage the development of alternative sources of fuel in a manner which is consistent with our economic goals.

My proposed "Energy Conservation and Development Act" includes the following four provisions:

A rebatable gasoline tax of 5 cents a gallon beginning in 1976 and increasing to 20 cents over a 4-year period;

An excise tax on new automobiles which get poor gasoline mileage and a tax credit for new autos with good mileage;

A tax incentive for the conversion of boiler capacity from the use of oil or gas to coal; and

An energy development fund to back programs for developing alternate fuel sources such as liquified coal.

Last month the President proposed a complex system of tariffs, taxes and increased petroleum prices to reduce oil imports by 1 million barrels a day by the end of this year. It has been estimated that the President's proposals would result in as much as a 4 percent increase in the rate of inflation, $10 billion in lost economic output and an additional half million Americans unemployed.

The administration's energy program would impose an unacceptable burden on our economy during the current period of rising unemployment and double-digit inflation. The immediate crisis is not oil—it is jobs. Seven and one-half million Americans are now out of work and almost all economists have urged Congress to give top priority to the recession and to deal with energy on a more gradual, long-term basis.

Mr. President, I do not know of anyone who challenges our need for lessening our reliance on foreign oil. I was warning against the dangers of our growing imports 5 years ago when not very many people were listening. Now everyone wants to reduce that reliance. It is draining our wealth, disrupting our domestic and international financial markets, and posing a constant threat to our national security. The question is not should we reduce imports—the question is how much, how fast, by what means, and at what cost.

I believe that we should begin today—in 1975—by both increasing energy production and reducing energy consumption. However, it is essential that the mandatory conservation measures that we adopt be phased in to allow the most rapid economic recovery possible without setting off another round of inflation. If we act too precipitously on the energy front, then the benefits of energy conservation will be far outweighed by the tremendous economic costs to the American people.

The legislation that I am introducing today will gradually reduce our dependence on foreign sources of oil but it will avoid aggravating an already serious recession and inflation.

Mr. President, I would now like to explain my energy proposals in some detail.

GASOLINE TAX WITH A PROGRESSIVE REBATE

The first provision in my bill would phase in a gasoline tax of 20 cents per gallon by 1979. All revenues collected by the Government from this tax would be rebated in a progressive manner to low- and middle-income Americans. This proposal would achieve very significant energy savings without resulting in serious economic dislocations.

I believe that any energy conservation tax should focus on gasoline rather than all petroleum products since there is far greater room for savings in the use of gasoline. For example, Americans can reduce nonessential driving much more easily than they can reduce their consumption of heating oil during the cold winter months.

Under my proposal, the gasoline tax would be increased 5 cents a gallon in 1976, another 5 cents up to 10 cents in 1977, then to 15 cents in 1978, and 20 cents in 1979. This tax would reduce consumption by an estimated 500,000 barrels per day by 1980 and 1 million barrels per day by 1985.

Due to the gradual increase in tax rate under my proposal, there would be a minimal increase in the rate of inflation and lost economic output. Commuters would have time to adjust their driving habits; automobile manufacturers, their production lines. A phased-in gasoline tax would put both industry and consumers on notice as to what kind of automobiles lie in our future.

The revenues collected from this tax proposal would be fully rebated to individuals over 18 years of age under a sharply progressive rate schedule. A person earning $10,000 or less a year would receive almost twice as large a rebate as a person earning between $20,000 and $25,000. Americans would be on notice that they could be net gainers if they reduced their consumption. Families earning up to $20,000 per year and using no more than the national average of about 24 gallons a week would receive as much in rebates as they paid in tax. Families earning less or consuming less gasoline than the national average would receive more rebates than they paid in taxes.

Approximately 120 million of the over-18 population would receive their rebates as credits on their income tax, while the 20 million adults who do not file normal returns would file a simple form for their rebate. As the size of the tax increased and the revenues grew, withholding schedules could be adjusted and quarterly checks sent to those not subject to withholding in order to avoid any hardship on individuals or any drag on consumer purchasing power.

Under my proposal, all of the money collected from the phased in gasoline tax would be rebated to low- and middle-income Americans. It is estimated that about $5 billion would be collected and rebated in 1976, $10 billion in 1977, $15 billion in 1978 and $18 billion in 1979 and subsequent years.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD rebate schedules which would be provided by my proposal.

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

REBATE SCHEDULE FOR 5 CENT GASOLINE TAX—1976

Income	Number of families and unrelated individuals (millions)	Size of rebate	Total revenues rebated (millions)
Families:			
$0 to $5,000	8.1	$110	$891.0
$5,000 to $10,000	13.4	95	1,273.0
$10,000 to $15,000	14.0	80	1,120.0
$15,000 to $20,000	9.4	60	564.0
$20,000 to $25,000	5.0	45	225.0
$25,000 to $30,000	2.5	25	62.5
Total			4,135.0
Unrelated individuals:			
$0 to $5,000	10.6	55	583.0
$5,000 to $10,000	4.8	47	226.0
$10,000 to $15,000	1.9	40	76.0
$15,000 to $20,000	.5	30	15.0
$20,000 to $25,000	.3	25	7.0
$25,000 to $30,000	.07	20	1.4
Total			908.4

REBATE SCHEDULE FOR 10 CENT GASOLINE TAX—1977

Income	Number of families and unrelated individuals (millions)	Size of rebate	Total revenues rebated (millions)
Families:			
$0 to $5,000	8.1	$220	$1,782.0
$5,000 to $10,000	13.4	190	2,546.0
$10,000 to $15,000	14.0	160	2,240.0
$15,000 to $20,000	9.4	125	1,175.0
$20,000 to $25,000	5.0	90	450.0
$25,000 to $30,000	2.5	60	150.0
Total			8,343.0
Unrelated individuals:			
$0 to $5,000	10.6	100	1,060.0
$5,000 to $10,000	4.8	90	432.0
$10,000 to $15,000	1.9	80	152.0
$15,000 to $20,000	.5	60	30.0
$20,000 to $25,000	.3	40	12.0
$25,000 to $30,000	.07	20	1.4
Total			1,687.0

REBATE SCHEDULE FOR 15 CENTS GASOLINE TAX—1978

Income	Number of families and unrelated individuals (millions)	Size of rebate	Total revenues rebated (millions)
Families:			
$0 to $5,000	8.1	$330	$2,673.0
$5,000 to $10,000	13.4	285	3,819.0
$10,000 to $15,000	14.0	240	3,360.0
$15,000 to $20,000	9.4	185	1,739.0
$20,000 to $25,000	5.0	140	700.0
$25,000 to $30,000	2.5	60	150.0
Total			12,441.0
Unrelated individuals:			
$0 to $5,000	10.6	160	1,696.0
$5,000 to $10,000	4.8	135	648.0
$10,000 to $15,000	1.9	120	228.0
$15,000 to $20,000	.5	90	45.0
$20,000 to $25,000	.3	50	15.0
$25,000 to $30,000	.07	30	2.1
Total			2,634.0

REBATE SCHEDULE FOR 20 CENT GASOLINE TAX—1979 AND SUBSEQUENT YEARS

Income	Number of families and unrelated individuals (millions)	Size of rebate	Total revenues rebated (millions)
Families:			
$0 to $5,000	8.1	$380	$3,078.0
$5,000 to $10,000	13.4	325	4,355.0
$10,000 to $15,000	14.0	300	4,200.0
$15,000 to $20,000	9.4	240	2,256.0
$20,000 to $25,000	5.0	130	650.0
$25,000 to $30,000	2.5	65	162.5
Total			14,701.0
Unrelated individuals:			
$0 to $5,000	10.6	200	2,120.0
$5,000 to $10,000	4.8	180	864.0
$10,000 to $15,000	1.9	150	285.0
$15,000 to $20,000	.5	100	50.0
$20,000 to $25,000	.3	70	21.0
$25,000 to $30,000	.07	30	2.0
Total			3,342.0

In future years Congress would make any necessary adjustments in this rebate schedule to insure that all of the money collected from the gasoline tax is returned to lower and middle income consumers.

Under my proposal, individuals who have to drive more than 50 miles round trip to work each day would receive an additional tax deduction. They would be able to deduct the taxes paid on the gasoline used for driving in excess of 50 miles. This deduction would ease the burden on individuals who are required to commute long distances.

Furthermore, the full amount of the gas tax would be deductible to commercial enterprises as an ordinary business expense.

Although a 20-cent gas tax seems like a substantial hike in the price of gasoline, this increase is not so substantial when compared to what has happened to other fuels. In the past year, the price of oil for homes has increased by two-thirds and the price of residual oil for electricity by 180 percent. These increases occurred during a time when the price of gasoline increased by only 35 percent. Even with the full tax, Americans will still be paying less than half as much for gasoline as Europeans who spend $1.80 a gallon right now.

I know that a gasoline tax has been described as inequitable, and even with a progressive rebate system there will be no perfect equity. However, let us look briefly at the inequities and enormous administrative problems associated with rationing.

How do you award the coupon books? To licensed drivers? That discriminates in favor of the family with teenagers who drive and against widows and single persons.

Do you award books on the basis of the number of automobiles owned? Then you are treating the executive with three cars three times better than the steelworker with one.

Do you award one book to a household? That discriminates against the family where more than one has to work to make ends meet.

What about the person who must drive long distances in an emergency—or move across the country? Do we solve all of these problems with local rationing boards?

If we create a so-called "white market," in which ration coupons can be bought and sold legally, we are back to allocating on the basis of price—with no certainty as to how high the price will go.

In addition, there are the problems of spot shortages developing for coupons, requirements for additional Government bureaucracy with an annual price tag of at least $1.5 billion, and a significant Government interference in people's private lives, which is not likely to retain public support during any period other than a national emergency.

Rationing and any other system of allocation tied to base periods and previous levels of consumption are, at least, short-time solutions but these are times when the Nation needs to establish a long-range course for reduced energy consumption and greater energy efficiency.

I fully realize that a gasoline tax is not a politically popular proposal at the moment. However, it is in the interest of all Americans to reduce our dependence on foreign sources of oil and a gasoline tax with a rebate for low- and middle-income Americans is the simplest and most equitable method to reduce gasoline consumption. A gasoline tax is not as arbitrary and cumbersome as a system of rationing or allocation. A gas tax does not require a large bureaucracy to administer and should not result in large regional disparities. Furthermore, the economic hardships of a 20-cents-per-gallon tax are greatly alleviated by a progressive rebate schedule for low- and middle-income Americans.

AUTOMOBILE FUEL EFFICIENCY STANDARDS

Mr. President, one of the most promising methods to reduce domestic oil consumption and to lessen our dependence on foreign sources of oil is to encourage Americans, when they purchase new cars, to select automobiles that obtain better mileage per gallon. The legislation I am introducing today will help achieve that goal.

A recent study by the Department of Transportation and the Environmental Protection Agency indicates that it is practical to achieve as much as a 60-percent fuel economy improvement for the average automobile manufactured in 1980 compared to 1974 models. The average car in 1974 obtained only 14 miles per gallon. A 60-percent improvement by 1980 would result in an average new car achieving 22 miles per gallon. Gasoline savings due to improvements in automobile fuel economy have the potential to reduce oil imports by as much as 1 million barrels per day.

Since the automobile currently consumes about one-third of all oil used in the United States, any realistic energy conservation program must include measures aimed at improving the fuel efficiency of the automobile.

The legislation that I am introducing today will encourage the use of fuel-

efficient automobiles by imposing an excise tax on manufacturers or importers of new automobiles that fail to obtain good mileage and by providing a Federal tax credit to individuals who purchase domestically manufactured cars that get good mileage.

The average new automobile in 1975 obtained only 15.9 miles per gallon. We must and we can do better. My proposal will help achieve a goal of at least 22 miles per gallon for the average new car in 1980.

Basically, my proposal would establish a national automobile standard of 22 miles per gallon. Individuals who purchase new cars that obtain 22 miles per gallon or greater would receive a Federal income tax credit. Manufacturers of less efficient cars would pay a tax proportional to the automobile's fuel consumption. The purpose of this tax would be to encourage consumers to select cars which get better mileage and encourage automobile manufacturers to make them.

The proposed excise tax would be only imposed once on the manufacturer or importer of each new automobile. The excise tax would take effect in 1976 at a reduced rate and would be greatly increased in 1979. This would give the automobile industry time to make the necessary production modifications to achieve greater fuel-efficiency. Greater fuel-efficiency for automobiles can be achieved in a variety of ways: engine modifications; reduced engine size; technological changes in the automobile which affect aerodynamic drag, rolling resistance and accessory power requirements, and shift to a large proportion of small cars in the total fleet of automobiles. Because of differences in construction and operation, this tax proposal would not apply to trucks or buses.

The following excise taxes would be imposed on the manufacturers or importers of new cars under my proposal:

For the period beginning August 31, 1976 and ending August 31, 1979:

If the fuel consumption rate (in miles per gallon) is:	*Excise tax*
Over 22	None
Over 20 but not over 22	$100
Over 17 but not over 20	200
Over 14 but not over 17	400
Over 10 but not over 14	600
Not over 10	800

For the period after August 31, 1979:

If the fuel consumption rate (in miles per gallon) is:	*Excise tax*
Over 22	None
Over 20 but not over 22	$200
Over 17 but not over 20	400
Over 14 but not over 17	600
Over 10 but not over 14	800
Not over 10	1,000

In addition, my proposal provides a Federal tax credit for individuals who purchase domestically manufactured automobiles that get at least 22 miles per gallon. A tax credit reduces the income tax an individual owes by the exact amount of the credit. The purpose of this individual tax incentive is to further encourage consumers to select the most fuel-efficient automobiles when they purchase new cars. Under my proposal, the following tax credits would be provided to individuals:

If the fuel consumption rate (In miles per gallon) is	*Tax credit*
Between 22 and 24	$200
Over 24, but not over 26	300
Over 26	400

Since the purpose of this proposal is to encourage automobile fuel efficiency, the tax should be levied on the most direct and appropriate measures of fuel economy and that measure is "miles per gallon." Taxes on automobile horsepower or weight would not be as closely correlated to fuel economy as "miles per gallon." Under my proposal, the mileage rate of an automobile would be determined on the basis of an "automobile fuel consumption schedule" prepared by the Environmental Protection Agency.

Although some argue that greater automobile fuel efficiency can best be achieved by the free enterprise system, the seriousness of the current energy situation requires congressional action to insure that we achieve our goal of reasonable energy self-sufficiency. The potential for market forces to achieve major automobile fuel economy improvements is unclear. Without some form of positive encouragement the potential for energy conservation in this area may not be fully realized. The longer we hesitate in encouraging greater automobile fuel efficiency, the more difficult it makes the job of reducing oil consumption.

The United States is the leading producer of automobiles in the world and has more manufacturing experience than any other country and yet American automobiles are simply not as efficient at using fuel as they could be.

Several comprehensive Government studies have clearly demonstrated that major improvements in automobile fuel efficiency can be achieved during the next few years using existing technology. A 1973 staff study by the Department of the Treasury indicated that the automobile industry "can produce large cars which yield close to 20 miles per gallon using existing technology without sacrificing comfort, styling or exhaust emission standards." An October, 1974 study by the Department of Transportation and the Environmental Protection Agency concluded that the new car fleet in 1980 could be 60 percent more fuel-efficient than the 1974 fleet.

My proposal would insure that we obtain greater automobile fuel efficiency over the next several years.

TAX INCENTIVE FOR THE CONVERSION OF BOILER CAPACITY FROM THE USE OF OIL OR GAS TO COAL

Mr. President, our Nation is very fortunate to have enormous coal reserves. In fact, we can be described as the Saudi Arabia of the world when it comes to coal since the United States has over one-third of the world's supply. We can help reduce our dependence on foreign sources of oil by simply converting existing oil and gas burning facilities to the use of domestic coal where this conversion will not interfere with our environmental goals.

Since the costs of conversion can be enormous we should assist industry in meeting these expenses by providing reasonable tax incentives. Under existing tax law, industry is entitled to special 5-year depreciation deductions for the installation of pollution control equipment. The legislation that I am introducing today would provide an identical 5-year depreciation deduction for the costs of converting boiler capacity from oil or gas to coal.

ENERGY DEVELOPMENT FUND

Any comprehensive energy program must focus on methods to increase the total domestic energy supply as well as methods to reduce wasteful energy consumption. Although traditional fuels such as oil, natural gas and coal are presently our primary sources of energy, we must develop new domestic energy supplies if we are to meet our future energy needs and reduce our reliance on foreign sources of oil. A major program with both private and public participation must now be initiated to produce alternative domestic energy sources. Promising new areas include coal gasification, coal liquifaction, oil shale, tar sands, and solar energy. The legislation that I am proposing today includes an energy development fund which would provide loan guarantees to private industry to help meet the costs of developing these new fuels where this is consistent with environmental policy.

For example, the conversion of our vast U.S. coal reserves to synthetic gas and liquid fuels offers a significant potential for supplementing the Nation's declining reserves of natural gas and oil. Experts have estimated that over 1 trillion cubic feet of natural gas per year can be derived from coal by 1990 through coal gasification processes. One company has designed plans for the construction of a coal liquification plant that could convert up to 60,000 tons of coal per day into 100,000 barrels of oil.

Oil shale is one of the most abundant but undeveloped U.S. energy sources. High-grade oil shale found in the Green River formation in Colorado, Utah, and Wyoming contain the equivalent of an estimated 600 billion barrels of synthetic oil. Development of this resource, where it is environmentally feasible, would greatly supplement the U.S. supply of petroleum.

Similarly, the United States has large quantities of untapped tar sands which can also be converted to oil. It is estimated that U.S. tar sands deposits may exceed an equivalent of 30 billion barrels of oil.

My proposed "Energy Development Fund" will help private industry meet the costs of developing synthetic fuels. Under my proposal, companies would generally be required to provide 25 percent of the cost of the project and could obtain loan guarantees, with liability limited to the facilities, from the "Energy Development Fund" for the remaining cost. Very selective purchasing commitments for synthetic fuels could be made at the discretion of the Board of Directors of the Energy Development Fund. A minimal tariff of only 1 cent per barrel of imported oil would be imposed to raise the necessary operating and startup expenses of the bank. The Secretary of the Treasury would be author-

ized to borrow any additional funds that may be needed for the program.

Private companies are presently reluctant to commit the enormous investments for these projects because the Middle East countries with their low cost of oil production but currently arbitrarily high price could indulge in price wars for the purposes of destroying competitors who had financed alternate sources of energy. The synthetic fuels could be made uncompetitive at the whim of foreign governments. Potential investors are concerned that years from now some of the oil-producing nations. which can produce oil for as little as 20 cents a barrel, may again sell petroleum to the United States at low prices which would simply price synthetic fuels out of the market and bankrupt those who had invested in such facilities. My proposal would help spread the risk of investments which are important to achieving long-term energy self-sufficiency. This proposal would protect the development of new sources of energy and avoid the need to impose a floor on the price of imported oil as Secretary of State Kissinger has recently proposed.

It is important for the Government to assist private industry in meeting the enormous costs of developing synthetic fuels. However, we cannot develop a viable synthetic fuel industry unless private companies retain some of the risk and retain incentives for efficiency and the adoption of cost-effective technologies. A Federal loan guarantee program will provide the necessary spur for investment without eliminating incentives for efficency.

SUMMARY

In summary, my proposed "Energy Conservation and Development Act" has the following four major provisions:

First, a rebatable gasoline tax of 5 cents a gallon beginning in 1976 and increasing to 20 cents over a 4-year period.

Second, an excise tax on new automobiles that get poor mileage and a tax credit for autos with good milage.

Third, a tax incentive for conversion of boiler capacity from the use of oil or gas to coal, and

Fourth, an Energy Development Fund to back programs for developing alternate fuel sources such as liquified coal.

I believe that these four proposals represent a constructive step toward achieving reasonable energy self-sufficiency. Although I disagree with many of the administration's energy proposals such as the $3 tariff on imported oil, I support a number of their other proposals. For example, the President has asked Congress to provide a tax credit for homeowners who insulate their homes or install storm windows. The President has also proposed establishing mandatory standards for heat efficiency in new homes and commercial businesses. These are excellent suggestions.

It is now essential for the President and Congress to work together in a spirit of compromise and accommodation to meet our energy needs. I am confident that we can rise to the challenge.

Mr. President, at this point in the RECORD I ask unanimous consent to have printed in the RECORD a fact sheet describing my four-point energy package.

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

FACT SHEET—SENATOR LLOYD BENTSEN'S ENERGY CONSERVATION AND DEVELOPMENT ACT

1. *Gasoline tax with rebate.*—A gasoline tax of 20 cents per gallon would be phased-in by 1979. The tax would be increased 5 cents a gallon in 1976, another 5 cents up to 10 cents in 1977, then to 15 cents in 1978 and 20 cents in 1979. This tax will gradually reduce gasoline consumption and lessen our reliance on foreign sources of oil without aggravating inflation or prolonging the recession.

All revenues collected by the Government from this tax would be rebated in a progressive manner to low and middle income Americans. Families earning up to $20,000 per year and using no more than the National average of about 24 gallons of gasoline a week would receive as much in rebates as they pay in gasoline taxes. Taxpayers would receive this rebate through reduced Federal taxes. Non-taxpayers would be rebated by quarterly checks from the Government. Individuals who have to drive more than fifty miles roundtrip to work each day would receive an additional tax reduction. They would be allowed to deduct the taxes paid on the gasoline used for driving in excess of fifty miles daily. This deduction would ease the burden on individuals who are required to commute long distances. Furthermore, the full amount of the gas tax would be deductible to commercial enterprises as an ordinary business expense.

It is estimated that a gasoline tax of 20 cents per gallon will reduce gasoline consumption 500,000 barrels per day by 1980 and 1 million barrels per day by 1985. Our dependence on foreign sources of oil must be reduced. Oil imports are draining our wealth, disrupting our domestic and international financial markets and posing a constant threat to our National security.

2. *Automobile fuel efficiency standards.*—A National automobile standard of 22 miles per gallon would be established. Individuals who purchase new cars that obtain 22 miles per gallon or greater would receive a Federal income tax credit of up to $400. Manufacturers or importers of less efficient cars would pay a tax proportional to the automobile's fuel consumption. The purpose of this tax would be to encourage consumers to select cars which get better mileage and encourage automobile manufacturers to make them.

A recent study by the Department of Transportation and the Environmental Protection Agency indicates that it is practical to achieve as much as a 60% fuel economy improvement for the average automobile manufactured in 1980 compared to 1974 models. The average new car in 1974 obtained only 14.0 miles per gallon. A 60% improvement by 1980 would result in an average new car achieving 22 miles per gallon. Gasoline savings due to improvements in automobile fuel economy have the potential to reduce oil imports by as much as 1 million barrels per day.

3. *Tax incentive for the conversion of boiler capacity from the use of oil or gas to coal*—Businesses would be entitled to special tax deductions—five year depreciation—for the costs of converting boiler capacity from the use of oil or gas to coal. This would be identical to the existing five year depreciation deduction for the installation of pollution control equipment. The United States can be described as the Saudi Arabia of the world when it comes to coal since we have over one-third of the world's supply. We can help reduce our dependence on foreign sources of oil by simply converting existing oil and gas burning facilities to the use of domestic coal where the conversion will not interfere with our environmental goals.

4. *Energy development fund*—An "Energy Development Fund" would be established to help private industry meet the costs of developing "synthetic fuels" such as liquified coal, gasified coal, oil shale and tar sands as well as developing solar energy. Although traditional fuels such as oil, natural gas and coal are currently our primary sources of energy, we must develop new domestic energy supplies if we are to meet our future energy needs and reduce our reliance on foreign sources of oil. The "Energy Development Fund" will help private industry meet the costs of developing alternative energy sources. Companies would generally be required to provide 25% of the cost of the project and could obtain loan guarantees from the bank for the remaining costs.

By Mr. GRIFFIN (for himself and Mr. PHILIP A. HART):

S. 974. A bill to amend the Internal Revenue Code of 1954 to repeal the excise tax on trucks, buses, and tractors and parts and accessories for such vehicles. Referred to the Committee on Finance.

Mr. GRIFFIN. Mr. President, on behalf of Senator PHILIP A. HART and myself, I introduce for appropriate reference a bill to repeal the 10 percent excise tax on buses, trucks, and semitrailers. The bill would also repeal an 8-percent excise tax still imposed on parts and accessories for those motor vehicles.

It will be recalled that Congress, in 1971, repealed the Federal excise tax on passenger automobiles, an action which stimulated higher sales and generated thousands of jobs in the auto industry.

Today a very serious situation confronts millions of workers whose jobs depend directly or indirectly on that industry. Sales of passenger autos plummeted 23 percent in 1974, and today nearly one-fourth of the industry's work force is idled—that is the highest unemployment rate of any major industry in the United States.

In a way, it may be unfortunate that there is no excise tax left on passenger cars to repeal at a time like this. But a significant segment of the motor vehicle industry still remains subject to a discriminatory excise tax—and repeal of that tax now would provide a real economic "shot in the arm" for Michigan, which is the State hardest hit by the current recession, and workers throughout the country.

The important benefits that would flow from repeal of those remaining taxes may be summarized as follows:

First, and most important, such a move would stimulate new sales which would reduce unemployment. Michigan, staggering under an unemployment rate of nearly 14 percent, produces about one-third of all the trucks and buses manufactured in the United States. Obviously, since two-thirds of such vehicles are produced outside Michigan, many other States and communities would also benefit from enactment of this legislation.

Second, the resulting reduction in the price of trucks would help farmers and other businesses whose activities generate jobs.

Third, to lower the price of buses would be a boost, not only for workers in plants where buses are made, but also for those in many communities who need mass transit for necessary transportation.

Finally, repealing of these excise taxes would represent a significant step in the

battle against overall inflation. At a time when Government is under increasing criticism for regulatory policies which fuel inflation, this bill would help to reverse that trend.

These taxes, which are deposited in the highway trust fund, account for only about 11 percent of trust fund revenues. Since the trust fund surplus has been steadily increasing in the past few years, the loss of this revenue should not have any significant adverse effect on the fund even with the recent release of $2 billion for highway projects.

Mr. President, this legislation would provide timely and needed help, not only for Michigan, but for the whole country—at a time when a depression in the auto and housing industries is pulling down the economy of the whole country.

Mr. PHILIP A. HART. Mr. President, I am delighted to join Senator GRIFFIN in introducing a bill to repeal the remaining excise taxes on sales of buses, trucks, and their parts and accessories. The need for this legislation should be obvious to anyone who looks at the unrelenting rise in unemployment statistics. The city of Detroit now has an astonishing 21 percent of its workers unemployed. The rate for the State of Michigan is 13.7 percent. The greatest cause of the human suffering represented by those statistics is the decline in sales of motor vehicles. Truck sales alone have fallen nearly 40 percent in the last year.

Removing the excise tax will provide a needed stimulus to sales of trucks, buses, semitrailers, and their parts. When the excise tax on autos was removed in 1971, auto sales responded dramatically to the price cut made possible by repeal. When the automobile companies introduced their rebate program early this year, auto sales picked up and gave most companies their first monthly advance over the previous year's sales figures in a long time. Hopefully repeal of the 10 percent tax on trucks and buses and the 8 percent tax on their parts and accessories will have the same stimulating effect.

Removal of the excise tax on buses is particularly sensible in view of our long term goal toward expansion of mass transit operations as an energy saving measure.

By Mr. McCLURE (for himself, Mr. CHURCH, Mr. CRANSTON, Mr. FANNIN, Mr. HANSEN, and Mr. METCALF):

S. 976. A bill to exempt range sheep industry mobile housing from regulations affecting permanent housing for agricultural workers. Referred to the Committee on Labor and Public Welfare.

Mr. McCLURE. Mr. President, the western range sheep industry depends upon summer grazing on open range lands. With a yearly average rain fall of only 10 inches in this area of highland and desert range, the sheep must be constantly moved over large, sweeping areas. Good range changes from year to year, depending upon local conditions. Often herders will move their flocks into areas accessible only by the most meager of trails, literally out of sight of roads, powerlines, or houses.

Over the years, wagons rugged enough to withstand the western terrain, yet compact and light enough to be horse-drawn evolved as mobile dwelling units to provide the herders with comfort and protection from the elements. With these highly mobile camp wagons the herders can follow their flocks into all but the most inhospitable terrain.

In 1968, the Secretary of Labor issued regulations to assure that housing accommodation for transient agricultural workers meet minimum hygienic, space, health, and safety requirements. These requirements included items taken for granted as standard for permanent quarters—that is, electricity and hot and cold running water. But the irony of the regulations is that they do not distinguish between permanent housing camps for transient workers and necessary summer mobile housing for western sheepherders.

Many of our western herders are foreign nationals who contract their services for several years, thus being considered transient agricultural workers under Immigration and Naturalization Service regulations. Recently the INS has taken the position of refusing—except through a narrowly defined system of variations—to grant necessary entry permits to foreign national sheepherders under contract to ranchers who are not in full compliance with the Department of Labor's regulations dealing with housing. To impose these regulations—that is, electricity and hot and cold running water—on the summer wagons, would seriously cripple the entire western range sheep industry.

The bill I am introducing would protect the future of the western sheep industry—and the continuous flow of needed meat and wool—by exempting mobile sheep wagons from the Department of Labor's transient agricultural workers housing regulations. This is an interpretation generally accepted as practical and reasonable, which would vitiate further INS objections.

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

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

S. 976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in administering part 620 of title 20 of the Code of Federal Regulations, the Secretary of Labor shall not apply such regulations to nonwintering, mobile housing facilities used in the range sheep industry, commonly known as camp wagons.

By Mr. MATHIAS (for himself and Mr. CHURCH):

S. 977. A bill to terminate certain authorities with respect to national emergencies still in effect, and to provide for orderly implementation and termination of future national emergencies. Referred to the Committee on Government Operations.

NATIONAL EMERGENCIES ACT

Mr. MATHIAS. Mr. President, 2 years ago the Senate created the Special Committee on the Termination of the National Emergency to examine the state of emergency which then existed and to provide a regular and constitutional process to meet future needs. Senator CHURCH and I were named cochairmen of the only bipartisan committee in the Senate, and Senators HART, PELL, STEVENSON, CASE, PEARSON, and HANSEN were named committee members.

The committee concluded that not one, but four national emergencies exist and continue to this day. Moreover, we discovered that emergency powers exist in more than 470 separate statutes and, when combined, give the President potential dictatorial powers. It seemed appropriate to change the name of the committee to its present title, the Special Committee on National Emergencies and Delegated Emergency Powers and to consider remedial legislation.

Last year the special committee submitted to the Senate Government Operations Committee, S. 3957. This bill defined a national emergency, removed obsolete statutes from the books, continued six statutes in their present status, and placed the remainder of the emergency powers under special procedures which insure that adequate notice exists of Presidential action invoking emergency powers and that there is created in Congress the right to terminate such emergencies by concurrent resolution. Moreover, procedures would be established by the law which would encourage the Congress to consider and vote every 6 months on whether a state of national emergency should or should not be continued.

S. 3957 was favorably recommended to the Senate by the Government Operations Committee and passed the Senate unanimously on October 7. It had been the intention of the chairman of the House Judiciary Committee to hold early hearings in the House so that the National Emergencies Act might become law in the last session of Congress. The impeachment hearings and the nomination of Vice President ROCKEFELLER prevented the committee from realizing this hope.

Senator CHURCH and I have now met with the chairman, Representative RODINO, and the subcommittee chairman, Representative WALTER FLOWERS, to determine how the act might be given early and favorable consideration. The House committee leaders have been most helpful and have scheduled the first hearing today.

I now have the pleasure of introducing the National Emergencies Act for consideration in this Congress. The version I lay before the Senate is nearly identical to S. 3957 and is identical to the version introduced in the House last week. Two minor technical amendments have been made.

It is my hope that we will soon see the enactment into law of this legislation. I ask that this bill be appropriately referred.

By Mr. FORD (for himself and Mr. HUDDLESTON):

S. 980. A bill to amend the Uniform Time Act of 1966 in order to provide that daylight saving time shall begin on the first Sunday in May and end on the last

Sunday in September in each year. Referred to the Committee on Commerce.

(The remarks of Mr. FORD and statement by Mr. HUDDLESTON in connection with the introduction of the above bill are printed earlier in today's RECORD).

By Mr. PHILIP A. HART:

S. 981. A bill to amend the Food Stamp Act of 1964 to increase the Federal share for State administrative expenses in carrying out the food stamp program, to authorize the sale of coupon allotments in credit unions, and for other purposes. Referred to the Committee on Agriculture and Forestry.

FOOD STAMPS AMENDMENTS OF 1975

Mr. PHILIP A. HART. Mr. President, I introduce the Food Stamp Amendments of 1975. This bill results from field hearings I conducted in Detroit on February 6, 1975.

Certainly Detroit and Michigan face the gravest economic and social problems as a result of the current slump in sales of automobiles and other durable goods. But as the mayor of Detroit, Coleman Young, so aptly put it at the hearings: "Today Detroit; tomorrow America." In others words, this is not a bill for Detroit or Michigan alone. The Nutrition Committee could hold hearings almost anywhere in this Nation today and find most, if not all of the same problems of under utilization and enforced delay in the delivery of food stamps to recipients. Human deprivation is real and it is widespread. The time to meet these problems is now before they become too much for our cities to handle.

Several important considerations were highlighted at the hearing which demonstrated the crisis faced by the poor in their attempt to buy a nutritionally adequate diet.

First, witnesses testified that they had to spend 40 percent and more of their income cn food. There has been a disastrous decrease in the food budget of the poor and the working poor. Because so much of their budget is spent on food, they, more than any other income group, have felt the full impact of inflation in supermarkets.

Second, in analyzing these price increases for the unemployed and the working poor, these conclusions can be made:

First. Simultaneous grain crop failures and Government sales of grain vastly reduced domestic supplies.

Second. The rest of the world has greatly increased its demand for both grain and nongrain U.S. farm products. The Department of Agriculture is pursuing a worldwide policy of sales of U.S. farm products.

Third. During the wage-price freezes of the Nixon administration the price of food in supermarkets simply was not subjected to the same scrutiny as other consumer goods.

Fourth. The poor usually consume the lowest cost and lowest quality items, and there is literally nowhere for them to turn in an attempt to shop down to lower cost items. Families with more money have, of course, begun to purchase less expensive items and the greater demand for these items has increased their cost to the poor.

Briefly, the bill would require the Federal Government to increase its share of State administrative expenses from 50 percent to 65 percent. It would provide funds for additional staff recruited from the ranks of the unemployed to assist State agencies in expediting the processing of food stamp applicants.

In addition, the bill would require the sale of food stamps in all U.S. Post Offices during all regular business hours. It would permit the Secretary of Agriculture to allow the sale of coupon allotments in banks and credit unions and similar institutions. Finally, this bill provides a 20 percent increase in the coupon allotment for those individuals who require special diets, because of health related problems, such as diabetes.

With these considerations in mind, I am going to include testimony from witnesses at the hearings in Detroit in an effort to focus on some of the individual, human problems faced by food stamp recipients.

Mr. President, I ask unanimous consent that testimony from the select committee hearings in Detroit be printed at the conclusion of my remarks.

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

TESTIMONY

ELEANOR JOSAITIS

(Chairperson, Mayor-Common Council Task Force on Hunger and Malnutrition).

Yes, there's definitely a problem there, and the second problem is there's never enough information out in the field that tells people what they should bring with them. And, you know, it's very complex. It's very complicated, but people that are eligible, number one, they are oftentimes afraid to go down and take advantage of it because they don't want to be treated with a great deal of disrespect, and there are many people that when they are poor, all they have left is their dignity. So when they come down there, at least let us treat them with the dignity. Make it as easy as possible for people who are already living from crisis to crisis.

Yes, there is a problem and there are hundreds of people who fall beneath the cracks, Senator, who have to stand in extremely long lines, who don't know where to go to get help, who are living with a great deal of fear and insecurity right now. These are troublesome times for all of us and they are extremely troubled times in Detroit.

Senator HART. The second thing I would like is a little fuller reaction from you on, you describe the people in attendance at this hearing and, by implication, those outside the building, as suffering controlled frustration. Now when frustration becomes uncontrolled, disorder and violence results.

To what extent do you believe the inadequacy of food programs, not just food stamps, threatens to bring us across the dividing line between controlled and uncontrolled frustration? How close are we to that kind of disaster?

Mrs. JOSAITIS. Senator, I think that we are closer than anybody wants to admit. I think it's extremely telling when a man with seven children walks into a ministation and says, "I have fourteen cents in my pocket. I have seven children at home and either you give it to me or I'm going to get it off the first person on the street." I think that we have to listen to that. I think that the fear is tremendous and I think that everyone in this room is saying to those who they come in contact with and the people who they have tried to help are saying, "Please, let's try to hold the lid on it. Let's try to get help. Let us tell the Senators what our problems are."

We don't want that. I don't believe that there is anybody in this room who wants that, but we do want the problem solved. We do want to know that what we are saying is listened to, that there is help on the way and, you know, I would—I would never encourage anyone to take to the streets if there was any other way to do it, but I do know the frustration. I do know the number of people who are going down and rummaging through the garbage cans for food and when they find it, they wrap it up like they are wrapping up a very fine Christmas package.

MARYANN MAHAFFEY

(Common Councilwoman, City of Detroit.)

Provisions should be made to provide additional bonus amounts of food stamps for those with special diet needs, and I would like to add for pregnant women. We know from all of the research that's been published for many years, and particularly in recent years, that when a woman is pregnant, she needs more food and more nutritious food. There needs to be an increase in the allotment for the pregnant woman.

There needs to be, also, certain changes in the administration on a state level, and this is partly dependent on what happens at the federal level. For example, mention has already been made of the high caseloads that workers have, very high caseloads. When a worker has, in the Department of Social Services, a caseload of 250 to 300 and a supervisor has 1,000 or more to supervise, the end result is that it's easy for paper to be lost on desks. And those who are on public assistance in many instances are in a worse shape when it comes to getting their application processed. Something must be done to recognize that services are important also, and to increase the staff. We did get an increase from the state for the Wayne County operation of food stamps. However, they also hired more workers to check fraud. They also have done some interesting things in addition.

For example, there was a directive that beginning February 1st, service workers are to devote two weeks of time each month to food stamp certification. This means they will be unavailable for that amount of time for adult supportive services, foster care, for the kind of job that Mr. Lerner described a little bit ago of going into the home and checking to make sure that an individual has the home health aids they need in order to stay out of the hospital.

We learned yesterday that the Office of Management and Budget in the state issued an order voiding the checks for the home chore workers who are the ones who at $9 a day go into someone's home to make sure that they have food, perhaps to help bathe a patient, in order that they can be in their home when released from the hospital. That's $9 a day compared to $21 a day in a nursing home, compared to even more for hosiptalization.

We are robbing Peter to pay Paul when we cut services in order to find workers to man the food stamp offices, when we need both; particularly in this time when unemployment is creating an increase in suicides, an increase in family tension and depression.

Some other recommendations: We believe very strongly that something must be done about the post office contract. That is a federal contract between the post office and the U.S. Department of Agriculture. However, each state must negotiate with its regions for specific provisions. So even though you have the U.S. Department of—U.S. Post Office in to testify in Washington, may we urge you to keep in mind that that over all contract

will not reflect accurately what is happening in each state.

For example, in the State of Michigan, the mention has already been made that the post office does not sell food stamps between—after three o'clock and on Saturday. The person from the post office region in Detroit testified that they didn't want to sell food stamps after 3:00 or between 8:00 and 9:00 in the morning, or on Saturdays because it would interfere with their regular customers. If this is what the post office service means to the people, we better relook at that whole arrangement.

The post office has also insisted in its contract with Michigan that not all of the Authorization to Purchase cards will be mailed out at the same time because they are afraid too many people will come into the post office at once. The end result is that for some families that Authorization to Purchase card comes after they have already had to spend some of their money for food and they no longer have the sum they need to buy their food stamps.

Now, we obviously need more office locally and offices at clients' convenience, not department convenience.

Senator HART. Well, in those fair hearings, in the cases where, after the hearing, they have been given the food stamps retroactive, does the hearing inquire why the lady has been refused?

ELLA BRAGG

(State Director Welfare Rights Organization).

No, they have not been refused. They have not been denied. They just weren't issued their food stamps because the only thing we hear is "We don't have enough help." There's no question that the person deserves the food stamps, that they should have them, and that they had done all the things, and in most cases so had the worker done all the things they were supposed to, but the food stamp is a different division from the Department of Social Services, although it's being administered by Social Services.

Senator HART. Let me see if I can get it a little clearer. You say that three different workers——

MRS. JONES

(A recipient, member of Westside Mothers Organization—Detroit).

Right, in my case.

Senator HART. Turned you down?

Mrs. JONES. Right.

Senator HART. Why?

Mrs. JONES. There was no reason. There was no reason why. Every time I called or went down and asked if they would make out the necessary papers, they said they would and I never get them. I called back in a week or so and I still haven't got them.

Senator HART. Is this what you meant by saying too much work as the excuse?

Mrs. BRAGG. This is the excuse they give us, that they do not have enough help. But in so many instances, understand this, that the AP worker—this is a different worker from the food stamp worker—has done her job. She has certified the recipient for food stamps and forwarded it on to the food stamp division, but they refuse to follow up on it and we are finding in our organization that the most of the people that are getting their food stamps are people that are getting them through our organization because we are aware that they are entitled to the retroactive bonuses that they have missed.

Senator HART. What I hope we can get a better handhold on before we get out of here, why the delays, why the delays.

What percentage, if I may ask, of your monthly income goes for food now?

Mrs. JONES. Oh, I'll say at least 40% of it.

Senator HART. Forty.

Mrs. JONES. If not more, because like Miss Bragg said, before the month is out, you still have to pay cash for some foods for the stamps are running out.

WALTER BRAME

(Welfare Specialist of the Department of Inter-Group Community Services of the Detroit Urban League.)

The irony is that low-income, working, non-assistance families are part of the tax-paying public who help make the food stamp bonus possible.

The Detroit Urban League asks the Committee to examine the following recommendations as possible avenues of approach, leading to maximum, efficient benefits to needy persons and families:

1. Evening and Saturday hours as well as 9:00 to 4:00, Monday through Friday. A list of verifications with sufficient personnel in order that appointments for certification and recertification are honored.

2. Sufficient power in order that Wayne County's Department of Social Services can compel food stamp sales by the Department several evenings a week and on Saturday.

3. Saturday sales by post offices.

4. Centralized data on lost, strayed, stolen, undelivered, unsent, inaccurate Authorizations to Purchase in order to immediately correct Department of Social Services' originated error, commanding the attention of the computer.

We need vast improvement in Operations on the local level. We need attention given to how this program really functions by the Senate Select Committee. We need an understanding authoritative body that realizes the people of this country deserve to share in the abundance which they have helped to create.

Senator Hart: As you leave, I have just asked Counsel whether the post office has agreed to testify before the Committee in Washington, and my information is that it it yet unsettled ... But, clearly, the obligation on this Committee is to get them in and find out if I ask a banker friend to open his bank for the sale of food stamps, why in heavens name can't we get the post office to open.

Mr. Brame: I believe we need—I'd like to remind you, Senator that we would not be asking the post office to do something that it's not ordinarily doing, anyway; it's open on Saturday morning. It just doesn't sell food stamps.

Senator Hart: As usual, Urban League has some very practical suggestions.

Under existing food stamp arrangements, the administrative costs are split 50-50.

LAURA HESS

(Director, Governor's Office of Nutrition).

Right.

Senator HART. —state and federal. How helpful would it be, in your judgment, if the federal share was increased substantially?

Ms. HESS. It would help considerably. The problem with the 50-50 split is that it only went into effect in the last part of 1974. I would assume that since the money has been appropriated at that level, hopefully, if the federal government were to take over a larger split, then the money that's been appropriated could be used for other purposes.

Senator HART. I have an uneasy feeling we'd be lucky to get increased on what we have, but we can try. But in any event, the answer is additional federal assistance to the state in the administrative operation of the program would be useful and you recommend it.

Ms. HESS. Emphatically, yes.

By Mr. JACKSON (for himself and Mr. FANNIN) (by request):

S. 983. A bill to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, by request, I send to the desk on behalf of myself and the Senator from Arizona (Mr. FANNIN) a bill to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication accompanying the proposal from the Secretary of the Interior 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:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., February 18, 1975.

Hon. NELSON A. ROCKEFELLER,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a proposed bill "To amend section 2 of the Act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands."

Late in the 93rd Congress legislation was introduced and hearings were held on the Administration's proposal to authorize appropriations for the continuance of the civil government of the Trust Territory for fiscal year 1975 and 1976. The reason for the two year proposal was that it would coincide with Stage I of the transition of Micronesia to a new political status. Since that legislation was introduced, negotiations with the Congress of Micronesia's Joint Committee on Future Status have experienced some delay. It now appears that Stage I of the transition will also include fiscal year 1977. The attached Departmental proposal has been amended to reflect that change in schedule in including fiscal year 1977. In addition, authorizations have been included for the transition quarter between fiscal year 1976 and fiscal year 1977. This transition quarter will cover July 1, 1976 through September 30, 1976. We recommend new consideration of the proposed bill and strongly urge that it be enacted.

Public Law 93–111 currently authorizes the appropriation of $60 million for fiscal year 1975. Our proposed bill would authorize a total annual appropriation of $75 million for fiscal year 1975, and the 1975 constant dollar equivalent of $80 million for 1976, $15.1 million for the transition quarter and $79 million for 1977. Section 2 of our proposed bill would authorize $1.5 million for a special program to aid transition of the Mariana Islands District to a new commonwealth status as a territory of the United States.

The Trust Territory of the Pacific Islands is administered by the United States pursuant to a strategic trusteeship agreement concluded in 1947 with the Security Council of the United Nations. Governmental responsibilities are carried out through a territorial government which has executive and judicial branches, and a bicameral legislative body composed entirely of Micronesians.

Under the trusteeship agreement, the United States is charged with the promotion of political, social, educational and economic development. Beginning in 1964, with the establishment of the Congress of Micronesia, political development in the Trust Territory has been rapid and, by most accounts, effective. Indeed, the United States has been engaged since 1969 in continuing negotiations

with the Micronesians to determine new political relationships for the area. One major topic of the negotiations is the future financial assistance by the United States to Micronesia.

The bulk of the increased annual authorization would be devoted to the Department's accelerated capital improvement program which the Secretary of the Interior announced in a January 1974 speech to the people of Micronesia. The accelerated capital improvements program has been agreed to because, despite a great expansion of Micronesia's capital plant over the past six years, much remains to be done. The accelerated program is designed for construction of such rudimentary physical infrastructure as will be necessary for a sound and self-sufficient economy. To the extent possible, we would like to have this physical infrastructure in place within the next few years before the trusteeship gives way to a new political status for Micronesia in order to make economic self-sufficiency a more feasible goal when the trusteeship ends.

This policy dovetails with concern over the economy expressed by members of the Congress of Micronesia who cite roads, airports, and shipping facilities as high priority items. Construction or improvement of these and other facilities is vital to education, health, commerce, and even the most simple operations of government and private enterprise in the Trust Territory. Their importance is underlined by the fact that Micronesia's 115,000 population is scattered across 3,000,000 square miles of ocean.

The proposed program will reflect a policy of holding down the cost of governmental operations in order that maximum funding may be devoted to important capital improvement projects. The on-going Trust Territory Government program of replacing U.S. personnel with qualified Micronesians will remain an integral part of policy in Micronesia. Future requests for appropriations will also seek to continue the fledgling program for education in self-government and ongoing programs the fields of health and education. In addition, we look for improvement in communications and transportation among the 2100 islands of Micronesia.

The bill provides an authorization of $80,000,000 for 1976, $15,100,000 for the transition quarter and $79,000.00 for 1977 plus or minus such amounts as will offset changes in the purchasing power of the U.S. dollar measured by the Gross National Product Implicit Price Deflator. This last provision is necessary for implementing ar agreement reached in the negotiations. The selection of the GNP Implicit Price Deflator as the appropriate index is based on the need to have as broad and objective an indicator as possible of the changes in the purchasing power of the U.S. dollar.

Our proposal for an expanded authorization would make unnecessary the existing authorization of $10,000,000 for terminated categorical grant programs past its present expiration date at the end of fiscal year 1975. We note that in fiscal 1975 only $700,000 were appropriated to cover such terminated grants.

Section 2 of the proposed legislation relates to the negotiations between the United States and the Marianas Political Status Commission which will lead to a new Commonwealth status as a territory of the United States for the Marianas Islands District.

The U.S. Congress has final approval authority over these negotiations. Section 2 would authorize the appropriation of $1,500,000 for a special program of transition in the Marianas which will include, among other things, a constitutional convention and referendum, a political status plebiscite, political education programs and economic, fiscal and physical planning studies. The need for these funds is quite urgent since the agreement was signed on February 15, 1975, at which time the transition phase began.

The proposed increases in authorization are endorsed by Ambassador Franklin Haydn Williams, the President's Personal Representative for Micronesian Status Negotiations. The proposal in section 1 is deemed vital to our negotiating efforts since it reflects the tentative agreements reached with the Congress of Micronesia's Joint Committee on Future Status at Carmel, California, in March 1974. Section 2 supports the agreement on a Marianas transition program reached in Saipan in May 1974 during the Fourth round of Marianas political status negotiations.

The Office of Management and Budget has advised that the presentation of this proposed legislation is in accord with the program of the President.

Sincerely yours,

ROYSTON C. HUGHES,
Assistant Secertary of the Interior.

By Mr. JACKSON (for himself, Mr. ABOUREZK, Mr. BROOKE, Mr. BUMPERS, Mr. CHURCH, Mr. CRANSTON, Mr. GRAVEL, Mr. PHILIP A. HART, Mr. GARY W. HART, Mr. HASKELL, Mr. HATFIELD, Mr. HOLLINGS, Mr. HUMPHREY, Mr. INOUYE, Mr. JAVITS, Mr. JOHNSTON, Mr. KENNEDY, Mr. MCGEE, Mr. MAGNUSON, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. NELSON, Mr. PACKWOOD, Mr. RANDOLPH, Mr. RIBICOFF, Mr. STEVENSON, and Mr. TUNNEY):

S. 984. A bill to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land resource programs and to assist Indian tribes to plan the use of tribal lands; to encourage expeditious energy facility siting decisions; to coordinate Federal programs which significantly affect land use; to encourage research on and training in land resource planning and management; to establish an Office of Land Resource Planning Assistance in the Department of the Interior; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

LAND RESOURCE PLANNING ASSISTANCE ACT

Mr. JACKSON. Mr. President, I introduce for myself and several of my colleagues S. 984, the Land Resource Planning Assistance Act. The basic purpose of the proposal is to encourage improvement in State and local land resource decisionmaking—decisionmaking which considers, balances, and where possible, accommodates all competing demands for the land—economic and noneconomic—in an open manner with the full participation of landowners and the public.

This purpose is achieved principally through a program of voluntary grants, totaling $800 million over 8 years, to the States to assist them to inventory their land resources, retain competent professional staff, develop planning and institutional procedures to both avoid, and resolve unavoidable, land resource conflicts, and to develop and implement land resource programs for critical areas and uses of more than local concern. The bill would also encourage better coordination of Federal programs and projects which significantly affect land use; provide grants to Indian tribes to assist them to plan the use of tribal lands; assist research on land resource issues such as reducing delays in licensing procedures and forecasting secondary growth and its impacts; and encourage expedited energy facility siting and licensing in accordance with both energy demand projections and energy conservation programs. This measure is a revised and simplified version of my earlier proposals which passed the Senate in 1972 and 1973 by votes of 60 to 18 and 64 to 21, respectively.

This new bill, like its two Senate-passed predecessors, reflects my strong contention that past failures to anticipate and accommodate competing demands for our finite land base have precipated many of the most crucial problems and conflicts facing all levels of Government, including those related to the protection of environmental amenities; siting of energy facilities and industrial plants; design of transportation systems; provision of recreational opportunities, and water and sewage facilities, police and fire protection, and other public services; and development and conservation of natural resources.

IMPENDING LAND USE CRISIS

If we perpetuate these failures by continuing to indulge in the ad hoc, short term, case-by-case, crisis-to-crisis land resource decisionmaking so prevalent today, we will shortly be facing a land use crisis of major dimensions. Recognition of this impending crisis is becoming widespread. It is reflected in such diverse, largely defensive actions of worried citizens and public officials as the passage of no growth referenda and sewer moratoria at the local level and the submission and introduction of an increasing number of bills in Congress calling for Federal intervention in State and local land resource decisionmaking. It is dramatically demonstrated in the growth statistics which indicate that—

Over the next 30 years, an additional 19.7 million acres of undeveloped land will be consumed by urban sprawl—an area equivalent to the States of New Hampshire, Vermont, Massachusetts, and Rhode Island.

Each decade's new growth will absorb an area greater than the entire State of New Jersey.

Each year the equivalent of 2½ times the Oakland-San Francisco metropolitan region must be built to meet the Nation's housing goals.

By the year 2000, over 3.5 million acres may be paved over for highways and airports.

By the end of the century, 5 million acres of valuable agricultural land may be lost to public facilities, second home development, and waste control projects, and another 7 million may be taken for recreation areas.

Finally, in the next two decades, one industry alone—the energy industry—will require vast areas of land; new high voltage transmission lines will consume 3 million acres of new rights-of-way, while nearly 400 new major generating stations will require hundreds of thousands of acres of prime industrial sites.

In short, Mr. President, between now and the year 2000, we must build again

all that we have built before. We must build as many homes, schools, hospitals, and office buildings in the next three decades as we built in the previous three centuries. For all but the last few decades of those previous three centuries, our citizens enjoyed a superabundance of free land. There was always more land over the next rise as our settlements grew and spread westward across the continent. Gone are the days, however, when there was always land enough for all people and all uses. Today, in the face of the mounting pressures of technological advances, population growth, and rapid urbanization, land has become our most valuable resource—an all too finite resource. Unlike air, water, and many minerals, land cannot be recycled. Mountains carved by strip mines, wetlands dredged and filled, or streams "channelized" can seldom be returned to their former use or beauty. Land once committed to a use today is often unable to support a different use in the future more closely attuned to our children's or grandchildren's values or goals.

It has become increasingly obvious to environmentalists and industrialists alike, to both urban and rural interests, and to private citizens and public officials that the problem of exponential growth in the last quarter of the 20th century cannot be met with 19th century laws and procedures. We simply cannot afford to continue to absorb the enormous costs in economic losses, delays, resource misallocations, and adverse social and environmental effects which have been and will be exacted by our failure to plan for the sound and balanced use of our land base. In the past, many land resource decisions were the exclusive province of those whose interests were selfish, short term, and private. In the future—in the face of immense pressures on our limited land resource—these decisions must be long-term and public.

A STATES RIGHTS BILL

The Land Resource Planning Assistance Act is a States rights bill. If enacted, it would constitute a congressional statement of belief that, with Federal financial and technical assistance, State and local governments can develop their own innovative land resource policies and procedures to meet the land use crisis. With such encouragement our State and local governments can avoid the unnecessary, unwise extremes of no growth localism and progrowth Federal preemption bred of exasperation over existing ineffectual land resource decisionmaking.

Many States are already considering legislation to deal with mounting land use problems and pressures. They are anxious to meet the challenge. All they need is the assurance that sufficient technical and financial resources will be available to implement the land resource legislation they enact. The Land Resource Planning Assistance Act would provide that assurance by offering grants to the States to assist them to develop land resource programs involving critical areas and uses of more than local concern—programs which open land resource decisionmaking to full participation of landowners and the public. This assistance would be provided absent any conditions allowing the Federal Government to substitute its own policies for those of the States. Furthermore, there would be no sanctions should the States decline to participate.

WIDELY FAVORED PROPOSAL

Mr. President, the Land Resource Planning Assistance Act is a realistic and widely favored proposal. It has received the endorsement of the National Governors' Conference, the Council of State Governments, the National Association of Regional Councils, the League of Cities, the Conference of Mayors, the AFL–CIO, National Association of Industrial Parks, League of New Community Developers, and all the major environmental organizations and such diverse publications as Business Week, the New York Times, Wall Street Journal, Washington Post, Washington Star-News, Kansas City Star, Akron Beacon Journal, Fort Wayne Journal Gazette, Boston Globe, St. Louis Post Dispatch, and Minneapolis Star.

The need for land resource legislation has been identified by the Douglas Commission, the Kerner Commission, the Kaiser committee, the Advisory Commission on Intergovernmental Relations, the National Estuarine Pollution Study and the National Estuarine Inventory, the Task Force on Land Use and Urban Growth of the Citizens Advisory Commission on Environmental Quality, and numerous other study commissions.

PROTECTION OF STATE AND LOCAL DECISIONMAKING AND PRIVATE PROPERTY RIGHTS

Despite the widespread support this legislation has received, it has also been the target of a campaign of strident sloganeering. These sloganeers contend that we cannot give direction to growth and make dire predictions of ruin—"destruction of property values," surrender of local control, "rampant socialism"—should the laws of the free market be amended, no matter how slightly, by the laws of society. They argue that public planning and implementation of policies to protect the public interest and the environment somehow invade constitutionality protected rights.

Quite the contrary, the Land Resource Planning Assistance Act is perhaps the Nation's best and probably its last chance to preserve and to invigorate State and local land resource decisionmaking and to insure that basic property rights are not infringed by faceless Washington bureaucrats in places far removed from the sites of land resource problems.

If State and local governments do not accept the challenge implicit in this bill and such other voluntary assistance programs as the Coastal Zone Management Act, the only solution will likely be the usual solution for national problems: Federal control. No one wants Federal controls, but if we fail to enact this measure and turn our backs on the critical land resource problems we face, that is what we will have by the end of the decade. Problems have a way of turning into crises. And crisis situations tend to bring forth strong and often heavy-handed Federal responses which ignore traditional State and local responsibilities and prerogatives. The failure to enact this legislation to meet the impending land use crisis may have the inevitable result of precipitating a kind of "national zoning". At a minimum, we will be pressured to accept more bills similar to that proposed by the President for energy facility siting—bills calling for Federal intervention in State and local policymaking on one type of land use decision after another. I, for one, believe we cannot continue to countenance single-minded, single purpose Federal preemption of land resource decisionmaking whether it be for the purpose of siting refineries and pipelines or the cleansing of our air and water. I prefer to give the States and local governments the opportunity and assistance to prove that they can solve difficult land resource problems, before we cavalierly assume they cannot and pre-empt their rights to do so.

In addition, the bill contains specific provisions which guarantee constitutionally protected property rights and access to courts for those who feel their rights have been denied. These provisions are stronger than language in any other Federal land-resource legislation already enacted into law: the Coastal Zone Management Act; the Housing Act of 1954; and the Land and Water Conservation Fund Act. Again, if the Land Resource Planning Assistance Act is not enacted and if the challenges it provides are not met—if, instead, in a crisis atmosphere we turn to "national zoning"—then many property rights may not survive.

We must not forget we have always had controls—we have never allowed land to be used in absolute freedom by its owners. We must remember that our controls over land have had as their principal purpose the protection, not the denial, of property rights and values. Even at the birth of our Nation the original States and their cities placed controls upon land and the courts restricted the uses of land under the nuisance doctrine. By the 1930's most of the cities and counties of this country had zoning laws, building codes, and other controls which restricted property use. These restrictions did not reduce property values, rather they were used to increase property values both for the owners and for the property tax-dependent governments. For example, home values were protected and enhanced by land use controls in residential areas which prohibited such uses as stockyards, tanneries, factories, and dance halls.

We all know of the abuses of many of these traditional land use controls, including zoning. Too often, a local zoning body will allow a use of land that will clog the streets, pollute the air, crowd the schools, and add to the tax burden of people living outside its jurisdiction. These people have no chance to alter this undemocratic decisionmaking because they can neither participate in the decision nor vote for the officials who made it.

The Land Resource Planning Assistance Act does not require—and I want

to emphasize this—a whole new set of land use controls. It encourages changes in the zoning and other land use controls, not necessarily to place greater restrictions on land, but to insure that the existing land resource decisionmaking considers social and environmental needs and not just caters to economic interests. In addition, the bill would make certain that our existing decisionmaking respects the interests and allows the participation of all the people who would feel the impacts of land use decisions—not just those who live within the jurisdiction of the decisionmaker or have the best means to influence his decision in their favor.

In short, Mr. President, I believe the nay-sayers of this bill do a real disservice to their own constituency. This bill constitutes the best protection possible for basic property rights and against Federal intervention in State and local land use decisionmaking.

SUMMARY OF THE PROVISIONS

The Land Resource Planning Assistance Act has been redrafted from the bill which last passed the Senate, not to alter its substance or purpose, but to reduce its length, simplify its text, and eliminate controversial or confusing provisions. I will confine my remarks here to a summary of the major provisions of the bill and ask unanimous consent that at the end of my statement there be printed in the RECORD a short description of the differences between this bill and the measure which the Senate passed last Congress.

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

GRANTS TO STATES

Mr. JACKSON. In recognition that many land resource decisions today have major impacts on the citizens, the economy, and the environment beyond the immediate borders of the local zoning bodies, the act provides grants to the States, as representatives of wider public interests, to develop, in 5 years and in partnership with local government, State land resource programs for several categories of critical areas or uses of more than local concern: areas of critical State concern—wetlands, flood plains, wildlife habitats, historic sites; secondary-growth causing, key public facilities—major airports, highways and highway interchanges, water and sewage treatment facilities, and recreation facilities; prime food and fiber producing lands; large scale private development—large subdivisions and industrial parks; installment land sales or recreational home development projects in rural areas; and energy facilities.

Under the philosophy that one cannot plan wisely for the use of a resource or any significant portion of it without as complete a knowledge of it as possible, a principal component of the land resource program is a land resource planning process involving the inventorying of the land and the competing demands for its use. Other components of the land resource program to be assisted by the bill would be the development of a land planning agency, the study of existing State and local land use authorities, and the establishment of methods to provide for full landowner and public participation in, and effective implementation of, the program.

Several points should be emphasized: The bill does not contemplate sweeping changes in the traditional responsibility of local government for land resource management. The land resource decisions of local concern, which the American Law Institute estimates to be over 90 percent of all decisions, will continue to be made by local government. However, for land resource decisions which would have significant impacts beyond the jurisdiction of the local public or private decisionmakers, the bill encourages wider public participation and review by the State. The procedures for and nature of, State involvement in critical areas and uses decisions are left to the determination of the individual States and local governments, subject only to certain due process procedural requirements, such as participation of property owners and the public, appeals, and dissemination of data, and to certain requirements that the necessary authorities to implement the land resource program exist. To insure that the States and local governments have the flexibility to develop their own innovative procedures and methods, two alternative but not mutually exclusive techniques of implementation of State land resource programs are suggested: local implementation pursuant to State guidelines—as done in Florida, Oregon, and Colorado—and direct State planning—as done, in part, in Hawaii and Vermont.

The grants to the States for the development and implementation of land resource programs would total $100 million per year for 8 years, at 90 percent Federal share of the cost for 5 years, and 66⅔ percent thereafter.

OTHER GRANT PROGRAMS

The act also provides $10 million annually at 100 percent of cost for 8 years for grants to Indian tribes to assist them to plan tribal lands and $2 million annually for 8 years for grants for research and training in land resource planning and management.

LIMITED FEDERAL ROLE

The Federal review of State land resource programs is to focus not on the substance of each program, but on whether each State has authority to develop and implement its program and whether it is making good faith efforts to do so. This is in keeping with the proposal's purpose to encourage better and more effective land resource decisionmaking at the State and local levels, and not to provide substantial new land use decisionmaking authority to Federal agencies or allow the Federal Government to intervene in State or local decisionmaking. Furthermore, if any State should feel that it has been declared ineligible for grants on improper substantive policy grounds or any other grounds not permitted under the bill, the bill invites the State to appeal to the court of appeals to have the ineligibility determination overturned.

Rather than increasing Federal authority the bill would actually provide the States with a better handle on Federal activities within their borders by requiring that Federal activities which significantly affect land use in States receiving grants under the proposal be consistent with the State land resource programs except in cases of overriding national interest as determined by the President.

Guidelines for the Land Resource Planning Assistance Act are to be promulgated by the President. Federal determination of State grant eligibility is also not a line agency responsibility as the bill provides for interagency review of grant applications. The Secretary of the Interior, through an Office of Land Resource Planning Assistance, would administer the grant programs.

Certainly, the land use impacts of Federal and federally assisted program exert the most profound influences upon local, State, and national land use patterns. Yet, often, these programs either have conflicting land use implications or the Federal officials administering them are not fully cognizant of their land-use impacts. My proposal requires the Federal Government to "put its own house in order" at the same time that it asks the States to do likewise. The Secretary of the Interior is directed to consult with heads of other agencies and to form a land resource advisory board to provide interagency communication concerning the land use impacts of and policies embodied in Federal and federally assisted programs.

WHAT S. 984 DOES NOT DO

The proposal takes the unusual step of stating in the very beginning—in section 3—what are not its purposes by prohibiting the construing of any of its provisions to find such purposes. Among the denied purposes are any diminishing of the rights of property owners or the permitting of the Federal Government to intercede in any State or local government land resource decisionmaking.

ENERGY FACILITY PLANNING

The Land Resource Planning Assistance Act contains a new title, addressed to energy facility planning issues, not included in the Senate-passed bill of last Congress. Title III encourages the development of State energy facility planning programs as integral components of the State land resource programs and establishes an expedited Federal energy facility licensing program. Contrary to provisions of the President's proposed energy facility siting bill, S. 619, the State energy facility planning programs portion of title III of my bill focuses on planning rather than siting; encourages the integration of that—otherwise single purpose—planning with the comprehensive planning in the State land resource program; provides for no Federal override of State decisionmaking; and encourages consideration of energy conservation measures to reduce siting needs. The expedited Federal licensing program established by title III does not add to or pre-empt various Federal agencies' licensing authorities, but instead provides a streamlined procedure for obtaining those agencies' approvals or disapprovals of energy facility

license or permit applications. It is not a "one-stop" but a "fair stop" proposal.

As this title is new and, unlike the other provisions of the bill, has not been the subject of extensive hearings and floor debate, I would like to explain the philosophical basis of its provisions and of the differences between it and the administration's proposal.

In recent years, we have heard increasing complaints about the inability of industry to site needed energy facilities. Yet reports of the Federal Power Commission, the Atomic Energy Commission, the Office of Science and Technology, the National Petroleum Council, the Edison Electric Institute and other governmental and industrial entities have all concluded that, with some important exceptions, siting problems have not been among the most significant of constraints on the construction and operation of new energy facilities. Instead, they point to management problems, government policies, capital and materials shortages, equipment failure, and labor problems.

The purpose of the title, then, is not simply to remove uncertain constraints in energy facility siting but rather to provide for a more rational, balanced, open, and rapid siting decisionmaking.

In his state of the Union message to Congress on January 15, 1975, President Ford stated that in the next 10 years his energy program "envisions 200 major nuclear powerplants * * * 150 major coal-fired powerplants, 30 major new oil refineries and 20 major new synthetic fuel plants."

The social and environmental impacts of these facilities, should they be proven needed and ultimately constructed, will be extraordinary. Given the potential impacts of this program or, for that matter, almost any alternative program put forward to date, and given the importance of energy to our national well-being and security, it stands to reason that energy facilities should be subjected to careful planning. But what kind of planning?

I believe that, first, the planning must be balanced. It must not be left solely to the necessary, but necessarily limited, vision and interests, shaped largely by economic concerns—and, in the case of utilities, by their very charters—of utility board members or corporation executives or to the equally important, but sporadic, ad hoc, and often litigious, opposition of determined environmentalists. We can no longer countenance a facility siting process which selects sites solely on the economic basis of cost or on the political basis of least community resistance.

This balanced decisionmaking can be obtained only through full participation of the public with all its varied interests, and the extent to which the public participates is dependent on the extent to which the decisionmaking process is the responsibility of public agencies. Public agencies do have siting authority, but the authority has been tail end authority—authority not to effect or substantially affect the siting decisions but only to second or deny decisions already made by the energy industry. Under traditional methods of siting energy facilities, the utility or company determines the type of facility required to meet that demand, quietly acquires the land upon which the facility will be sited, and at virtually the "last minute"—just in time to meet construction deadlines—applies to regulatory agencies for the necessary site approval, permits, or licenses.

Under these circumstances, there is little opportunity for any party other than the utility or company to conduct large scale planning. The public is effectively precluded from participating in the site selection process. And, reasoned regulation by governmental agencies is easily frustrated because the utility or company can argue that any delay for proper study or revision of the industry proposal would adversely affect electric power reliability or fuel production or transportation. The pressure on both the public and the Government to avoid questioning an industry proposal is increased by the extent of the pre-licensing financial commitments, often in the millions of dollars, already made to the project. Hence, the Government is left with one usual course of action: rubber stamp the siting proposal. Only if the proposal is clearly perceived to have major shortcomings may the Government resist "construct now" pressures and question the facility. But the siting statutes' own shortcomings too often so handcuff the relevant Government that it cannot work constructively with the proposal; instead, it can only veto it outright, an occurrence which is happening more frequently these days.

Given a need for a stronger governmental role in energy facility planning, the question arises as to how that planning is to relate to the much broader comprehensive planning receiving new emphasis among State and local governments and in Federal legislation—such as this Land Resource Planning Assistance Act, the Coastal Zone Management Act, and the Community Development Act. Should we limit Federal assistance to single purpose energy facility planning as the President's proposal would do or encourage its integration in comprehensive planning as my bill would do? Should we join the President in calling for Federal pre-emption of energy facility siting decisions and thus impose narrow, mission-oriented Federal planning on comprehensive planning at the State and local level?

I believe the questions are answered immediately when one reviews the severe demand for land which will be made on behalf of energy facilities. The 1970 National Power Survey of the FPC disclosed that 395 new generating plant sites would be required between 1971 and 1990. The Office of Science and Technology noted that the larger 3,000 megawatt stations which will be constructed in the future will each require as much as 1,000 acres of land.

As I have noted, in the next 20 years new high-voltage transmission lines will consume 3 million acres for new rights-of-way—an area the size of Connecticut. In reducing the problem to the absurd, one commentator suggested that, if the current rate of doubling of the generating capacity every 10 years continues, within two centuries all available land within the United States would be used by powerplants, leaving no room even for transmission lines. A North Carolina utility executive found that within his utility's market area more land would be needed for new energy facilities than the total land area of the market within only 77 years. Clearly, if such pressures for land are given preference over all other economic, social, and environmental demands for the same resource, comprehensive planning would be routed. To accommodate energy facilities within our finite land base without destroying that base in the process, comprehensive planning must be strengthened, not partially displaced.

Finally, energy facility planning should not concentrate fully on supply as is encouraged in the President's proposal. To do so would be self-defeating. There should be no automatic assumption of the existing energy demand trend. If such an assumption is allowed to stand—if energy facility planners are not mandated to question whether additional capacity is broadly consonant with public policy—then the legislation will only serve to foster profligate demand and the waste and inefficient use of fuels and electric power and, by relieving public pressure for conservation action in the face of possible shortages, postpone critically needed Federal policy attention to curbing the demand trend. If such waste and inefficient use is allowed to continue or is even encouraged by a ready supply of additional fuels or energy made available by quick siting of energy facilities in the first few years, it is questionable whether any system of planning and siting of energy facilities could, over the long run, keep pace with the very demand it would help to encourage. Because demand can seldom be adequately questioned in the context of siting an individual facility, if it is to be questioned at all, it must be on a generic basis; it must be ingrained in the whole planning process.

If however, we are going to place greater emphasis on public planning we have the responsibility to provide assurances that the planning will be conducted expeditiously. Existing siting authority has been balkanized both within and between governmental levels, creating unnecessary duplication of efforts and delay. Any utility or corporation officer worthy of his salary can cite numerous frightful anecdotes on the large number of licenses or permits required in even the simplest action and the conflicting procedures for and requirements of those licenses or permits.

Even in areas where a single level of government has exercised strong preemptive authority, siting decisionmaking still remains elusively diverse. For example, in the case of the Atomic Energy Act in which Congress clearly asserted Federal authority over nuclear power facilities, the States may still regulate thermal discharges and chemical effluents and may require compliance with building codes and zoning ordinances—all critical factors in siting decisionmaking.

The absence of collateral estoppel among administrative proceedings means that the same issues may be raised again and again in obtaining the numerous

licenses or permits for a single siting action. Furthermore, multiple licensing deprives agencies of their initiative to act on, rather than react to, a siting proposal and of their power to consider alternatives. For example, if 10 agencies are involved in licensing a particular agency facility, the tenth will feel constrained not to insist on a major change in plans which will affect the other licensing proceedings and result in substantial delays. Multiple licensing situations also make timely settlement of conflicts between siting applicants and intervenors less likely because of the obvious difficulties in obtaining the participation in the negotiations of all the agencies which would have to incorporate the settlement in their licenses or permits.

Clearly, energy facility licensing procedures can and should be made more efficient. This does not require, however, the so-called "one-stop" certification process which some hold forth as the answer to the multiple licensing problem. One-stop licensing can result in totally unbalanced decisionmaking, particularly if conducted by a single agency or commission with a particular, well-ingrained bias, whether environmental or developmental. Furthermore, it can frustrate the participation of the public and numerous important governmental and private spokesmen of divergent expertise and views. By adding sufficient powers necessary to make a one-stop permit possible, it may be necessary to strip a number of other programs of critically important authority, thus increasing the inefficiency of, and perhaps the incidence of multiple licensing in, these other programs.

The approach taken in the expedited Federal energy facility licensing program portion of title III is not to mandate a one-stop procedure pre-empting Federal agencies' authorities, but rather to speed the decisionmaking of those agencies by authorizing the Administrator of the Federal Energy Administration to design composite applications for energy facilities, to designate lead agencies for those applications, and set deadlines for all agencies' actions on the applications.

In a December 24, 1974, editorial, the Washington Post stated:

Few subjects could be more relevant to energy and the economy (than land-use planning). A generation of suburban sprawl fostered the national dependence on fuel-hungry private cars. Proposed strip-mining of vast stretches of the West has enormous implications for food production. The list of interrelationships goes on. Indeed, it is no exaggeration to say that the nation's ability to shape and carry out sound energy policies may depend substantially on land-use decisions and the ways they are made.

Title III would build on these interrelationships between land use decisionmaking and energy policies with the purpose of bettering both.

CONCLUSION

I urge early and favorable action on this measure. It is the product of long and careful study by this body and the Interior Committee. It has been under active consideration for 5 years and the subject of 26 days of hearings in three committees in the Senate alone. It has been reported three times by the Interior Committee, and it has been passed by the Senate twice.

In an August 15, 1972, editorial in the Wall Street Journal favoring an earlier version of my proposal, the Journal's editors stated:

If the Jackson bill fails to make it through this Congress it may be two years from now, in the second session of the new Congress, before it will have much chance. And since it will take the states some five years to work out their planning procedures under the bill, final implementation would be seven years away. Judging from the planning hassles that already are taking place around the country, that could prove to be too long to wait.

Two and a half years have passed since that plea for swift enactment of this proposal was made. The sense of urgency expressed then deserves reiteration today.

Mr. President, the chaotic land use decisionmaking of the present will insure an unsightly, unproductive, and unrewarding land resource for the future. To avoid this unfortunate tomorrow, we must improve our land resource policies, procedures, and institutions. I commend the Land Resource Planning Assistance Act to my colleagues as the best vehicle to achieve this improvement.

Mr. President, I ask unanimous consent that at the end of my remarks, in addition to the description of differences between this year's and last year's bills, there be printed the text of the bill itself.

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

S. 984

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

SECTION 1. (a) SHORT TITLE.—This Act may be cited as the "Land Resource Planning Assistance Act".

(b) TABLE OF CONTENTS.—

SEC. 2. STATEMENT OF POLICY AND PURPOSE.—(a) The Congress, recognizing that the Nation's land is its most valuable national resource and that the maximum benefit to all from this resource can be achieved only with the development and implementation of wise and balanced State and local land resource policies, declares that it is the continuing policy of the Federal Government to render assistance to State and local governments to enable them to develop and implement such policies.

(b) It is the purpose of this Act to—

(1) assist the several States to exercise their constitutional responsibilities for the planning and management of their land base through the development and implementation of State land resource programs;

(2) assist Indian tribes to inventory and plan the use of reservation and other tribal lands;

(3) increase the coordination of the activities of Federal agencies which significantly affect land use and of such activities with State land resource programs;

(4) encourage expeditious planning and siting of energy facilities;

(5) provide for meaningful participation of property owners, users of the land, and the public in land resource planning and management;

(6) encourage research on and training in land resource planning and management; and

(7) promote the development of systematic methods for the exchange of information pertinent to land resource decisionmaking among all levels of government and the public.

SEC. 3. RIGHTS OF STATES AND PROPERTY OWNERS AND EFFECT ON OTHER EXISTING AUTHORITY.—Nothing in this Act shall be construed to—

(1) enhance or diminish the rights of owners of real property as provided by the Constitution of the United States or the constitution of the State in which the property is located;

(2) authorize or direct the Secretary or any Federal official to intercede in a State or local government or private land resource planning or management decision with respect to non-Federal lands;

(3) authorize or direct the Secretary to manage or regulate non-Federal lands, through the issuance, approval, or disap-

proval of substantive State land resource policies, standards, or criteria, or as a condition of eligibility for grants under this Act;

(4) require States to intercede in land resource planning and management decisions of purely local concern;

(5) enhance or diminish the authority of a State to control the use of any land owned or held in trust by the Federal Government within such State;

(6) adversely affect the entitlement of a State to receive any grant under any other Federal program;

(7) except as provided herein, change or otherwise affect the authority or responsibility of any Federal official in the discharge of the duties of his office;

(8) expand or diminish Federal, interstate, or State jurisdiction, responsibility, or rights in the field of land and water resources planning, development, or control; to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States, or of two or more States, a State, or a region and the Federal Government; to limit the authority of Congress to authorize and fund projects;

(9) supersede, modify, or repeal existing laws applicable to the various Federal agencies which are authorized to develop, or participate in the development of, land and water resources or to exercise licensing or regulatory functions in relation thereto; or affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico;

(10) supersede, repeal, or conflict with the Coastal Zone Management Act of 1972 (86 Stat. 1280);

(11) expand or extend Federal review or approval authority to an energy facility or part thereof not otherwise covered by Federal law;

(12) authorize or require the termination of any existing trust responsibility of the United States with respect to the Indian people;

(13) delay or otherwise limit the adoption and vigorous enforcement by any State of standards, criteria, emission or effluent limitations, monitoring requirements, or implementation plans which are no less stringent than the standards, criteria, emission or effluent limitations, monitoring requirements, or implementation plans required by the Federal Water Pollution Control Act, the Clean Air Act, or other Federal laws controlling pollution; or

(14) adopt any Federal policy or requirement which would prohibit or delay States or local governments from adopting or enforcing any law or regulation which results in control to a degree greater than provided for in this Act of the use of land in any area over which the State or local government exercises jurisdiction.

SEC. 4. DEFINITIONS.—For the purpose of this Act—

(a) "Administrator" means the Administrator of the Federal Energy Administration or the head of the agency designated by the President to carry out the functions assigned to the Administrator in this Act upon the termination of the Federal Energy Administration.

(b) "Areas of critical State concern" means areas on non-Federal lands defined, identified, and designated by each State pursuant to sections 102 and 106.

(c) "Board" means the Interagency Land Resource Advisory Board established pursuant to section 203.

(d) "Developer" means any person or persons who directly or indirectly, through any formal or informal combination or aggregation, own or control a tract or tracts of land for which such person or persons propose a "project" as defined in subsection (k) hereof.

(e) "Director" means the Director of the Office of Land Resource Planning Assistance established pursuant to section 202.

(f) "Energy facility" means any of the following new facilities or additions to existing facilities: (1) electric generating plants with a capacity of three hundred megawatts or more; (2) petroleum refineries with a consumption capacity of fifty thousand barrels per day or more of crude oil; (3) synthetic gasification plants, oil shale processing plants, coal liquefaction and gasification plants, liquified natural gas conversion facilities, and uranium enrichment facilities; (4) offshore petroleum loading or marine transfer facilities within State jurisdiction; (5) transmission lines and pipelines associated with the above facilities; and (6) any other facilities or additions to facilities defined and identified by each State pursuant to sections 102 and 303.

(g) "Federal lands" means any land owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof, except reservation and other tribal lands as defined in subsection (q) hereof and the Outer Continental Shelf as defined in the Outer Continental Shelf Lands Act (67 Stat. 462).

(h) "General purpose local government" means any general purpose unit of local government as defined by the Bureau of Census and any regional, intergovernmental, or other public entity which is deemed by the Governor to have authority to conduct land resource planning on a general rather than a strictly functional basis.

(i) "Indian tribe" means any Indian tribe, band, pueblo, colony, rancheria, or community which receives or is eligible for the special programs and services provided for Indians because of their status as Indians, including Alaska Native village or group as defined in the Alaska Native Claims Settlement Act (85 Stat. 688).

(j) "Key facilities" means major public facilities on non-Federal lands which tend to induce development and land use of more than local impact, including major airports, highways, and frontage access streets, and other major transportation facilities; major water supply systems, sewer trunk lines, and sewage or wastewater treatment facilities; and major recreational land and facilities, as defined and identified by each State pursuant to sections 102 and 106.

(k) "Land sales or development projects", "projects", or "project" means any of the activities set forth in clauses (1) through (3) of this subsection which occur on non-Federal lands ten miles or more beyond the boundaries of any standard metropolitan statistical area or any other general purpose local government certified by the Governor as possessing the capability and authority to regulate such activities:

(1) the partitioning or dividing into fifty or more lots for sale or resale primarily for housing purposes within a period of ten years of any tract of land, or tracts of land in the same vicinity, owned or controlled by any developer as defined in subsection (d) hereof;

(2) the construction or improvement primarily for housing purposes of fifty or more units within a period of ten years on any tract of land, or tracts of land in the same vicinity, owned or controlled by any developer, as defined in subsection (d) hereof, including the construction of detached dwellings, townhouses, apartments, and trailer parks, and adjacent uses and facilities, whatever their form of ownership or occupancy; and

(3) such other projects as may be designated by the State pursuant to sections 102 and 106.

(l) "Large scale development" means private development on non-Federal lands which, because of its magnitude or the magnitude of its effect on the surrounding environment and public resources, is likely to present issues of more than local significance in the judgment of the State. In determining what constitutes large scale development pursuant to sections 102 and 106, the State should consider, among other things, the number of persons likely to be present and the size of the site to be occupied; the potential for creating environmental problems such as air, water, or noise pollution; the requirements for water and sewage systems, police and fire protection, transportation facilities, and other public services; and the likelihood that additional or subsidiary development will be generated.

(m) "Local government" means any general purpose local government as defined in subsection (h) hereof or any regional combination thereof, or, where appropriate, any other public agency within a State, other than a State agency, which has land resource planning or management authority.

(n) "Non-Federal lands" means all lands which are not Federal lands as defined in subsection (g) hereof, the Outer Continental Shelf as defined in the Outer Continental Shelf Lands Act (67 Stat. 462), and reservation and other tribal lands as defined in subsection (q) hereof, and are not held by the Federal Government in trust for the benefit of Indians, Aleuts, and Eskimos.

(o) "Office" means the "Office of Land Resource Planning Assistance" established pursuant to section 202.

(p) "Person" includes any individual, corporation, association, consortium, unincorporated organization, trust estate, or any entity organized for a common business purpose, and, except for subsection (d) hereof, any governmental unit and the United States.

(q) "Reservation and other tribal lands" means all lands within the exterior boundaries of any Indian reservation, notwithstanding the issuance of any patent, and including rights-of-way, and all land held in trust for or supervised by any Indian tribe as defined in subsection (i) hereof.

(r) "Secretary" means the Secretary of the Interior.

(s) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

TITLE I—PROGRAM OF ASSISTANCE TO THE STATES

PART A—GRANTS TO THE STATES

SEC. 101. GRANTS TO THE STATES.—The Secretary of the Interior is authorized to make annual grants to the States to assist each State in developing and administering a State land resource program for non-Federal lands. A State land resource program shall be defined as a program which: includes a land resource planning process as set forth in section 102, a land planning agency as set forth in section 103, a study of existing land resource planning and management authority as set forth in section 104, a statement of policies and objectives as set forth in section 105, methods of implementation and coordination as set forth in section 106, and an energy facility planning program as set forth in section 303; provides for the participation of owners of real property, local government and the public pursuant to section 108; and meets the requirements of section 107.

PART B—STATE LAND RESOURCE PROGRAMS

SEC. 102. LAND RESOURCE PLANNING PROCESS.—As a condition of continued eligibility of any State for grants pursuant to this Act after three full fiscal years following enactment of this Act, the State land re-

source program of such State shall contain a land resource planning process, which process shall include—

(1) the preparation and continuing revision of a statewide inventory of the land, water, and other natural resources of the State;

(2) the preparation and continuing revision of an inventory of environmental, geological, and physical conditions (including soil types) which influence the desirability of various uses of land;

(3) the compilation and continuing revision of information related to population densities and trends, economic characteristics and projections, environmental conditions and trends, and directions and extent of urban and rural growth;

(4) projections of the nature, quantity, and compatibility of land needed and suitable for recreation and open space; scientific and educational purposes; conservation and preservation of natural resources; agriculture, mineral development, and forestry; industry and commerce; solid waste management and resource recovery; transportation; housing; urban development, including the revitalization of existing communities, the development of new towns, and the economic diversification of existing communities which possess a narrow economic base; rural development, taking into consideration future demands for and limitations upon products of the land; and health, educational, and other State and local governmental services;

(5) the inventorying of natural or historic lands with important scientific, educational, recreational, or esthetic values, such as significant shorelands of lakes, rivers, and streams, rare or valuable ecosystems and geological formations, significant wildlife habits, and unique scenic or historic areas; natural hazard lands, such as flood plains and other areas frequently subject to weather disasters, and areas of unstable geologic formations, including areas with high seismic or volcanic activity; and important watershed lands, aquifers, and aquifer recharge areas;

(6) the establishment of methods of identifying and designating for inclusion in the State land resource program key facilities and areas which are or may be impacted thereby, large scale development, land sales or development projects, energy facilities, those areas inventoried pursuant to paragraph (5) which the State determines to be of critical State concern, and prime food and fiber producing lands;

(7) the monitoring of land resource information periodically to determine changes in land use, the comparison of such changes with State and local land resource plans and programs, and the reporting of the findings to the affected local governments, State agencies, and Federal agencies by request;

(8) the establishment of arrangements for the exchange of land resource information among State agencies and local governments, with the Federal Government, among the several States and interstate agencies, and with the public; and

(9) the consideration of, and consultation with the relevant States on, the interstate aspects of land resource issues of more than local concern.

SEC. 103. LAND PLANNING AGENCY.—(a) As a condition of continued eligibility of any State for grants pursuant to this Act after three full fiscal years following enactment of this Act, such State shall have a State land planning agency, established by law, which shall have primary authority and responsibility for the development and administration of the State land resource program.

(b) Each State may designate the planning agency participating in programs pursuant to section 701 of the Housing Act of 1954 (85 Stat. 590, 640), as amended, and, where such State is a coastal State as defined in section 304 of the Coastal Zone Management Act of 1972 (86 Stat. 1280, 1281), as amended, the planning agency participating in programs under that Act, as the eligible land planning agency required by subsection (a) of this section.

SEC. 104. STUDY OF EXISTING LAND RESOURCE PLANNING AND MANAGEMENT AUTHORITY.—In the development of the State land resource program, the State land planning agency shall review existing State and local government land resource planning and management authorities. Such review shall include an assessment of whether such authorities and performances provide management decisions which are based on a planning process; which consider and, to the extent possible, accommodate, the full range of social, economic, and environmental needs; which are effectively coordinated; which are rendered without undue delay; and which are fully implemented. Such review shall be completed within three full fiscal years following enactment of this Act, distributed as widely as practicable, and submitted to the Land Resource Information Center established pursuant to section 202.

SEC. 105. POLICIES AND OBJECTIVES.—As a condition of continued eligibility of any State for grants pursuant to this Act after five full fiscal years following enactment of this Act, the State land resource program of such State shall contain a statement defining the State's role in land resource planning and management and the policies and objectives concerning the areas and uses which have been defined, identified, and designated pursuant to sections 102, 106, and 303 for inclusion in the State land resource program.

SEC. 106. METHODS OF IMPLEMENTATION AND COORDINATION.—(a) As a condition of continued eligibility of any State for grants pursuant to this Act after five full fiscal years following enactment of this Act, the State land resource program of such State shall include methods for—

(1) guiding the use of land within areas which are or may be impacted by key facilities and major access features thereof;

(2) influencing the location of new communities and guiding the use of land around new communities;

(3) controlling proposed large-scale development of more than local significance in its impact upon the environment and public resources;

(4) promoting the continued use and productivity of prime food and fiber producing lands to meet long-range food and fiber requirements;

(5) controlling development and guiding the use of land within areas of critical State concern to insure the perpetuation of the significant values thereof and to eliminate unreasonable dangers to life and property thereon;

(6) controlling land sales or development projects to assure that—

(A) the developer of any proposed project is financially capable of completing the project consistent with the provisions of this clause (6);

(B) the project will not exceed the capacity of existing systems for water and power supply, sewage and waste water collection and treatment, and solid waste disposal, unless expansion of the relevant systems to meet the requirements of the proposed project is planned and approved, and sufficient financing for the construction of the expanded systems is available;

(C) the project will not place an unreasonable burden on the ability of the State and local governments to provide municipal or other public services, including transportation, education, and police and fire protection;

(D) the project will not cause unreasonable soil erosion and is not located in an area which, in the determination of the State, constitutes an undue risk to public health and safety, such as a flood plain or an area of high seismicity or unstable soil;

(E) the effects on scenic values or the natural environment and on open space possessing valuable potential for public recreation are taken into consideration;

(F) the project will be developed within a time schedule submitted by the developer or within an alternative schedule necessary to insure that the project will be consistent with the provisions of this clause (6); and

(G) the project is consistent with local land resource plans, regulations, and controls and with the other elements of the State land resource program;

(7) assuring that Federal lands within the State are not significantly damaged or degraded as a result of inconsistent land use on adjacent non-Federal lands;

(8) assuring that (A) any source of air, water, noise, or other pollution pertaining to the areas and uses included in the State land resource program will not be located where it will result in a violation of any applicable pollution standard or implementation plan; (B) any developmental activities in combination with pollution sources will not cause such violations to occur; and (C) the program is consistent with the policies, standards, and other requirements of the Federal Water Pollution Control Act, the Clean Air Act, and other Federal laws controlling pollution;

(9) assuring that all State and local government programs and services which significantly affect the use of land are not inconsistent with the State land resource program;

(10) assuring that the State land resource program is coordinated with the planning and other relevant activities and programs of the State agencies, local governments, areawide agencies designated pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (80 Stat. 1255, 1262), as amended, and Federal agencies, and with adjacent States and local governments within such States concerning lands and waters in interstate areas. With respect to a coastal State as defined in section 304 of the Coastal Zone Management Act of 1972 (86 Stat. 1280, 1281), as amended, such coordination shall include the consolidation of the State's management program under that Act and the State land resource program into a single program for the purposes of annual submission to the Secretary of the Interior for determination of eligibility for grants pursuant to this Act and to the Secretary of Commerce for determination of eligibility for grants pursuant to section 306 of the Coastal Zone Management Act of 1972, as amended; and

(11) periodically revising and updating the State land resource program to meet changing conditions.

(b) The methods set forth in subsection (a) may include either one or a combination of the following general techniques—

(1) implementation by general purpose local governments pursuant to criteria and standards established by the State, such implementation to be subject to State administrative review with State authority to disapprove such implementation wherever it fails to meet such criteria and standards; and

(2) direct State land resource planning and regulation.

(c) Any method employed by the State shall include State authority to regulate the use of land and other methods determined by the State to be appropriate to prevent land use which is inconsistent with the State land resource program in areas which, under the program, have been designated as areas of critical State concern, areas which are or may be impacted by key facilities, and areas which are presently or potentially subject to large-scale development and land sales or development projects.

(d) Any method employed by the State shall include a process of appeal of any de-

cision or action or failure thereof related to the development or implementation of the State land resource program.

SEC. 107. IMPLEMENTATION. As a condition of continued eligibility of any State for grants pursuant to this Act after five full fiscal years following enactment of this Act, such State shall—

(1) demonstrate that it is making good faith efforts to implement the purposes, policies, and requirements of its State land resource program;

(2) certify that the State land resource program has been reviewed and approved by the Governor; and

(3) be participating on its own behalf in the programs established pursuant to section 701 of the Housing Act of 1954 (68 Stat. 590, 640), as amended, and, where such State is a coastal State as defined in section 304 of the Coastal Zone Management Act of 1972 (86 Stat. 1280, 1281), as amended, the programs established pursuant to that Act.

SEC. 108. PARTICIPATION OF PROPERTY OWNERS, LOCAL GOVERNMENT, AND THE PUBLIC.—As a condition of continued eligibility of any State for grants pursuant to this Act, such State shall develop and make full use of procedures to inform, make information readily accessible to, and encourage the early and continuous participation of appropriate officials of representatives of local governments, owners of real property, users of the land, and the public in the development of, subsequent revision in, implementation of, and formulation of guidelines, rules, and regulations concerning, the State land resource program.

PART C—FEDERAL ACTIONS IN STATES FOUND ELIGIBLE OR INELIGIBLE FOR GRANTS

SEC. 109. CONSISTENCY OF FEDERAL ACTIONS WITH STATE LAND RESOURCE PROGRAM.—(a) Federal programs, projects, and activities on non-Federal lands significantly affecting land use, including but not limited to permitting, licensing or leasing activities and grant, loan, or guarantee programs, shall be consistent with State land resource programs of States found eligible for grants pursuant to this Act, except in cases of overriding national interest, as determined by the President.

(b) Any State or local government submitting an application for Federal assistance for any program, project, or activity, or any applicant for a Federal permit or license to conduct an activity, significantly affecting the use of land in an area or for a use subject to a State land resource program in a State found eligible for grants pursuant to this Act shall transmit to the relevant Federal agency the views of the State land planning agency and/or the Governor as to the consistency of such program, project, or activity with the State land resource program.

SEC. 110. FEDERAL ACTIONS IN THE ABSENCE OF STATE ELIGIBILITY.—Where any major Federal action significantly affecting the use of non-Federal lands is proposed in a State which is not eligible for grants pursuant to this Act, the responsible Federal agency shall hold a public hearing, with adequate public notice, in such State, at least one hundred and eighty days in advance of the proposed action, concerning the effect of the action on the use of land, taking into account the relevant considerations set out in sections 102, 105, 106, 107, and 303 of this Act, and shall make findings which shall be submitted to the Secretary and the Board for review and comment in the interagency review process required by section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852, 853). This section shall be subject to exception where the President determines the overriding national interest so requires.

TITLE II—ADMINISTRATION OF STATE ASSISTANCE PROGRAM AND COORDINATION OF FEDERAL LAND-RELATED ACTIVITIES

SEC. 201. GUIDELINES, RULES AND REGULATIONS.—(a) Not later than six months after the date of enactment of this Act, the President shall issue guidelines to the Federal agencies and the States to assist them in carrying out the provisions of this Act.

(b) Not later than nine months after the date of enactment of this Act, the Secretary shall promulgate rules and regulations, and subsequently make any revisions therein, to implement the guidelines formulated pursuant to subsection (a) of this section and to administer this Act.

SEC. 202. OFFICE OF LAND RESOURCE PLANNING ASSISTANCE.—(a) There is hereby established in the Department of the Interior the Office of Land Resource Planning Assistance.

(b) The Office shall have a director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level V of the Executive Schedule Pay Rates (5 U.S.C. 5315), and such other officers and employees as may be required. The Director shall have such duties and responsibilities as the Secretary may assign.

(c) The Secretary, acting through the Office, shall—

(1) administer the grant-in-aid programs established under this Act;

(2) maintain a continuing study and analysis of the land resources of the United States and their use;

(3) maintain a continuing study and analysis of the methods adopted by State and local governments to carry out the provisions of this Act;

(4) cooperate with Federal agencies and the States in the development of standard methods and classifications for the collection of land resource information and in the establishment of effective procedures for the exchange and dissemination of land resource information;

(5) develop and maintain a Land Resource Information Center, with such regional branches as the Secretary may deem appropriate, which shall have available to it and disseminate to Federal agencies, State and local governments, the public and other users of the Center the results of the studies undertaken by the Interagency Land Resource Advisory Board pursuant to sections 203(c), 207, and 306; plans for federally initiated and federally assisted activities which significantly affect land use; to the extent practicable and appropriate, the plans and programs of State and local governments which have more than local significance for land resource planning and management; statistical information on past, present, and projected land use patterns which are of more than local significance; studies pertaining to techniques and methods for the procurement, analysis, and evaluation of information relating to land resource planning and management; and such other information pertaining to land resource planning and management as the Director deems appropriate;

(6) consult with other officials of the Federal Government responsible for the administration of Federal land resource planning assistance programs to States, local governments, and other eligible public entities in order to coordinate such programs, and, in particular, consult with the Secretary of Agriculture to develop procedures to utilize and coordinate existing land resource expertise and information available through Department of Agriculture programs, including the programs of the Soil Conservation Service, Forest Service, and Extension Service, where applicable, in providing technical assistance in the development of State land resource programs; and

(7) provide administrative support for the Interagency Land Resource Advisory Board.

(d) The Office may provide, directly or through contracts, grants, or other arrangements, technical assistance to any State or Indian tribe found eligible for grants pursuant to this Act to assist such State or tribe in the performance of activities under this Act.

(e) Upon the request of the Secretary, the head of any Federal agency is authorized: (i) to furnish to the Office such information as may be necessary to carry out the functions of the Office and as may be available to or procurable by such agency, and (ii) to detail to temporary duty with the Office, on a reimbursable basis, such personnel within his administrative jurisdiction as the Office may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.

SEC. 203.—INTERAGENCY LAND RESOURCE ADVISORY BOARD.—(a) The Secretary is authorized and directed to establish an Interagency Land Resource Advisory Board.

(b) The Board shall be composed of:

(1) The Director of the Office of Land Resource Planning Assistance, who shall serve as Chairman;

(2) representatives of the Departments of Agriculture, Commerce, Defense, Housing and Urban Development, Transportation, Treasury, and Health, Education, and Welfare; the Environmental Protection Agency; the Federal Energy Administration; and the General Services Administration, appointed by the respective heads thereof;

(3) observers from the Council of Economic Advisors, the Council on Environmental Quality, and the Office of Management and Budget, appointed by the respective heads thereof; and

(4) representatives of such other Federal agencies, appointed by the respective heads thereof, as the Secretary may request to participate when matters affecting their responsibilities are under consideration.

(c) The Board shall meet regularly at such times as the Chairman may direct and shall—

(1) provide the Seeretary with information and advice concerning the relationship of policies, programs, and activities established or performed pursuant to this Act to the programs of the agencies represented on the Board;

(2) render advice to the President and the Secretary concerning proposed guidelines, rules, and regulations;

(3) assist and advise the President in determining any overriding national interest exception to the provisions of sections 109 and 110;

(4) assist the Secretary and the agencies represented on the Board in the coordination of the review of State land resource programs;

(5) provide reports on such land resource policy matters as the Secretary or the heads of Federal agencies through their respective representatives on the Board may refer to the Board for its consideration; and

(6) maintain a continuing study of the impacts, and the forecasting of such impacts, of governmental activities including, but not limited to, land management programs, construction projects, grant, loan, and guarantee programs, and tax policies, on land resource planning and management and land use patterns. Particular emphasis should be given to the impacts of Federal programs, various local assessment practices, other Federal, State, and local tax policies, and the effects of land use controls on the rights of owners of real property.

(d) Each agency representative on the Board shall have a career position within his agency of not lower than GS–15 and shall not be assigned any duties which are unrelated to the administration of land resource planning and policy, except temporary housekeeping or training duties.

SEC. 204. DETERMINATION OF GRANT ELIGIBILITY.—(a) After three complete fiscal years following enactment of this Act, no State shall be eligible for any grant pursuant to this Act unless the Secretary, pursuant to the procedure provided in this section, de-

termines annually that the State land resource program of such State conforms to the relevant provisions of this Act. Prior to making such determination, the Secretary shall submit the State land resource program of such State to the heads of all Federal agencies represented on the Board and to the Board. The Secretary shall review the comments of each agency head which are submitted to him by such agency head no later than thirty days after submission of the State land resource program to such agency head by the Secretary.

(b) The Secretary shall determine the eligibility of a State for a grant under this Act not later than three months following receipt of the State's grant application.

(c) Each State receiving grants under this Act shall submit periodic reports on work completed and scheduled and such other information as the Secretary may request.

(d) A State may revise at any time its State land resource program: *Provided,* That such revision does not render the program inconsistent with the provisions of this Act: *And provided further,* That any significant revision is reported to the Secretary. The Secretary shall make a temporary determination, prior to the full annual review of the program pursuant to this section, of whether such revision would render the program inconsistent with the provisions of this Act, and shall inform the State, in writing, of his determination.

SEC. 205. APPEAL PROCEDURE.—(a) Any State which receives notice that the Secretary has determined that the State is ineligible for grants, under this Act, or, having found a State eligible for such grants, subsequently has determined to withdraw such eligibility, may, within sixty days after receiving such notice, file with the United States court of appeals for the circuit in which such State notice, file with the United States court of Appeals for the District of Columbia, a petition for review of the action of the Secretary. The petitioner forthwith shall transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

(b) The Secretary shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

(c) The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The court may order additional evidence to be taken by the Secretary and to be made part of the record.

(d) Upon the filing of the record with the court, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that such judgment shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

SEC. 206. TRAINING AND RESEARCH GRANTS AND CONTRACTS.—(a) The Secretary is authorized to make grants to public and private nonprofit institutions of higher education to assist the conduct of research and investigations into the theoretical and practical problems of land resource planning and management.

(b) The Secretary is authorized to conduct or contract for the provision of training programs for personnel employed or seeking employment in land resource planning and management. Such training programs may consist of support for conferences, short courses, and fellowships for advanced training in public or private nonprofit institutions of higher education offering graduate study in fields having application to land resource planning and management.

SEC. 207. STUDY, RECOMMENDATION, AND CONGRESSIONAL CONSIDERATION OF LAND RESOURCE POLICIES.—Pursuant to section 2(a), the following procedures concerning the study, recommendation, and congressional consideration of land resource policies shall be followed:

(a) Each State submitting a report under section 204(c) during the three full fiscal years following the enactment of this Act shall include in such report comments on the desirability of establishing national land resource policies, suggestions concerning the substance of such policies as might be established, comments in regard to any proposed national land resource policies which have been recommended by the Council on Environmental Quality pursuant to subsection (b) of this section, and such additional suggestions for national land resource policies as it deems appropriate.

(b) The Council on Environmental Quality shall consider the desirability of national land resource policies and the substance of any such policies which might be determined desirable, and, at the end of the first full fiscal year following the enactment of this Act, submit to the Board a Land Resource Policy Report containing such specific recommendations as it may deem appropriate for the establishment of national land resource policies. The Board shall review the Land Resource Policy Report, the reports of the States, and the suggestions of Board members, and, through public hearings with adequate public notice, the public. Before the end of the third full fiscal year following the enactment of this Act, the Board shall recommend to the Congress such legislation as it may deem appropriate or necessary to establish national land resource policies.

SEC. 208. BIENNIAL REPORT OF THE SECRETARY.—The Secretary, with the assistance of the Office and the Board, shall report biennially to the President and the Congress on land resources, uses of land, and current and emerging problems of land use.

TITLE III—ENERGY FACILITIES PLANNING

SEC. 301. SHORT TITLE.—This title may be cited as the "Energy Facilities Planning Act".

SEC. 302. FINDINGS AND PURPOSE.—The Congress hereby finds and declares that the national public interest requires that energy facilities adequate to meet the nation's current and future energy needs, reduced, as practicable, by energy conservation measures, be sited and constructed in a timely and rational fashion without undue delay, with minimum environmental damage, and with early opportunity for thorough public review; that the siting of energy facilities be integrated with State land and water resource planning and management, the other elements of the State land resource program, and any coastal zone management program; that provisions be made for States to establish, operate, and fund energy facility planning programs; that energy facilities which require Federal approval be subject to a coordinated, prompt, and simplified approval process; and that steps to expedite the Federal approval process be taken without any expansion of existing Federal authority over proposed energy facilities and without unduly interfering with the present statutory authorities and responsibilities of individual Federal agencies.

PART A—STATE ENERGY FACILITY PLANNING PROGRAMS

SEC. 303. STATE ENERGY FACILITY PLANNING PROGRAMS.—(a) As a condition of continued eligibility of any State for grants pursuant to this Act after five full fiscal years following enactment of this Act, the State land resource program of such State shall contain an energy facility planning program.

(b) Such energy facility planning program shall be compatible with State land and water resource planning and management; where the State is a coastal State as defined in section 304 of the Coastal Zone Management Act of 1972 (86 Stat. 1280, 1281), as amended, an approved coastal zone management program; and the other elements of the State land resource program; and provide for—

(1) an energy facility planning process, which shall—

(A) identify intermediate and long-term anticipated levels of energy demand, resource availability, conservation programs, projected peak load demands, reserve margins, on-line facilities, scheduled facilities and projected service dates, and planned facilities;

(B) recommend appropriate energy conservation measures;

(C) identify energy facilities necessary to meet projected energy needs, both before and after consideration of the possible results of recommended conservation measures; and

(D) evaluate the economic, social, and environmental consequences of developing and operating projected energy facilities, including the development of specific criteria to evaluate such consequences in relation to energy facility sites;

(2) a coordinated review and approval process at the State level to insure that applications for any State licenses or permits required to site and construct energy facilities are processed and a final decision rendered as expeditiously as practicable;

(3) consideration of the national, regional, and marketing area energy needs, as set forth in the National Energy Facility Planning Report required by section 305, in the planning, licensing or permitting of energy facilities;

(4) cooperation with other States in the planning, siting and approval of energy facilities, transmission lines and pipelines which will serve or affect two or more States;

(5) procedures to encourage the location of transmission lines and pipelines so as to minimize environmental impacts and to maximize multiple use of energy and transportation corridors;

(6) procedures for evaluating the environmental impact of energy facilities, including full consideration of alternative facilities and sites;

(7) identification of environmental baseline data needed for evaluation of proposed energy facilities;

(8) public participation in the energy facility planning process and in the licensing or permitting procedures related to energy facility siting, construction, or operation; and

(9) a capability and process for acquiring, analyzing, and disseminating information on State energy needs and demands, available energy facility sites, operating and proposed energy facilities, effects of energy conservation measures, and other information which can be used by the State and the public and in the preparation of the National Energy Facility Planning Report.

SEC. 304. REVIEW AND APPEAL.—The review and appeals procedures for the entire State land resource program provided in sections 204 and 205 of this Act shall be fully applicable to such program's component energy facility planning program, except that (A) for the determination of whether the energy facility planning program conforms to the provisions of section 303, the Administrator shall assume the responsibilities of the Secretary; (B) in addition to the views of the Board and agencies represented on the Board, the views of the Federal Power Commission, the Energy Research and Development Administration, the Nuclear Regulatory Commission, and such other Federal agencies as the Administrator may deem appropriate, shall be solicited on the energy facil-

ity planning program; and (C) at least one public hearing on the energy facility planning program shall be held in the State: *Provided*, That the provisions of clauses (B) and (C) may be waived by the Administrator in the case of an amendment, if he determines, in accordance with the procedures of section 204(d), that the amendment will not have a substantial effect on the existing energy facility planning program.

SEC. 305. NATIONAL ENERGY FACILITY PLANNING REPORT.—(a) To assist the States to consider regional and national energy needs and conservation opportunities in, and to provide them with other information essential to, the development of State energy facility planning programs, within two full fiscal years following enactment of this Act, and annually thereafter, the Administrator shall prepare and submit to the President and to the Congress, a National Energy Facility Planning Report (hereinafter referred to as the "Report"). The Report shall be developed in consultation with the States, industry, and appropriate Federal agencies, and it shall include information on:

(1) the location, type, size, and production capacity of existing energy facilities;

(2) present and projected long range energy needs and demand on a national, regional, and marketing area basis, including, where appropriate, peak and off-peak production capacity requirements, and the assumptions used to arrive at demand projections;

(3) the potentials and methods for energy conservation;

(4) energy facilities which have been or are likely to be removed from production and the reasons for such removals;

(5) the present and projected status of all applications pending at Federal and State levels for the siting, construction, or operation of energy facilities;

(6) the present and projected availability and shortfall of suitable energy facilities and facility sites, both before and after consideration of the energy conservation potentials and methods;

(7) the alternative types of energy facilities and fuels (categorized by region, type, size, and production capacity) which would meet projected national, regional, and marketing area energy needs, both before and after consideration of the energy conservation potentials and methods;

(8) the economic, social, and environmental advantages and disadvantages of constructing and operating energy facilities in various regions or marketing areas;

(9) the impacts of various projected energy facilities on the environment, including information on the sources and volumes of water required for, and projected effects upon air quality from, the operation of such facilities at potential sites, and geographical, ecological, population and load center data relating to such facilities; and

(10) the financial and public service requirements imposed on local communities by various types of energy facilities and alternatives available to the States to offset such impacts.

(b) The Administrator shall afford appropriate State and Federal agencies, and other interested persons, an opportunity to comment, and shall make adequate provision for holding public hearings, prior to completion of the Report. All comments received shall be considered in the preparation of the Report and copies of the Report shall be made available to the States and appropriate Federal agencies.

(c) The Administrator is authorized to request, collect, and acquire information from States and other non-Federal governmental entities for the proper exercise of his responsibilities under this title.

(d) The Administrator is authorized for the purpose of carrying out his responsibilities under this title to request from any department or agency of the Federal Government, and such department or agency shall provide him, information, except—

(1) information, the disclosure of which to another Federal agency is expressly prohibited by law; or

(2) trade secrets, commercial, financial or demographic information which is privileged or confidential and obtained by an agency from a person for statistical or law enforcement purposes, the disclosure of which to another Federal agency would frustrate development of accurate statistics by the collecting agency or would adversely affect law enforcement procedures.

(e) Notwithstanding any other provision of law, information acquired by the Administrator shall be made available to the public upon request, except information which is—

(1) classified in the interest of national defense or foreign policy pursuant to statute or Executive order;

(2) specifically prohibited from disclosure by statute or which would constitute a clear invasion of personal privacy if disclosed;

(3) acquired from a Federal, State, or local agency and obtained by that Federal, State, or local agency in a privileged or confidential manner; and

(4) individual respondent data which contains trade secrets, commercial or financial information the disclosure of which the Administrator finds would have a significant and adverse effect upon the competitive position of that respondent.

PART B—EXPEDITED FEDERAL ENERGY FACILITY AND OTHER LICENSING PROCEDURES

SEC. 306. FEASIBILITY STUDY FOR EXPEDITED FEDERAL LICENSING PROCEDURES.—The Interagency Land Resource Advisory Board established pursuant to section 203 of this Act shall conduct a study, and report to the President and the Congress the results thereof within two years of the enactment of this Act, of methods to reduce the delays in obtaining, conflicting requirements for, and number of permits, licenses, and other governmental decisions which serve as prerequisites to proposed development activities, with particular emphasis on permits, licenses, and decisions associated with Federal programs. The Board shall analyze the procedures of and experiences under the expedited Federal energy facility licensing program established pursuant to section 307 to assess the advantages and disadvantages of such program as one such method.

SEC. 307. EXPEDITED FEDERAL ENERGY FACILITY LICENSING PROGRAM.—(a) In order to coordinate, simplify, and expedite the processing of applications to construct energy facilities, the Administrator, in cooperation with designated lead agencies, shall supervise the expedited Federal energy facility licensing program established pursuant to this section. The actual authority to approve or disapprove applications for energy facilities, however, shall continue to reside in those Federal agencies possessing specific statutory authority over proposed energy facilities or their appendages.

(b) The Administrator shall have the following duties and authorities in the expedited Federal energy facility licensing program—

(1) The Administrator shall develop in cooperation with all other Federal agencies with authority over any aspect of energy facility site or facility approval, a single composite application which, once developed, shall be the sole application required for Federal approval prior to the commencement of construction. For the purpose of this section the term "commencement of construction" means any clearing of the land, excavation, or other substantial action which would adversely affect the natural environment of the site or area surrounding a proposed energy facility or a proposed addition to an existing facility, but does not include changes necessary for the site feasibility investigations such as borings to determine foundation conditions, or other preconstruction monitoring to establish background information related to the suitability of the site of the protection of environmental values.

(2) The Administrator shall designate for each application for a proposed energy facility a lead agency which shall carry out the responsibilities provided for in subsection (c) of this section: *Provided*, That in all cases the lead agency shall be a Federal agency with existing approval authority over the proposed energy facility: *And provided further*, That the lead agency so designated shall be the Nuclear Regulatory Commission with respect to any energy facility subject to its jurisdiction under the Atomic Energy Act, and the Federal Power Commission with respect to any energy facility subject to its jurisdiction under the Federal Power Act.

(3) In order to carry out the purposes of this title, the Administrator is authorized to coordinate and expedite the review of applications for energy facility approval undertaken by Federal agencies pursuant to their statutory mandates and, in consultation with such agencies, may establish appropriate priorities and timetables for the completion of those agencies' review processes: *Provided, however*, That all priorities and timetables established by the Administrator shall be consistent with the statutory obligations of such agencies. In appropriate circumstances, the Administrator may grant requests from agencies for extensions or revisions in priorities and timetables.

(4) The Administrator shall keep apprised of the processing of applications for proposed energy facilities at the State level and, where appropriate and consistent with applicable Federal and State law, suggest possible procedures for consolidating State and Federal proceedings with a view to reducing duplication of effort and expediting the review process.

(5) The Administrator may, within twenty days after receipt of any Federal agency decision approving or disapproving an application, petition that agency to reconsider its decision. Petitions for reconsideration filed by the Administrator shall be granted or denied within thirty days of their receipt by the agency involved.

(6) Upon the petition of any agency with authority to approve or disapprove an application, the Administrator may grant an extension of the eighteen-month period permitted under subsection (f) of this section for that agency's consideration of the application: *Provided*, That no extension of the eighteen-month period shall be granted by the Administrator unless he determines that despite all due diligence on the part of the agency involved it has been impracticable to reach a decision within eighteen months and that the public interest requires continuation of that agency's proceedings for a longer period.

(7) The Administrator shall designate within his agency a responsible official to provide prospective applicants, citizen groups, and members of the general public, available sources of technical assistance and the status of pending energy facility applications. The Administrator shall publish, periodically or as applications for proposed energy facilities are received, notice of applications received and the status of applications in the licensing process.

(8) The Administrator shall encourage prospective applicants for proposed energy facilities to contact his agency as soon as possible in order that any eventual Federal action may be expedited.

(c) The duties of the lead agency, as defined in subsection (b)(2) of this section, shall be:

(1) to receive from the applicant the application for a proposed energy facility and

determine, as soon as possible and in cooperation with other affected agencies, any deficiencies therein;

(2) to distribute promptly copies of the applicaton determined to be complete to those other Federal agencies whose review is necessary;

(3) to notify the applicant and the Administrator of those Federal agencies with review authority over the proposed energy facility;

(4) to review the application under its existing statutory authority and to notify the Administrator of its eventual decision;

(5) to hold, to the extent practicable under applicable law, a consolidated public hearing in cooperation with other governmental agencies with interest in, or statutory duties to hold public hearings with respect to, the proposed energy facility;

(6) to receive all necessary Federal determinations and to notify the Administrator and the applicant immediately as each such determination is received; and

(7) to notify the applicant as soon as either all necessary Federal approvals required prior to construction of the proposed energy facility have been obtained or the application of such facility has been denied. A copy of this notification shall also be sent to the Administrator.

(d) A complete application for a proposed energy facility, other than a facility owned or to be owned by the Federal Government, shall be filed with the Administrator at least eighteen months prior to the planned date of commencement of construction: *Provided, however,* That in order to assure an orderly transition to the full requirements of this section, any application received during the period beginning January 1, 1976, and ending June 30, 1977, shall be accepted if it, while not received eighteen months prior to the planned date of commencement of construction, was made as expeditiously as possible by the applicant: *Provided further,* That where an application can reasonably be processed in significantly less time than eighteen months, the Administrator, in his discretion, may waive the eighteen-month filing requirement.

(e) Effective January 1, 1976, commencement of construction on an energy facility which requires approval by a Federal agency, other than an energy facility owned or to be owned by the Federal Government, shall proceed only if the applicant for such facility has, pursuant to the provisions of this section, been notified by the lead agency that all the necessary Federal approvals have been obtained.

(f) Each Federal agency with authority to act on an application for a proposed energy facility, including the lead agency, shall move expeditiously to determine the matters within its jurisdiction through the exercise of its full powers and responsibilities, including the issuance of any notice and participation, to the extent possible, in the unified public hearings provided for under subsection (c)(5) of this section. In addition, each agency shall comply with any timetables or priorities which may be established by the Administrator, pursuant to subsection (b)(3) of this section and shall report to the Administrator, upon request, the status of pending applications and whether established timetables are met. Where Federal environmental standards and requirements are enforced and applied by the States under a program approved by a Federal agency, such Federal agency shall execute as expeditiously as possible the authority it retains under applicable statutes or regulations. Within the established timetables, and not later than eighteen months from its receipt of an application determined to be complete by the lead agency, each agency shall render a decision on the application and shall immediately notify the lead agency of that decision. The lead agency shall also render a decision within established timetables and within eighteen months of the determination that an application is complete: *Provided, however,* That any agency may petition the Administrator for an extension of time beyond the eighteen-month period.

(g) Any decision of a Federal agency, including a lead agency, denying or approving an application for a proposed energy facility shall not become a final order, for purposes of judicial review, until twenty days after it has been transmitted to and received by the Administrator or until such time as a decision has been rendered on any petition for reconsideration filed by the Administrator. A notification by the lead agency, pursuant to subsection (c) of this section that necessary Federal approvals required prior to construction have been obtained, shall not constitute a final order subject to judicial review.

(h)(1) Notwithstanding any provision of law to the contrary, any person who is aggrieved by a final order of a Federal agency granting or denying an application for a proposed energy facility may appeal within sixty days from the date such order became final, as provided in subsection (g) of this section. Any such appeal shall be conducted in accordance with the provisions of sections 2341–2351 of title 28, United States Code.

(2) If there shall be pending simultaneously appeals from the final order of more than one Federal agency with respect to the same proposed energy facility, the courts are authorized where possible to consolidate such appeals for hearings and to transfer proceedings to a single court whenever such actions would promote a speedier disposition of the proceedings without undue prejudice to any party.

TITLE IV—PROGRAM OF ASSISTANCE TO INDIAN TRIBES

SEC. 401. GRANTS TO INDIAN TRIBES.—The Secretary is authorized to make annual grants to Indian tribes to assist any such tribe to inventory, and plan the use of, reservation and other tribal lands and the resources thereof of such tribe, and to enter into contracts to obtain expert assistance in such inventorying and planning activities.

SEC. 402. STUDY COMMISSION.—(a) The Secretary is authorized and directed to appoint a commission to study and report to him on the existing legal authority for tribal management, regulation, or control of reservation and other tribal lands. In conducting the study, the commission shall identify the various lands involved, the resources thereof, and the legal authorities pertaining thereto. The commission shall investigate the problems related to coordination of land resource planning and management within such lands where the legal authority therefor is divided and between such lands and adjacent lands under Federal, State, or local government or other tribal jurisdiction. The commission shall make such recommendations as they deem appropriate concerning the consolidation or coordination of such authorities and the advisability and possible procedures for a land resource program applicable to reservation and other tribal lands with requirements similar to the requirements in this Act relating to State land resource programs.

(b) The commission shall include representatives of concerned Federal agencies, State and local governments, and the Indian tribal community.

(c) In addition to per diem and travel expenses, the representatives of the State and local governments and the Indian tribal community shall be compensated at a rate not to exceed $100 per day when actually on commission business. Federal representatives shall serve without compensation.

(d) The Secretary shall submit the study and report of the commission, together with his recommendations, to the Congress not later than eighteen months from the date of enactment of this Act.

TITLE V—AUTHORIZATIONS AND ALLOCATIONS

SEC. 501. AUTHORIZATIONS OF APPROPRIATIONS.—(a) For the eight complete fiscal year period following the enactment of this Act, there are authorized to be appropriated to the Secretary for grants to the States $100,000,000 each fiscal year to carry out the purposes of this Act.

(b) For the eight complete fiscal year period following the enactment of this Act, there are authorized to be appropriated to the Secretary $2,000,000 each fiscal year to carry out the purposes of section 206 of this Act.

(c) For the eight complete fiscal year period following the enactment of this Act, there are authorized to be appropriated to the Secretary for grants to Indian tribes $10,000,000 each fiscal year to carry out the purpose of section 401 of this Act.

(d) For each of the two fiscal years following the enactment of this Act, there are authorized to be appropriated to the Secretary such sums as are necessary to carry out the purpose of section 402 of this Act.

(e) For each of the five full fiscal years following the enactment of this Act, there are authorized to be appropriated to the Secretary and the Administrator such sums as are necessary for the administration of this Act. After the end of the fourth full fiscal year after the enactment of this Act, the Secretary shall review the programs established by titles I, II, and IV and the Administrator shall review the programs established by title III, and they shall submit to Congress their assessments thereof and such recommendations for amendments to this Act as they deem proper and appropriate.

SEC. 502. ALLOCATIONS.—(a) Annual grants, pursuant to section 101, to States found eligible for financial assistance pursuant to this Act shall be made in amounts not to exceed 90 per centum of the estimated cost of developing and administering the State land resource programs for the five complete fiscal year period following the enactment of this Act and amounts not to exceed 66⅔ per centum of the estimated cost of administering such programs for the next three fiscal years.

(b) Grants pursuant to section 101 shall be allocated to the States on the basis of regulations of the Secretary, which regulations shall take into account the amount and nature of each State's land resource base, population, pressures resulting from growth, land ownership patterns, energy needs and energy conservation efforts, extent of areas of critical State concern, financial need, and other relevant factors.

(c) Any grant pursuant to section 101 shall increase, and not replace, State funds presently available for State land resource planning and management activities. Any grant made pursuant to this Act shall be in addition to, and may be used jointly with, grants or other funds available for land resource planning, programs, surveys, data collection, or management under other federally assisted programs.

(d) Annual grants to Indian tribes pursuant to section 401 shall be made in amounts of not to exceed 100 per centum of the estimated cost of the inventorying and planning activities for which the grants are awarded.

(e) Considering, among other factors, the degree of responsibility assumed, a State receiving grants under this Act is authorized to make a portion of its grant funds available to local governments for planning and review purposes associated with the development or amendment of the State land resource program; to general purpose local governments for participation in the development, amendment, and implementation of such program; and to interstate

agencies to coordinate State land resource programs as they relate to interstate areas.

(f) No funds granted pursuant to this Act may be eypended for the acquisition of any interest in real property.

DIFFERENCES BETWEEN THE LAND RESOURCE PLANNING ASSISTANCE ACT AND S. 268 (THE LAND USE POLICY AND PLANNING ASSISTANCE ACT OF THE LAST CONGRESS)

1. Reduced in length—last year's text is reduced from 84 pages to 37—with only minor changes in substance (see below). (A new title described in 7 and 8 below, totalling 19 pages was added.)

2. Simplified—the unnecessarily complex provisions were rewritten to make them more understandable.

3. Deletion of title IV—"Federal-State Coordination in the Planning and Management of Federal Lands and Adjacent Non-Federal Lands." This title should more properly be included in S. 507, the National Resource Lands Management Act (the so-called "BLM Organic Act"). I am introducing it today as an amendment to S. 507, the Land Resource Planning Assistance Act.

4. Deletion of the separate grant program for interstate land resource planning and management. This reduces the overall price tag of the bill by $120 million (total of new bill: $880 million over 8 years). Indications were that, in any case, there were not sufficient funds in the interstate grant program to encourage States to enter into formal interstate arrangements.

5. Changing the purpose of grants to Indian tribes from assisting both planning and management of reservation and other tribal lands to assisting only planning. The Committee, after approving an Indian title last Congress, discovered that the question of who has the authority to wield land use controls on reservation and tribal lands is more complicated than had been previously known. Therefore, the new bill limits the purpose of grant funds to planning only until the management jurisdictions are better understood. To achieve such understanding, the bill establishes a study commission of representatives of Indian tribes, Federal agencies, and State and local governments to report to Congress on the issues involved, with recommendations on how to resolve them.

6. Elimination of the provision authorizing the Secretary of the Interior to require that a State include "areas of critical environmental concern of more than statewide significance" in the State land resource program. Although this did not permit Federal pre-emption on policy matters in that the States could adopt whatever policies they wanted toward those areas after they included them in their programs, it still clearly raised fears of Federal pre-emption in the minds of many; thus the reason for its removal.

7. Addition of an energy facility planning title calling for the development of State energy facility planning programs which, unlike the Administration's proposal, focuses on planning rather than simply siting, makes that planning part of the multi-purpose planning of the State land resource program and not single purpose in effect, is completely voluntary and has no Federal override of State decisionmaking, and encourages consideration of energy conservation measures to reduce siting needs.

8. Additional emphasis given to encouraging land resource decisionmaking which is not only more open and effective, but also more efficient. Reflecting the concern of many businessmen over the proliferation of permit and license requirements at all levels of government, the bill would require a high-level interagency study of means of expediting licensing, permitting, and other governmental decisions which serve as prerequisites for development. The bill also would establish an Expedited Federal Energy Facility Licensing Program, which is needed in its own right, but also can serve as a prototype program to be critically reviewed in the interagency study.

9. Elimination of the ad hoc hearing board which was to consider State appeals from a determination of ineligibility and the provision instead for immediate access for the States to the Court of Appeals to challenge the determination.

10. Inclusion at the beginning of the bill of a specific statement of what are not the purposes of the bill and a prohibition against construing any provisions of the bill to find such purposes.

Mr. PACKWOOD. Mr. President, for a Nation which has been ill-prepared for an energy crisis and the expanding recession and inflation of today, what could be more important than planning? There is hardly a social, economic, energy, or environmental issue that does not rest upon questions of land use—how and where we use our limited valuable lands. Before our country unwisely develops and irreversibly changes much of its land resources, land-use planning must be initiated. To come to grips with urban expansion, rural sprawl onto prime agricultural lands, efficient plans for community transportation, air and water quality control, we should devise effective democratic ways of dealing with our problems of growth and development.

Conflicting land uses are an ever-increasing dilemma—from powerplant siting policies which run counter to open space and wilderness plans that collide with highway routing. An over-all State-county-local land-use plan is the key for coordinating the patchwork of these "single purpose" State and local planning efforts.

The Land Resource Planning Assistance Act, which I am cosponsoring today, has passed the Senate twice, most recently on June 31, 1973, by a vote of 64 to 21.

The basic purpose of the Land Resource Planning Assistance Act is to encourage, through voluntary grants, improvement in State and local land-use programs. The American Law Institute has estimated that 90 percent of all land-use decisions are only of local concern. I believe this Act is designed correctly, in that it merely provides funds for States to use jointly with local governments, without the fear of Federal land-use intervention. Congress has proven time and time again that it cannot run programs well from Washington. In fact, any possible Federal pre-emption of local and State land-use planning under the Act is specifically ruled out by a statement of what the purposes of assistance to States are, and a prohibition against construing any provisions of the act to allow Federal intervention.

The grants to the States for the development and administration of land resource programs would total $100 million per year for 8 years at 90 percent Federal share of the cost for 5 years, and at two-third the total program cost as the Federal share thereafter.

The act has an essential feature which will affect Federal land-use activities in States receiving program funding. Federal activities which significantly affect land-use in these States must be consistent with the State land resource programs, except in cases of overriding national interest as determined by the President. In Oregon, 32,089,000 acres or 52 percent of total land area is under Federal control. Therefore, this provision is extremely helpful by allowing a State such as Oregon to get a handle on Federal forest, mining, and range management policies, habitat protection and soil erosion, to name just a few.

Land-use planning is undoubtedly needed so that State and local governments can prepare for the demands upon scarce land in the future. There is not even a preliminary blueprint for land use in this country, let alone a master plan. The Nation has to get going now, this year, to assist States which elect, hopefully, to develop wise land resource planning programs.

Many States like Oregon have developed or are considering legislation to deal with mounting land-use problems and pressures. These States are eager to meet the challenge. All they need is the assurance that technical and financial resources will be made available to implement the legislation they enact. We should recognize that profit, economic growth, and technological expansions are not necessarily or automatically good, especially at the expense or potential danger to our invaluable quality of life.

In the same spirit which inspired and helped pass the National Environmental Policy Act and the Coast Zone Management Act of 1972. I believe the Land Resource Planning Assistance Act is a fine piece of legislation that is crucial to accomplish our environmental goals of resource protection and enlightened management.

I am pleased to represent my home State of Oregon on the subject of land-use planning here today. Oregonians are once again setting a precedent which I believe this act will foster at a time when land-use planning is most critically needed.

Mr. President, I ask unanimous consent that a summary of Oregon's land-use planning efforts provided by the Oregon Conservation and Development Commission be included at this point in the RECORD.

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

OREGON'S HISTORY IN LAND-USE PLANNING

BACKGROUND

In 1973, the 57th Legislative Assembly adopted Senate Bill 100 (ORS Chapter 197), otherwise known as the 1973 Land Use Act. This represented the latest in a series of actions by the State of Oregon to promote comprehensive land use planning to assure the highest level of livability for its citizens. The Act provides for the coordination of local comprehensive plans through state standards and review. Furthermore, the statute mandated active citizen involvement in the on-going land use planning process at all governmental levels.

Until the 1973 Act, efforts in Oregon had been guided by ORS Chapter 215.515, enacted in 1969. That statute set forth broad goals and objectives for comprehensive physical planning. Although, the goals in the 1969 Act were not mandatory, they were made required interim goals under provisions of SB 100, Section 48.

To guide local comprehensive planning, the 1973 Act directed the Land Conservation and Development Commission (LCDC) to adopt statewide planning goals and guidelines by January 1, 1975. These planning goals, adopted by the LCDC, replace the interim goals and are regulations. The goals and guidelines are to be used by state agencies, cities, counties and special districts in preparing, adopting, revising and implementing comprehensive plans.

Using the ten broad goals and objectives from the 1969 law as a foundation, the LCDC expanded each and added forest lands; energy; citizen involvement; land use planning; and housing. The goal subjects include definitions, as well as, guidelines which provide alternative ways to accomplish the planning goals.

In developing the statewide land use goals and guidelines, LCDC conducted 56 public workshops in the Spring and Fall of 1974 to ascertain citizen attitudes and concerns about land use and comprehensive planning. In November and December, 1974, the Commission conducted 18 public hearings and a number of public work sessions on the drafts of the statewide goals. The goals and guidelines were formally adopted December 27, 1974.

The Citizen Involvement goal was also adopted as an administrative rule on December 27, 1974 so that it would become effective January 25, 1975. This action was taken to assure that citizen involvement opportunities would be created throughout the plan review and development in 1975.

All goals are of equal importance. The order in which the goals are printed does not indicate any order of priority.

Comprehensive plans, and any ordinances or regulations implementing the plans, are to comply with the statewide goals by January 1, 1976. Extensions may be granted by the Commission in those situations where satisfactory progress is demonstrated.

FUTURE CHANGES

Substantive changes in the statewide planning goals and guidelines will be kept to a minimum so that governmental units will have an opportunity to incorporate the goals into their comprehensive plans.

The refinement of goals and guidelines will be on-going to assure that they reflect the State's current needs and provide for regional differences. The various needs of these areas will be incorporated into more specific regionalized goals and guidelines in the future.

GOAL-GUIDELINE DESCRIPTION

"Goals are intended to carry the full force of authority of the state to achieve the purposes . . . of the Act." Goals are regulations and the basis for all land use decisions relating to that goal subject.

"Guidelines . . . are suggested directions that would aid local governments in activating the mandated goals. They are intended to be instructive, directional and positive, but not limiting local governments to a single course of action when some other course would achieve the same result . . . guidelines are not intended to be a grant of power to the state to carrying zoning from the state level . . ."—The Senate Journal—1972.

Guidelines following most goals are divided into two sections—planning and implementation. Planning guidelines relate primarily to the process of bringing plans into conformance with the goals. Implementation guidelines relate primarily to the process of carrying out the goals once they have been dealt with in the plans. Both of these sections are to be considered during the preparation of land use plans.

CITIZEN INVOLVEMENT

Goal: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

LAND USE PLANNING

Goal: Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

AGRICULTURAL LANDS

Goal: To preserve and maintain agricultural lands.

Goal: To preserve and maintain agricultural lands.

Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space. These lands shall be inventoried and preserved by adopting exclusive farm use zones pursuant to ORS Chapter 215. Such minimum lot sizes as are utilized for any farm use zones shall be appropriate for the continuation of the existing commercial agricultural enterprise within the area. Conversion of rural agricultural land to urbanizable land shall be based upon consideration of the following factors: (1) environmental, energy, social and economic consequences; (2) demonstrated need consistent with LCDC goals; (3) unavailability of an alternative suitable location for the requested use; (4) compatibility of the proposed use with related agricultural land; and (5) the retention of Class I, II, III and IV soils in farm use.

FOREST LANDS

Goal: To conserve forest lands for forest uses.

Forest land shall be retained for the production of wood fibre and other forest uses. Lands suitable for forest uses shall be inventoried and designated as forest lands. Existing forest land uses shall be protected unless proposed changes are in conformance with the comprehensive plan.

In the process of designating forest lands, comprehensive plans shall include the determination and mapping of forest site classes according to the United States Forest Service manual "Field Instructions for Integrated Forest Survey and Timber Management Inventories—Oregon, Washington and California, 1974."

OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

Goal: To conserve open space and protect natural and scenic resources.

Programs shall be provided that will: (1) insure open space, (2) protect scenic and historic areas and natural resources for future generations, and (3) promote healthy and visually attractive environments in harmony with the natural landscape character. The location, quality and quantity of the following resources shall be inventoried:

a. Land needed or desirable for open space;
b. Mineral and aggregate resources;
c. Energy sources;
d. Fish and wildlife areas and habitats;
e. Ecologically and scientifically significant natural areas, including desert areas;
f. Outstanding scenic views and sites;
g. Water areas, wetlands, watersheds and groundwater resources;
h. Wilderness areas;
i. Historic areas, sites, structures and objects;
j. Cultural areas;
k. Potential and approved Oregon recreation trails;
l. Potential and approved federal wild and scenic waterways and state scenic waterways.

Where no conflicting uses for such resources have been identified, such resources shall be managed so as to preserve their original character. Where conflicting uses have been identified the economic, social, environmental and energy consequences of the conflicting uses shall be determined and programs developed to achieve the goal.

AIR, WATER AND LAND RESOURCES QUALITY

Goal: To maintain and improve the quality of the air, water and land resources of the state.

All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plan, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.

AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

Goal: To protect life and property from natural disasters and hazards.

RECREATIONAL NEEDS

Goal: To satisfy the recreational needs of the citizens of the state and visitors.

ECONOMY OF THE STATE

Goal: To diversify and improve the economy of the state.

Both state and federal economic plans and policies shall be coordinated by the state with local and regional needs. Plans and policies shall contribute to a stable and healthy economy in all regions of the state. Plans shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base; materials and energy availability; labor market factors; transportation; current market forces; availability of renewable and nonrenewable resources; availability of land; and pollution control requirements.

Economic growth and activity in accordance with such plans shall be encouraged in areas that have underutilized human and natural resource capabilities and want increased growth and activity. Alternative sites suitable for economic growth and expansion shall be designated in such plans.

HOUSING

Goal: To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

PUBLIC FACILITIES AND SERVICES

Goal: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable and rural areas to be served. A provision for key facilities shall be included in each plan. To meet current and long-range needs, a provision for solid waste disposal sites, including sites for inert waste, shall be included in each plan.

TRANSPORTATION

Goal: To provide and encourage a safe, convenient and economic transportation system.

A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon

an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services, (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility .

ENERGY CONSERVATION

Goal: To conserve energy.

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

URBANIZATION

Goal: To provide for an orderly and efficient transition from rural to urban land use.

Urban growth boundaries shall be established to identify and separate urbanizable land from rural land.

Establishment and change of the boundaries shall be based upon consideration of the following factors:

(1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;

(2) Need for housing, employment opportunities, and livability;

(3) Orderly and economic provision for public facilities and services;

(4) Maximum efficiency of land uses within and on the fringe of the existing urban area;

(5) Environmental, energy, economic and social consequences;

(6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,

(7) Compatibility of the proposed urban uses with nearby agricultural activities.

By Mr. PELL (for himself, Mr. SCHWEIKER, Mr. BAKER, Mr. BAYH, Mr. BEALL, Mr. BROCK, Mr. BROOKE, Mr. BUMPERS, Mr. CASE, Mr. CLARK, Mr. CRANSTON, Mr. CULVER, Mr. DOMENICI, Mr. GOLDWATER, Mr. PHILIP A. HART, Mr. HARTKE, Mr. HATHAWAY, Mr. HUMPHREY, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. LEAHY, Mr. MATHIAS, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MONDALE, Mr. MONTOYA, Mr. NELSON, Mr. PASTORE, Mr. RIBICOFF, Mr. STAFFORD, Mr. STONE, and Mr. TUNNEY):

S. 985. A bill to amend the Social Security Act to establish a procedure for the prompt payment of social security benefits to individuals whose social security checks have been lost, stolen, or otherwise delayed; to expedite hearings and determinations respecting claims for benefits under titles II, XVI, and XVIII of the act and part B of title IV of the Federal Coal Mine Health and Safety Act of 1969; and to amend title II of the Social Security Act to limit to 25 percent the reduction that may be made in a individual's benefit check for any month because of any previous overpayments of monthly benefits. Referred to the Committee on Finance.

SOCIAL SECURITY RECIPIENTS FAIRNESS ACT OF 1975

Mr. PELL. Mr. President, today I am introducing the Social Security Recipients Fairness Act of 1975. The purpose of this legislation is to remedy widespread unfair and unfortunate procedural problems which plague hundreds of thousands of social security recipients each year, with unjustifiable and intolerable delays in applying for, and receiving, social security and black lung benefits due to them.

I am sure that we who serve in the Senate are all too familiar with the case histories of individuals in our States who have experienced severe hardships because their social security checks have been lost, stolen, or delayed; persons who suffer because their social security, supplemental security income, disability insurance, or black lung claims are being held up for an unconscionably long time in the tortuously convoluted appeals systems; and persons who are left destitute because the Social Security Administration is penalizing them wholesale for an accidental benefit overpayment by withholding entire benefit checks to affect a repayment.

When these travesties of administrative procedure fall upon an individual, the consequences are frequently economically disasterous and psychologically demoralizing. The low-income recipient who relies upon the prompt and regular delivery of a benefit check and does not receive it often must go without food or medicine, delay payment of rent or utility bills, or risk fuel or telephone shutoffs. In these times of inflation and tight credit, the middle-income recipient faced with no check, is no better off.

I am determined that a stop should be put to this unfair imbalance of the administrative scales. This imbalance places paperwork and computer time requirements of the enormous Social Security bureaucracy far above the human needs of an individual for whom the regular and prompt receipt of benefit checks is absolutely necessary.

I am delighted to be joined in this important effort by Senator SCHWEIKER, whose concern for black lung recipients is responsible for title III of this bill. Title III is identical to legislation which Senator SCHWEIKER introduced in the last Congress, to grant procedural protection to hundreds of persons who have experienced long delays in the black lung benefit application process. In all, 33 Senators have cosponsored this legislation, and I believe that this reflects our direct experience of the enormous numbers of cases of benefit check losses, and procedural delays.

The legislation I am introducing today reflects my ideas and my evaluation of studies which have focused on the social security claims and appeals process. It is directed toward four basic situations, each of which shares a common denominator; namely, the unfair burdens of loss of time and money which are placed on the benefit recipient or applicant, whenever this massive bureaucracy stalls or makes an error.

LOST, STOLEN, OR DELAYED CHECKS

The most frequent problem I have seen is the delay in issuing benefit checks when a change in personal status occurs or when a regularly issued check is lost or stolen. A study currently under preparation for the Commissioner of the Social Security Administration will show that, last year, there were more than 108,000 lost checks for title II benefits, and more 64,000 lost checks for supplemental security income benefits. This total of more than 172,000 checks points to many cases of hardship and deprivation. I have recently worked on several cases which clearly illustrate this problem.

Mrs. B. and her daughter live in Providence, R.I. Mrs. B.'s husband died in May of 1973, and although she properly notified the Social Security Administration, her claim checks were improperly drafted and made for the wrong amount, for several months. After my office interceded, one check was properly drafted, but the next several reverted to the incorrect amount and wrong recipient name. Again, my office interceded, and again, Mrs. B. went on the merry-go-round of one accurate check, followed by a series of unusable drafts.

After my third intercession, the checks stopped completely. In February 1974, the situation was corrected, taking 9 months to solve.

Mr. D. of Warwick, R.I., was disabled in May 1972. His benefits were supposed to begin in December 1972, but, as check after check failed to arrive, Mr. D. contacted my office. An investigation failed to locate Mr. D.'s file in Social Security's Baltimore headquarters. To complicate matters, each time a call was made to the Social Security Administration, the earlier contacted individual had been replaced, or was ill, or on vacation. Mr. D.'s case ostensibly was placed on "critical," "emergency," and then "special claim" status, but the checks did not come. In February of 1974, Mr. D. began to receive some compensation. This gentleman's problem took 14 months to resolve.

When Mrs. Y. of Cranston, R.I., discovered that her monthly check had been stolen from her mailbox, she correctly reported the theft and requested a substitute. That was in February 1973. After repeated requests had brought no result, Mrs. Y. contacted my office, and I was advised in early October 1973, that a substitute check would be delivered to Mrs. Y. during the third week of that month. By November 15, when no check had been received, I called Social Security again. Mrs. Y. finally received a check, hand delivered by a member of the Secret Service, on December 3, 1973. Mrs Y. is on a totally fixed income. She had no resources to cushion the loss of her money, yet it took the SSA and other agencies 10 months to issue a substitute check.

It is hard enough upon the average family when a check is merely delayed, but the experience of Mr. S. of Cranston, R.I., illustrates that it may not help to attempt to straighten out the problem.

Shortly before retirement, Mr. S. had inquired regarding his level of benefits, and learned that he would receive approximately $388 per month. His first three checks had not arrived when Mr. S. contacted my office. He had al-

ready filed the proper notification forms, and to complicate matters, his wife's medicare premiums, which should have been deducted automatically from her benefit check, could not be paid.

When Mr. S. finally received an official looking envelope and opened it, hoping that it was a check, he learned that the couple's medical insurance coverage had been stopped, because the premiums were not being paid. The local social security manager conceded that, with inquiries coming in on the case, the solution might have been delayed. In other words, if Mr. S. had not pointed out that the defaulting of medical insurance was social security's fault, he might have been reimbursed faster.

These examples clearly illustrate that the present operation of this nonsystem is too rigid to meet the completely justifiable emergency needs of the individual social security recipient. My legislation puts the flexibility that is needed into the social security law, so that no person or family will ever again have to wait for more than 4 days for the replacement of a delayed, stolen, or misplaced social security check.

DETERMINATION, HEARING, AND APPEALS

If the sorry performance of the Social Security Administration with regard to lost, stolen, or delayed checks, is distressing, the discrepancies which mark the disposition of disability claim appeals are astonishing.

I have conducted a thorough study of the disability appeals process, and I have carefully documented an outstanding problem which deserves immediate attention and rectification.

The process by which a claimant must contest a social security disability determination is long and complex: it can also be a costly and arduous route. This is, unquestionably, an area in which much thought needs to be given to the rights of the claimant, and to the proper role of the Social Security Administration. In this legislation I have pinpointed one shocking aspect of this appeals process; namely, the length of time it takes from the date an appeal is filed, until a final decision is reached. It has been said that "justice delayed in justice denied." What then, can we say about an appeals process which can be routinely completed in 93 days in one region, but which takes 120 days in the Atlanta region, 206 days in the Chicago region, and, worst of all, takes an average of 226 days to complete in New England?

The very important question which is resolved for some of our citizens in 93 days, or 3 months on the average, takes more than 7 months, or an average of twice as long, to be resolved for others. How can the Social Security bureaucracy be content when vital decisions are delayed for months beyond the time which is reasonable and proper for a careful determination?

It is edifying to note that the Railroad Retirement Board which administers a similar disability insurance system for railroad employees maintains a 3-month average for their hearings and appeals process, regardless of the region in which the claim originated.

In the last year for which statistics are available, more than 68,000 persons requested appeal hearings after they were dissatisfied with initial disability decisions made by the Social Security Administration. Of those, 61,000 appeals were finally adjudicated. Of that number, 31,467 were reversals, that is, findings in favor of the claimant and in opposition to the earlier disability determination. This means that of the cases which were appealed, more than half were found to have been improperly decided on the local level. I believe that this statistic, in itself, calls for a thorough reappraisal of the initial decision process. What I find shocking in this situation is the enormous disparity in regional efficiency in the determination of this issue. Thousands of disabled Americans wait for months because of unnecessary bureaucratic time wasting. Each month means a loss of badly needed income. Each month of waiting longer than is reasonably necessary represents a tragedy.

Furthermore, these are only average figures which conceal extremes. A close study of the figures indicates that 20 percent of the cases in the New England region are more than 289 days old.

I can compare this sorry record with the Dallas region, the Nation's most efficient in this regard, in which the average age for the one-fifth longest pending cases is only 163 days. I have explored this interregional timelag, and I can find no reason for it other than the fact that some regional offices, my own region among them, apparently believe that they are not responsible for providing adequate service to the average American. I believe that this cavalier attitude is wrong and must be changed, and I have today introduced legislation which will require that standards of efficiency which can be set by one region must become the standards for all of the regional offices.

In addition, this legislation would extend procedural guarantees to applicants for title II and title XVI, supplemental security income benefits.

In an important hearing conducted by the Special Committee on Aging last summer, several expert witnesses testified on the procedural problems and delays faced by SSI applicants. One witness, Robert N. Brown, who is the director of the Center for Legal Services for the Aging at Syracuse University referred to this legislation as introduced last year, as a specific remedy for the problems faced by applicants who desperately need the benefits of these programs, but whose applications or appeals are held up for many months.

BLACK LUNG BENEFITS

Applicants for black lung benefits suffer from the same delays in their applications for benefits, and in the appeals process, as do persons for benefits under titles II, XVI, and XVIII. Senator SCHWEIKER originally introduced this legislation to the Social Security Recipients Fairness Act in the 93d Congress, and it made sense to us to incorporate it in this bill.

REPAYMENT OF ACCIDENTAL OVERPAYMENTS

Finally, this legislation addresses itself to the problems faced by persons who have received inadvertent benefit overpayments. The present social security benefit structure is so complex that innocent mistakes are bound to occur in the computation of benefits. It is presently the practice of the SSA, upon discovering an overpayment, to deduct the amount of the overpayment in one lump sum from the beneficiaries' monthly check or checks, often completely wiping out an entire month's benefits. I propose that no more than 25 percent of a monthly check be deducted, for as many months as are necessary to refund the overpayment, in this way easing the often intolerable burden upon the individual beneficiary.

Mr. President, if this legislation is passed it will relieve hundreds of thousands of Americans from the burdens imposed by a bureaucracy which is more oriented toward machines than toward people. I do not think that anything could be fairer than to require the bureaucracy to perform important procedures in reasonable amounts of time, and this is the focus of this bill.

Mr. President, I ask unanimous consent that the text of the Social Security Recipients Fairness Act be printed in the RECORD at this point.

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

S. 985

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 Social Security Recipients Fairness Act of 1975."

TITLE I—REPLACEMENT OF LOST, STOLEN OR DELAYED CHECKS

SEC. 101. Section 205(q) of the Social Security Act is amended to read as follows:

"EXPEDITED BENEFIT PAYMENTS

"(q)(1) Notwithstanding any other provision of law, the Secretary shall establish and put into effect procedures under which expedited payment of monthly benefits under this title will, subject to paragraph (4) of this subsection, be made in the manner prescribed in paragraphs (2) and (3), of this subsection.

"(2)(A) Not later than one day after the date an individual files (with the official and at the place prescribed under regulations of the Secretary) a completed application (described in subparagraph (b)), the Secretary shall certify for payment and cause to be made to such individual the monthly insurance benefit payment, or so much thereof which has not been paid, alleged in such application to be due to such individual, unless information known to the Secretary indicates that a material allegation made in the application is untrue or for other reasons such individual is not entitled to such benefit payment, in which case, the Secretary shall apprise such individual of such information in writing.

"(B) The application referred to in subparagraph (A) shall contain:

"(i) the name, address, and Social Security number of the applicant,

"(ii)(a) an allegation that, one or more monthly benefit payments due and payable to the applicant have not been received by the applicant as of the date of the filing of the application, and are at least seventy-two hours overdue, together with the date that each such payment was due, or, (b) an allegation, concurred in by the Secretary, that one or more monthly benefit payments have been made and received in an amount less than that to which such individual is entitled, together with the date that each such payment was received.

"(iii) an allegation that the applicant is entitled to such benefit, and,

"(iv) such other data or information as the Secretary shall by regulations prescribe.

"(3) Any payment made pursuant to a certification under this subsection shall not be considered an incorrect payment for purposes of determining the liability of the certifying or disbursing officer.

"(4) For purposes of this subsection, benefits payable under section 228 and under Title XVI shall be treated as monthly insurance benefits payable under this title."

SEC. 102. Section 1631(d)(1) of the Social Security Act is amended by striking "and (f)" and inserting the following in lieu thereof: "(f) and (q)".

SEC. 103. The amendments made by sections 101 and 102 of this Act shall be effective in the case of applications filed and written requests filed, under section 205(q) of the Social Security Act, on and after the first day of the first calendar month which begins more than sixty days after the date of enactment of this Act.

TITLE II—EXPEDITING OF HEARINGS AND DETERMINATIONS

SEC. 201. Part A of Title XI of the Social Security Act is amended by inserting, immediately after section 1123, the following new section:

"SEC. 1124. (a) In the administration of the programs established by Titles II, XVI, and XVIII, the Secretary shall establish procedures designed to assure that—

"(1) any duly requested hearing to which an individual is entitled thereunder will be held within a reasonable period of time after such hearing is so requested, if such hearing is requested with respect to a determination of the Secretary: (A) as to the entitlement of such individual to monthly insurance benefits under Title II and Title XVIII or the amount of any such benefit; (B) which is described in section 1869(b)(1); and (C) as to the entitlement of such individual to benefits under Title XVI or the amount of any such benefit.

"(2)(A) Not later than ninety days after any hearing (except a hearing described in subsection (2)(B) of this section) described in subsection (1) of this section is requested, the Secretary shall render a final determination on the issues which were the subject of such hearing, or if no final determination of the Secretary has been made at that time, the Secretary shall make payments of benefits to such individual in like manner as if a final determination has been made fully in favor of thhe individual.

"(B) Subsection 2(a) of this section shall be applicable to any hearing in which the matter in disagreement involves the existence of a disability (within the meaning of sections 423(d) and 1614(a)(3) of the Social Security Act) except that the applicable period of time shall be one hundred and ten days.

"(3) The time period described in subsection (2) of this section shall be extended whenever and to the extent that such individual requests any extension of time or continuance, or fails to appear at the time of a hearing.

"(4) No payments to an individual shall be made under paragraph (2) for any period after a final determination of the Secretary has been made (after a hearing on the matter) denying the claim of such individual.

"(5) Any payments made pursuant to paragraph (2) shall not be considered to be an incorrect payment for purposes of determining the liability of the certifying or disbursing officer who made or authorizes such payment to be made.

"(6) Any payment made pursuant to paragraph (2) shall be nonrefundable and shall remain the property of the individual.".

TITLE III—EXPEDITED PAYMENT OF BLACK LUNG BENEFITS; AND EXPEDITED HEARINGS AND DETERMINATIONS RESPECTING SUCH BENEFITS

SEC. 301. (a) Section 413(b) of the Federal Coal Mine Health and Safety Act of 1969 is amended by striking out "and (1)" and inserting in lieu thereof "(q), and (1)".

(1) The amendment made by subsection (a) shall be effective in the care of applications filed and written requests filed and written requests filed, under part B of Title IV of the Federal Coal Mine Health and Safety Act of 1969, on and after the first day of the first calendar month which begins more than sixty days after the date of enactment of this Act.

SEC. 302. The Secretary of Health, Education, and Welfare, in the administration of part B of Title IV of the Federal Coal Mine Health and Safety Act of 1969, shall, with respect to hearings and determinations on claims thereunder, establish procedures for the expediting of such hearings and determinations which are, to the maximum extent feasible, patterned after and consistent with the objectives of section 1124 of the Social Security Act.

TITLE IV—LIMITATION OF BENEFIT REDUCTION TO COMPENSATE FOR BENEFIT OVERPAYMENT

SEC. 401. (a) The first sentence of Section 204(a)(1) of the Social Security Act is amended by inserting, immediately before the period at the end thereof, the following: "; except that the monthly insurance benefit to which any individual is entitled shall not be reduced by more than 25 percent on account of any overpayment (or overpayments) in monthly insurance benefits previously made to such individual or any other individual".

(b) The amendment made by subsection (a) shall be applicable in the case of decreases made under section 204(a) of the Social Security Act from monthly insurance benefits payable for months after the month in which this Act is enacted.

Mr. RIBICOFF. Mr. President, today, I am joining in reintroducing legislation to assure speedy replacement of lost, stolen, or otherwise misplaced social security, supplemental security income—SSI—and disability benefit checks. The legislation would also speed up and reform the disability insurance and SSI appeals process. This year Congress must come to grips with the problems affecting the social security system. One of the problems which concerns me most is the bureaucratic delay which can prove so burdensome to a deserving applicant.

Too often, Government redtape and bureaucratic delay deprives citizens of the benefits due them. This works a special hardship on older Americans, SSI recipients, and the disabled who depend largely on these payments for their income. Delays in getting their checks mean more than inconvenience. Delays can mean going without food, defaulting on rent, utilities, medicine, and other necessities.

I have received many letters from people in Connecticut complaining of Government delay. We must not allow our needy citizens to become strangled in Government paperwork.

The legislation I am cosponsoring with Senator PELL would assure that no person or family would have to wait more than 4 days for the replacement of a delayed, stolen, or lost social security, SSI, or disability check. Families should not have to wait 6 or 7 weeks for a new check as they do today.

Another section of our legislation would reform the SSI and disability claim hearings and appeal process.

One of the most unresponsive and unfair bureaucratic procedures is the disability claim hearings and appeal process. The length of time between the filing of an appeal and final determination is shocking. In the Atlanta region it takes 93 days. In Dallas it takes 163 days. And in Chicago it takes 206 days.

But the New England region is the worst offender of all. The average time it takes for final disposition of a disability claim in the New England region is 226 days. This is a most shocking case of justice denied because of delays. Compared with the nationwide average of 90 days for full disposition of a railroad retirement claim, the New England disability claims process problem is even more startling.

We must put an end to this bureaucratic disgrace. These are not frivolous appeals which are being made. In fact, of the 61,000 disability appeals finally adjudicated last year, 31,467 were reversals. That is, the appeal found in favor of the claimant and against the Government.

Our bill therefore modifies the disability process, putting time on the side of the individual claimant. It requires that the hearing and appeals process be completed expeditiously. If the full process is not completed within 110 days, the claimant would be entitled to the full benefit from the 110th day onward. If the appeal process later found the applicant ineligible, the compensation already paid would remain the property of the claimant, and would be assessed as a penalty on the appeals system for delaying the decision process.

Supplemental security income beneficiaries involved in a claim dispute would become eligible for benefits after a 90-day delay in the appeal process.

It is time to put an end to unresponsive bureaucracy. Government programs must serve the people—fairly and promptly. This bill will help us achieve that goal.

Mr. SCHWEIKER. Mr. President, I am pleased to be a cosponsor of the Social Security Recipients' Fairness Act. This bill is similar to S. 3952, introduced by my colleague, Senator PELL, during the 93d Congress. The bill would establish a procedure for the prompt payment of social security benefits to individuals whose social security checks have been lost, stolen, or otherwise delayed, and would expedite hearings and determinations respecting claims for benefits.

In addition, the legislation contains a provision which I introduced as an amendment to the bill last year, to extend these procedures to those applying for black lung benefits. Delays in processing black lung benefit claims are a national disgrace. The Social Security Administration must speed up processing of black lung benefit cases so the thousands of eligible, needy recipients can receive their long overdue black lung benefits. I have in my office literally hundreds of cases from people who have

asked my assistance in expediting the tortuously long process of applying for black lung benefits. It is unusual for a claim to be processed in less than 4 months, and common for a claimant to wait for a full year for a final decision. This is totally unacceptable to me, and highly unfair to miners, their families, and widows who have been burdened by black lung.

The social security black lung programs are among our Nation's most deserving programs, but they have become paperwork nightmares. This bill would speed up benefit procedures so that the average citizen, who desperately needs these benefits, will not be the one who gets hurt.

By Mr. MATHIAS (for himself, Mr. EAGLETON, Mr. GARN, Mr. INOUYE, and Mr. STEVENSON):

S. 986. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act by abolishing the National Capital Services Area. Referred to the Committee on the District of Columbia.

Mr. MATHIAS. Mr. President, I send to the desk on behalf of myself and the chairman of the Senate Committee on the District of Columbia, Senator EAGLETON, and of Senator GARN, Senator INOUYE, and Senator STEVENSON, a bill to repeal provisions in Public Law 93-198, the District of Columbia Self-Government and Governmental Reorganization Act which established, effective January 2, 1975, a National Capital Service Area or so-called Federal enclave within the District of Columbia.

Section 739 of Public Law 93-198, in addition to carving out an enclave encompassing the Federal monuments, the Mall, the White House, the Capitol Building, executive, legislative, and judicial buildings, Fort McNair, the Navy Yard, and Bolling Air Force Base, also provides for the appointment of a level IV Director in the Executive Office of the President. This $38,000 a year Presidential appointee would be responsible for assuring adequate police and fire protection within the "Federal Enclave," and the maintenance of streets, highways, and sanitation services.

Mr. President, the Federal enclave is simply an idea whose time never came. During the public hearings conducted in the Senate, no witness either for or against D.C. self-government ever suggested that the Congress entertain such an idea. The amendment creating the Federal enclave, in fact, was added at the 11th hour to the home rule bill on the floor of the other body with the stated purpose to make certain that the final responsibility for municipal services in the Federal enclave would not rest with elected officials of the District of Columbia. This amendment was adopted in the House by a narrow vote of 209 to 202.

As one of the Senate's managers of the home rule legislation who participated in the House/Senate conference, I can state that the Senate conferees made it quite clear to our House counterparts that we viewed the enclave proposal as unnecessary and accepted it only as the price of necessary compromise.

The House conferees expressed the view that the deletion of the enclave amendment would seriously jeopardize the fate of the home rule bill when that measure was returned to the House floor for final adoption. Consequently, the Senate managers, who had successfully steered home rule legislation through the Senate on several previous occasions only to witness these bills die in the House, reluctantly agreed to accept the enclave provision.

Mr. President, there are three principal reasons why the bill I am introducing today should be swiftly adopted by the Congress.

First of all, as the act now stands, the Office of the President of the United States is drawn into the daily problems of the investigation of homicides, the performance of autopsies, execution of search warrants, booking and detention of prisoners, "hot pursuit," response to emergencies, inspection of business establishments and enforcement of applicable municipal regulations, and patrol of the harbor and wharf areas; the providing of water distribution and sewage collection services, disposal of solid wastes, and the enforcement of environmental and health regulations; the cleaning of streets; the enforcement of traffic and motor vehicle regulations across jurisdictional lines, including coordination of traffic control, and installation and maintenance of signals and traffic control devices; street lighting, snow removal, underground public utility installations, and parking; and the installation and maintenance of fire alarm signal boxes, utilization of the harbor fireboats, providing of emergency ambulance services, and crash and rescue vehicles; and many others.

Second, the existing arrangements between the Federal Government and the District of Columbia for providing services within the so-called Federal enclave are effective. Ironically, at no point in the House debate over the enclave amendment did any Member question the effectiveness of the relationships between the District and Federal Governments.

On the contrary, recent events clearly demonstrate that the working relationship between the two levels of government remain sound. During the first week of February, this region experienced its first heavy snowfall. Contrary to the fears expressed by the proponents of the enclave, the District Government did provide snow removal services within the service area. Additionally, no complaint has been levied against the D.C. Fire Department for the manner in which it responded to the fire at L'Enfant Plaza last month. But more importantly, both the Congress and the President have sufficient authority to make certain that all needed and appropriate services are provided to the Federal enclave.

Third, article I, section 8 of the Constitution of the United States creates the whole District of Columbia as the seat of the Federal Government. When the Congress passed and the President signed into law the Home Rule Act, a substantial degree of authority was delegated from the Congress to an elected Mayor and City Council to conduct the affairs of the Nation's Capital. Public Law 93-198, however, did not and could not relinquish the Congress constitutional responsibility for the District of Columbia. By focusing the Federal concern on the narrow stretch of land within the enclave, as section 739 does, the Congress overall interest throughout the District of Columbia is diminished.

Mr. President, the last minute inclusion of the Federal enclave in the Home Rule Act must stand as a congressional error in judgment. While it lies beyond the powers of Congress to avoid all mistakes during the course of great undertakings, I believe the Congress does possess the wisdom to avoid persisting in such errors. The bill I am sending to the desk allows us to correct our mistake. The White House has assured me that it supports this bill. I am confident that the Congress will demonstrate its support by moving swiftly on this legislation.

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

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

S. 986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsections (a), (b), (c), (d), (e), (f), (i), and (j) of section 739 of the District of Columbia Self-Government and Governmental Reorganization Act are hereby repealed.

(b) Paragraphs (1) and (2) of subsection (g), and paragraph (1) of subsection (h), of section 739 of the District of Columbia Self-Government and Governmental Reorganization Act are hereby repealed.

SEC. 2. Section 45 of the Act entitled "An Act to provide for the organization of the militia of the District of Columbia", approved March 1, 1889, as amended (D.C. Code, sec. 39-603), is amended by deleting "or for the National Capital Service Director,".

By Mr. BUCKLEY:

S. 987. A bill to amend the Internal Revenue Code of 1954 and certain other provisions of law to provide for automatic cost-of-living adjustments in the income tax rates, the amount of the standard, personal exemption, and depreciation deductions, and the rate of interest payable on certain obligations of the United States. Referred to the Committee on Finance.

TAX REFORM/INDEXING

Mr. BUCKLEY. Mr. President, one of the most pressing needs this Nation faces is to reform its tax system. Taxes are high, and increasingly inequitable as the surge of inflation squeezes the low- and middle-income wage earner between high prices and high taxes. The very rich always survive, and the nonworking poor frequently receive so much in welfare benefits and in-kind payments that their real income exceeds that of a taxpaying working citizen.

Today I am introducing legislation which will contribute to mitigating one of the most flagrant inequities in the income tax system, namely the windfall profit the Federal Government gains from inflation. As any working person knows, our dollar incomes have risen in recent years, just to offset the loss in

purchasing power of the dollar, but as a consequence of that increase, lower- and middle-income taxpayers have been pushed into even higher income tax brackets. The result is that the real income of the middle class wage earner has declined because taxes have been imposed on him making it impossible for him to offset the increased prices resulting from inflation. In short, there has been a real decline in his standard of living.

The mechanism to cope with the effects of inflation is usually described as "indexing". As such, indexing, or the adjustment of payments to reflect changes in the Consumer Price Index to reflect changes in price levels, does not in any way affect inflation nor does it imply a willingness to "live with" inflation. To change the rate of increase of prices, one must look to other means including monetary and fiscal remedies. What indexing can do, however, is to reduce the adverse consequences of inflation while otherwise painful anti-inflation efforts are being put into effect.

The most important and familiar forms of economic contracts between the Government and the ordinary citizen that would be addressed by indexing are in the fields of Government taxing and borrowing in the private arrangements which would take into account the effect of inflation. But in his dealings with the Federal Government, the ordinary citizen is presently at an overwhelming disadvantage in trying to protect his economic welfare in the face of chronic inflation. In point of fact, under present circumstances, Government actually profits from inflation at the expense of the private taxpayer and lender.

By way of illustration let us examine a case familiar to us all: The personal income tax system. Suppose an individual is earning $5,000 per year in 1974, and that inflation causes prices to rise at an average rate of 7 percent per year from 1974 through 1984. If the individual receives cost of living pay increases sufficient to keep pace with inflation, his income would be $10,000 in 1984. Yet he would be no better off in 1984, than he was in 1974 in terms of what he could buy with his income. In fact inflation would make him significantly worse off in regard to his income tax.

Assuming he is the head of a typical family of four, he would be required to pay 2 percent of his earnings in Federal income taxes. However, because inflation would have the effect of lifting this same individual into ever higher tax brackets, by 1984, when he would be earning $10,000 merely to stay even in terms of purchasing power, he would be required to pay over 10 percent of his earnings to the Federal Government. Thus although his "real income" in terms of purchasing power remains unchanged, his increase in "money" income will cause him to pay five times as much in taxes leaving him poorer in 1984 despite a doubling of his dollar income. A table is shown below which illustrates the impact of inflation on all levels of income, assuming a 7 percent annual rate of inflation and a family of four.

HYPOTHETICAL TAX COLLECTIONS AT CURRENT TAX RATES, 1974 AND 1984

[Assuming inflation causes prices and incomes to double in 10 yr]

1974 income	1974 percent of income paid in taxes	1984 income	1984 percent of income paid in taxes
$5,000	2	$10,000	10
$10,000	10	20,000	15
$20,000	15	40,000	25
$50,000	29	100,000	42
$100,000	42	200,000	54
$1,000,000	67	2,000,000	68

At the higher rates of inflation we are now experiencing, any anti-inflation techniques that are apt to be employed will take several years to reduce the growth of prices to an acceptable level. This means that the ordinary citizens might have to suffer the consequences of several years of relatively higher prices while his income and the value of his assets continue to be eroded.

I believe the Congress must enact appropriate legislation to protect the individual taxpayer from the consequences of inflation under circumstances where he is compelled to deal with the Government—the agency in our society principally responsible for inflation. I also believe the Congress should provide the ordinary citizen with a medium of investment that will permit him to protect the purchasing power of his savings.

The bill I am proposing today is designed to tie government income taxes and borrowing to the Consumer Price Index. This legislation indexes the personal income tax, perhaps the largest single source of economic inequity in Government-citizen relations. Now I want to emphasize here that indexing does not require any change in rates of taxation. This legislation merely adjusts the dollar amounts in the tax tables to reflect changes in the Consumer Price Index. It in effect merely corrects a technical deficiency in the income tax tables so as to impose a consistent rate of taxation on real earnings, one that properly reflects that inflation would cause people to pay higher and higher effective rates of taxation without any compensating increase in purchasing power.

In addition to indexing the personal tax system, this bill also proposes that capital gains, depreciation, corporate income tax, the standard deduction and the personal exemption all be indexed. Let me briefly outline the manner in which indexing would affect each case.

The bill would correct an inequity which is arising with greater frequency in recent years, what might be called the capital-gain-that-is-not-there. Let us say an individual purchased a home 20 years ago for $20,000, and sells it today for $40,000. Let us further assume that the dollar has lost 50 percent of its value in the intervening years. Therefore in real terms, the owner has broken even. Yet under existing tax laws, the owner is compelled to pay a capital gains tax on an illusory profit that represents nothing more than inflation. He realized no "real" capital gain in the transaction and as a consequence he is actually subjected to a capital levy, which is contrary to the intent of the law.

This is becoming a specially burdensome problem as many of our older citizens whose homes often represent their major assets, and who are forced to sell in order to move into smaller quarters that are easier to maintain. This bill would adjust the cost basis of an asset to reflect changes in the purchasing power of the dollar. Thus an individual would pay a capital gain only on a real "capital gain" rather than a fictitious inflationary gain.

The capital stock, and, thus, the productive capacity of the Nation, is being eroded by inflation. Moreover, the profitability of American business is being overstated as a consequence. For example, a machine purchased in 1974 for $10,000 with a 10-year life would cost $20,000 to replace with prices doubling in 10 years. The real profits of the corporation are being overstated because there is an inadequate allowance in the firm's statement of expenses for depreciation, which currently are not adjusted to reflect replacement costs. My bill would seek to protect the productive capability of the Nation's capital stock by permitting the cost basis of a depreciable asset to be adjusted over its economic life to reflect the impact of inflation. The legislation also deals with the standard deduction, the personal exemption, and corporate income tax in a similar manner by simply adjusting the statutory deduction or exemption level to reflect changes in the price level as measured by the consumer price index.

Finally, and equally important, is the issue of providing for equity in the borrowing activities of the Federal Government when it borrows from private citizens and institutions. There is no clearer example of the injustice of the existing system of Federal borrowing than the savings bond program. In recent years, the interest which the private citizen expected to earn on the bond has been more than offset by inflation; and to add insult to injury, he is expected to pay taxes on these fictitious earnings. Moreover, the value of the principal is also eaten away by inflation. As a result, the Government reaps a windfall profit from inflation on both the tax side of the Government balance sheet and the liabilities side. It is simply unconscionable that the Congress should permit the Federal Government to continue to reap a windfall profit from inflation while continuing to cause the inflation from which it profits.

I am persuaded that indexing has an important role to play in the fight against the destructive effect of inflation. I would list some of the most important elements as follows:

First. Indexing the tax system would require the Congress to show the political courage to vote the tax increases required to pay for the full cost of new Federal programs by removing the windfall Government profits from inflation. At the present time, if the forces of inflation cause prices and income to rise at 10 percent, Government tax revenues will rise by perhaps 12 or 13 percent. Under the

bill I have introduced, Government revenues would only rise in direct proportion to the rate of inflation.

Second. Indexing the tax and borrowing system would remove the most indefensible inequity of inflation from the statute books, namely the power of the Government to profit from the inflation it causes.

Third. Indexing of borrowings would allow individuals and pension funds to protect savings against inflation-related losses. It would provide a substantial measure of relief for older Americans, and would restore incentives to save. I might note in passing that one of the more insidious effects of chronic inflation is to discourage the habit of saving, thus inhibiting the capital formation so essential to the creation of new jobs.

Fourth. Indexing the tax and borrowing system would eliminate the distortion in the allocation of resources between the public and private sectors that now occur as a consequence of inflation. As things now stand, the Government is in a position to increase the transfer of real resources from the private sector to the public sector by simply increasing the rate by which it prints money.

Fifth. Indexing the tax and borrowing system will restore to economic calculations the true legislative intent of the Congress by taxing an individual's "real" income at the originally intended statutory rates and borrowing money from him at "real" rates of interest rather than permitting these rates to be changed in favor of the Government by Government induced inflation.

Sixth. Since indexing would mitigate many of the consequences of inflation, it would serve to defuse pressure for the kind of wage and price controls with which we have been recently experimenting, with such disasterous effects.

Mr. President, since I first proposed the concept of indexing in legislative form last year, the notion has gained increasing support from business as well as academic quarters. It is, I believe, an idea whose time has come.

I ask unanimous consent that my bill be printed at this point in the RECORD.

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

S. 987

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cost-of-Living Adjustment Act".

SEC. 2. RATE OF TAXATION.

(a) Section 1 of the Internal Revenue Code of 1954 (relating to tax imposed) is amended by adding at the end thereof the following new subsection:

"(e) COST-OF-LIVING ADJUSTMENT.—

"(1) CHANGES IN AMOUNT.—At the beginning of each calendar year as soon as the necessary data become available from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall report to the Secretary or his delegate the ratio which the price index for the base period. Each dollar amount listed in the tables under subsections (a), (b), (c), and (d) of this section shall be multiplied by such ratio and, as multiplied, shall be the amount in effect for the calendar year in which such report is made.

"(2) DEFINITIONS.—For purposes of paragraph (1)—

"(A) the term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

"(B) the term 'base period' means the calendar year 1974.".

(b) Section 11(d) of the Internal Revenue Code of 1954 (relating to surtax exemption) is amended to read as follows:

"(d) SURTAX EXEMPTION.—

"(1) GENERAL RULE.—For purposes of this subtitle, the surtax exemption for any taxable year is $25,000, except that, with respect to a corporation to which section 1561 or 1564 (relating to surtax exemptions in case of certain controlled corporations) applies for the taxable year, the surtax exemption for the taxable year is the amount determined under such section.

"(2) COST-OF-LIVING ADJUSTMENT.

"(A) At the beginning of each calendar year as soon as necessary data become available from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall report to the Secretary or his delegate the ratio which the price index for the preceding calendar year bears to the price index for the base period. The dollar amount in paragraph (1) of this subsection shall be the amount in effect for the calendar year in which such report is made.

"(B) DEFINITIONS.—For purposes of paragraph (1)—

"(i) the term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics, and

"(ii) the term 'base period' means the calendar year 1974.".

SEC. 3. STANDARD DEDUCTION.

Section 141 of the Internal Revenue Code of 1954 (relating to standard deduction) is amended by adding at the end thereof the following new subsection:

"(f) COST-OF-LIVING ADJUSTMENT.—

"(1) CHANGES IN AMOUNT.—At the beginning of each calendar year as soon as the necessary data becomes available from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall report to the Secretary or his delegate the ratio which the price index for the preceding calendar year bears to the price index for the base period. Each dollar amount listed in the table under subsections (b) and (c) of this section shall be multiplied by such ratio and, as multiplied, shall be the amount in effect for the calendar year in which such report is made.

"(2) DEFINITIONS.—For purposes of paragraph (1)—

"(A) the term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics, and

"(B) the term 'base period' means the calendar year 1974.".

SEC. 4. PERSONAL EXEMPTIONS.

Section 151 of the Internal Revenue Code of 1954 (relating to allowance of deductions for personal exemptions) is amended by adding at the end thereof the following new subsection:

"(f) COST-OF-LIVING ADJUSTMENT.—

"(1) CHANGES IN AMOUNT.—At the beginning of each calendar year as soon as the necessary data become available from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall report to the Secretary or his delegate the ratio which the price index for the preceding calendar year bears to the price index for the base period. Each dollar amount in subsections (b), (c), (d), and (e), of this section shall be multiplied by such ratio and, as multiplied, shall be the amount in effect for the calendar year in which such report is made.

"(2) DEFINITIONS.—For purposes of paragraph (1)—

"(A) the term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics, and

"(B) the term 'base period' means the calendar year 1974.".

SEC. 5. DEPRECIATION.

Section 167(a) of the Internal Revenue Code of 1954 (relating to depreciation) is amended to read as follows:

"(a) ALLOWANCE OF DEDUCTION.—

"(1) GENERAL RULE.—There shall be allowed as a depreciation deduction a reasonable allowance for the exhaustion, wear and tear (including a reasonable allowance for obsolescence)—

"(A) of property used in the trade or business or

"(B) of property held for the production of income.

"(2) COST-OF-LIVING ADJUSTMENT.—

"(A) At the beginnning of each calendar year, as soon as the necessary data become available from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall report to the Secretary or his delegate the ratio which the price index for the preceding calendar year bears to the price index for the next preceding calendar year. The amount determined under this section to be a reasonable allowance for depreciation shall be multiplied by such ratio and, as multiplied, shall be the amount allowed as a depreciation deduction.

"(B) For purposes of this paragraph, the term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.".

SEC. 6. ADJUSTED BASIS OF PROPERTY.

Section 1016(a) of the Internal Revenue Code of 1954 (relating to adjustments to basis) is amended—

(1) by striking out the period at the end of paragraph (22) and inserting in lieu thereof a semicolon; and

(2) by adding at the end thereof the following new paragraph:

"(23) in respect to any period after December 31, 1975, before making any other adjustments of basis under this subsection, for an amount which is equal to the difference between—

"(A) the basis of the property, as determined under section 1011, before adjustment under this section, multiplied by the ratio which the price index (average over a taxable year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics) for the taxable year in which the property is sold or otherwise disposed bears to the price index for the taxable year in which the property was acquired, or for the calendar year 1975, whichever is later, and

"(B) this basis of the property as determined under section 1011 before adjustment under this section.".

SEC. 7. COST-OF-LIVING ADJUSTMENT FOR CERTAIN OBLIGATIONS OF THE UNITED STATES.

(a) Savings Bonds and Certificates.—Section 22(b) of the Second Liberty Bond Act (31 U.S.C. 757c (b)) is amended—

(1) by striking out the colon and *"Provided,* That" in paragraph (1) and inserting in lieu thereof a period and "Except as provided in paragraphs (4) and (5), the"; and

(2) by adding at the end thereof the following new paragraphs:

"(4) In the case of a savings bond or savings certificate on which interest is paid and which is issued after the date of enactment of the Cost of Living Adjustment Act, the rate of interest on that bond or certificate

shall be multiplied by the ratio which the price index for the calendar year in which the bond or certificate is issued bears to the price index for the calendar year preceding the year in which any amount of interest accrues. Whenever interest accrues on such a bond or certificate, the amount of interest which accrues shall be equal to the amount corresponding to the interest rate as multiplied under this paragraph. For purposes of this paragraph, the term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(5) In the case of a savings bond or certificate issued after the date of the enactment of the Cost of Living Adjustment Act, the redemption value of that bond or certificate shall be multiplied by the ratio which the price index for the calendar year in which the bond or certificate is issued bears to the price index for the calendar year preceding the year in which the bond or certificate is redeemed. The amount for which such a bond is redeemed shall be equal to the amount of the redemption value as multiplied under this paragraph. For purposes of this paragraph, the term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.".

(b) OTHER OBLIGATIONS OF THE UNITED STATES HAVING A MATURITY OF ONE YEAR OR MORE.—

(1) RATE OF INTEREST.—Notwithstanding any other provision of law, the rate of interest on any interest-bearing obligation of the United States having a maturity of 1 year or more issued after the date of enactment of this Act shall be multiplied in accordance with the provisions of section 22(b)(4) of the Second Liberty Bond Act as if that obligation were a savings bond or certificate. The Secretary of the Treasury shall promulgate such regulations as may be necessary to carry out the provisions of this paragraph.

(2) REDEMPTION VALUE.—Notwithstanding any other provision of law, the face value of any obligation of the United States issued after the date of enactment of this Act having a maturity of 1 year or more, without regard to whether that obligation is interest bearing or not, shall be multiplied, on the maturity date of that obligation, in accordance with the provisions of section 22(b)(5) of the Second Liberty Bond Act as if that obligation were a savings bond or certificate. The Secretary of the Treasury shall promulgate such regulations as may be necessary to carry out the provisions of this paragraph.

SEC. 8. EFFECTIVE DATE.

The amendments made by sections 2, 3, 4, 5, and 6 of this Act apply to taxable years beginning after December 31, 1974.

By Mr. KENNEDY (for himself, Mr. JAVITS, Mr. WILLIAMS, Mr. SCHWEIKER, and Mr. STAFFORD):

S. 988. A bill to amend the Public Health Service Act to revise and extend programs of the National Heart and Lung Institute and National Research Service Awards. Referred to the Committee on Labor and Public Welfare.

THE NATIONAL HEART, LUNG, BLOOD VESSEL, AND RESEARCH TRAINING ACT OF 1975

Mr. KENNEDY. Mr. President, 3 years ago the Congress enacted the National Heart and Lung Act, which will expire this June 30. At the same time the research training authority of the NIH will also expire.

The bill that I take pleasure in introducing today along with my friends Senators JAVITS, WILLIAMS, SCHWEIKER, and STAFFORD is a 2-year extension of both of these expiring programs. The bill does not propose any increases in authorization levels.

A 2-year extension for these two key NIH programs will synchronize them with the National Cancer Act, which the Congress extended last year through 1977. This is essential given the forthcoming report of the recently appointed President's Biochemical Research Panel. That prestigious panel grows out of legislation which Senator JAVITS and I authored last year.

The task before the panel is to assess, review, and evaluate the biomedical and behavioral research programs at the NIH, and to make recommendations to the Congress by the summer of 1976 respecting areas needing improvement.

I believe this panel has a critically important function to perform. Its report may well be the most important study of the NIH since its creation 37 years ago.

Mr. President, I ask unanimous consent that at the conclusion of my statement there be printed in the RECORD two documents. The first contains the highlights of the National Heart, Blood Vessel, Lung, and Blood Disease program. And the second is the response of the Heart and Lung Institute to pertinent sections of the 1972 act.

I have scheduled hearings on this legislation before the Senate Health Subcommittee on March 17, 1975. Persons interested in testifying should contact Mr. Lee Goldman, subcommittee staff director, at 202–224–7675.

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

I. HIGHLIGHTS OF THE NATIONAL PROGRAM

Collectively, heart, blood vessel, lung, and blood diseases cause more deaths than all other diseases in the United States combined. They have a devastating effect on the health of our citizens as well as on the nation's economy. More than 30 million Americans suffer from these diseases. Their impact in terms of national economic loss has been estimated at more than $40 billion a year. These figures while impressive in terms of identifying the problem, fail to convey the seriousness of the social impact of these diseases—the dimensions of suffering, grief, disability, stress and hardship, and the effects these diseases have on the patient and the patient's family.

Why do these diseases overwhelm our current health care system, and is there hope for a solution to the problem? The principal reason why they overwhelm our health care system is that we lack the necessary understanding to deal with them effectively. This understanding can be obtained through research. A second reason is that the results of medical research are sometimes not applied to the health care system as expeditiously as they might be. Thus further medical research and the application of the knowledge gained through research offer substantial hope of reducing the devastating effects of heart, blood vessel, lung, and blood diseases in the future. Accordingly, the National Heart, Blood Vessel, Lung, and Blood Program focuses primarily on two types of efforts: (1) Research Programs, and (2) Prevention, Control, and Education Programs to bridge the gap between research findings and clinical application. Currently, the expenditures for research on these problems represent less than one percent of the total costs for these diseases. For instance, in the case of heart and blood vessel diseases, the estimated annual cost to the economy is more than $30 billion, while the total Federal expenditure for research in this area in FY 72 was about $200 million. Yet, medical research is the wisest investment that the nation can make to insure further progress in the attack against heart, blood vessel, lung, and blood diseases. Thus, the common interest of everyone in our society dictates a high priority for the further development of the comprehensive National Heart, Blood Vessel, Lung, and Blood Program.

A conceptual strategy for the National Program Plan was presented nearly one year ago in the National Heart and Lung Institute Summary, referred to earlier. This initial strategy provided the first approximation of the direction the program would take, its underlying principles, and its method of implementation. The strategy was not complete in concept or in operational detail—nor was it intended to be at this early stage. Each year as we gain more experience and knowledge in the planning, implementation, and evaluation of a major national program for biomedical research, the conceptual and operational aspects of the program will become clearer and more precise. In the initial program strategy, three underlying principles were outlined as summarized below:

The long-range goal must be to improve the health of the American people.

Programs for achieving this goal must be based on an orderly progression of sequenced activities from acquisition of fundamental knowledge to the application of existing knowledge.

Evaluation of the use of knowledge—both *before* its application in health care delivery and *after* to determine its impact on the health of the American people—will be the key to meeting national health goals.

The major planning problem addressed during this past year has been how to translate abstract goals and principles, conceived at a policy-making level, into meaningful program activities involving thousands of individuals. In formulating an attack on this problem, we have reexamined the above principles and found them still viable. We have extended these principles conceptually into a more complete strategy. And we have begun to implement this strategy operationally. The updated program strategy, outlined below, gives increased attention to the importance of the social and physical aspects of our human environment and their relationship to health and disease. The operational steps taken to implement this strategy are described in Chapters III, IV, V, and VI of this report, and the estimated resources to put the plan into effect are presented in Chapter VII.

In seeking solutions to the pressing health problems of heart, blood vessel, lung, and blood diseases, we are giving special recognition to the social and physical aspects of the human environment and their role in the development of these diseases. Also, the importance of the context of the total human environment to the success of the National Program is being considered in the planning, implementation, evaluation, and coordination of the Program.

Our modern technology society offers many choices of life style both for everyday working life and for the increasingly available leisure time. We live in an age characterized by specialization of labor, sophisticated machinery, complex systems of organization, and mass production. In communicating with the public and the health professions, the Program emphasizes how the choice of life style and physical environment, by individuals as well as communities, in fact may imply a choice of future health or dis-

ease of the heart and the lungs. Current and future program plans stress how disease might be prevented before the onset of catastrophic illness which may be beyond the reach even of modern medical technology. Currently, the National Program gives special emphasis to five program areas described in detail in Chapter III and highlighted below:

Prevention of heart attacks—the greatest killer in our nation

High blood pressure education—millions of our citizens do not know that they have high blood pressure, that it may lead to serious complications such as stroke and death, and that treatment is available.

Expansion of the attack on lung diseases—a heretofore neglected area

Development of a national blood policy—a critical national need

Methods of controlling sickle cell disease.

Social change, brought about by the increasing use of rapid communication and transportation systems, has radically altered leisure and work activities, resulting in new health problems which fall within the scope of the National Heart, Blood Vessel, Lung, and Blood Program.

Changing attitudes are directing our attention to long-neglected disease problems particularly prevalent in certain population groups. Sickle cell disease, one of these problems, is receiving special emphasis in the National Program. Such programs, in addition to the need for medical expertise, require a high degree of knowledge about the special needs and desires of these patients. The great expense of providing available medical treatment, such as Factor VIII for patients with hemophilia, creates drastic social changes for the family of the victim. It may, in fact, condemn the family to lifelong poverty. Social change is causing increasing numbers of elderly citizens, many of whom have cardiovascular or respiratory problems, to be without the aid of or proximity to their families in times of need.

Socioeconomic factors play a role in the development of many diseases. While poverty is associated with increased infant, maternal, and overall mortality, the general affluence in the United States is thought to be associated with the high mortality rate from coronary heart disease and heart attacks.

Social isolation is a problem in many parts of the United States, both in urban and rural areas. This often prevents the National Program from reaching those people who need it most. The Institute is paying particular attention to developing lines of communication with community health resources and developing education and demonstration programs to alert the medical profession and the public to new methods of disease control and treatment in the local community. Specifically, the Institute is developing cooperative programs with Federal and non-Federal health agencies for the purpose of controlling, and in the long-term preventing, heart, blood vessel, lung, and blood diseases. One example is the National High Blood Pressure Education Program, discussed in Chapter III under Prevention, Control, and Education.

Social mobility, particularly geographic mobility, creates problems which limit the timing of National Program efforts. An average of 18 percent of the total U.S. population moves annually. This places restrictions on the length of time available for follow-up of patients participating in clinical studies to determine the benefits of new treatments, such as the modification of diet in the therapy of heart disease. It further poses managerial problems in carrying out well-controlled studies in large free-living populations. The Institute is careful to take these factors into consideration in its planning of long-range clinical trials, such as the Multiple Risk Factor Intervention Trial discussed in the section on Arteriosclerosis in Chapter III.

Our American culture and the quality of life in the United States appear important in increasing a person's susceptibility to heart and lung disease. For instance, in Denmark, Norway, and Sweden, the death rate from coronary heart disease for men under the age of 55 is less than half that for the same age group in the United States. In Japan it is one-sixth that in our country. These international statistics indicate that the high death rates from coronary heart disease in the United States are neither necessary nor inevitable. Research has identified a number of factors which appear important in increasing a person's susceptibility to heart and lung disease. Programs are being developed to modify these factors without disrupting our way of life. Specifically, the National Program emphasizes research, control, and education efforts on how heart and vascular disease might be prevented through changes in life style, and how such changes can be most effectively implemented. Good health is everyone's major source of wealth and happiness. The American public is generally not aware of the extent to which the individual can contribute to maintenance of good health and prevention of disease. Programs are underway to explore, develop, and evaluate the most effective means of motivating the public as a whole to take voluntary action which may be helpful in promoting personal health, preventing disease, and assuring prompt treatment of disease before a crisis situation develops.

Urbanization and life stresses in general are being studied to determine how these factors affect the development of disease. Behavioral studies have indicated that certain types of individuals are more prone than others to develop heart and lung disease under conditions of similar stress. Periods of mental and environmental stress may thus be associated with an increased incidence of disease. However, the exact nature of these associations remains to be defined.

In the case of lung diseases, the social habit of cigarette smoking is believed to be a prime factor in the etiology or exacerbation of both chronic bronchitis and emphysema—two chronic obstructive lung diseases which are on the increase in the United States. Smoking also contributes to environmental lung diseases and hypersensitivity lung diseases. Up to 20 percent of smokers have chronic obstructive lung disease, and almost all afflicted patients are smokers. Thus, one of the major goals of the National Program in the field of lung diseases is to modify the smoking habits of persons at risk of developing lung diseases and to extend successful anti-smoking programs to the general population. The Program also addresses the problem of pollution brought on by the technological revolution in the United States. This is a well-recognized problem in lung disease, and one which may be regulated by society. The choice is ours.

In developing and evaluating highly sophisticated therapeutic modalities such as artificial circulatory assistance, the National Program has given a prominent place to nonmedical aspects of the human environment. Examples are public attitudes and social, ethical, legal, and other factors important in assessing the public impact and in ensuring the acceptance of the new treatment when it is introduced in practice. Behavioral scientists, ethicists, lawyers, economists, educational experts, and interested laymen are cooperating in the Program to identify nonmedical issues that may help or hinder this and other research, prevention, and treatment programs.

The human environment also plays an important role in the National Program efforts to deal with the difficult problem of national blood resources. This entire program depends upon the willingness of human beings to donate blood for use by other human beings. High quality blood and blood products are essential to effectively treat many diseases as well as to save the lives of injured individuals. To be able to supply sufficient quantities of any given blood product on a moment's notice requires many steps, from recruiting the donor to collecting the blood, separating it into its components, detecting and eliminating disease-causing agents, matching the components for compatibility with the recipient's blood, and administering the blood or blood component to the patient in a safe manner. In the United States, many different organizations are responsible for these operations. A major problem with the present system is the lack of uniform quality control of blood donations. The NHII, in cooperation with a number of Federal and non-Federal agencies, is striving for an all-volunteer blood system.

A comprehensive account of recent progress and future challenges for all program areas addressed by the National Program is presented in Chapter III of this report. Since Chapter III is rather technical in content, the use of medical terminology is unavoidable. To provide the lay reader with an overview of prominent program developments, highlights of recent progress and future challenges are presented below in lay language for each of heart and blood vessel diseases, lung diseases, and blood diseases and blood resources.

HEART AND BLOOD VESSEL DISEASES

Highlights of recent progress and future challenges in research, prevention, control, and education programs include:

Prevention of heart attacks—identification of risk factors

There are approximately 1,250,000 heart attacks in America each year. The five major and well-established risk factors for coronary artery disease and heart attacks are: age, male sex, high levels of blood lipides, high blood pressure, and cigarette smoking. The latter three can be modified, and for two of these we know that a decrease in the factor results in reduced risk. Cessation of cigarette smoking will decrease the enhanced risk of heart attacks among smokers. Reduction of moderate or severe hypertension reduces devastating complications such as stroke, heart failure, and kidney failure.

Prevention of heart attacks—modification of risk factors

The Institute has implemented three large-scale clinical trials to evaluate the cardiovascular effects of risk factor modification. Within this decade, we should know the impact of lowering the levels of blood lipids on heart attacks and the impact of controlling high blood pressure on heart attacks, as well as the impact of controlling simultaneously the three major risks factors: high levels of blood lipids, high blood pressure, and cigarette smoking.

Prevention of heart attacks—determination of blood lipids

Accurate and precise determination of blood lipids is essential for effective and efficient risk factor detection and management. Review of operating conditions in United States laboratories reveals a wide and unacceptable variation in the accuracy and precision of blood lipid (cholesterol and triglyceride) measurements. Quick-kit methods are totally unacceptable. Many of the large automated laboratories are employing techniques that yield values 10 to 40 percent too high. Over the last two years the NHLI has evaluated available technology and developed with industry a rapid, inexpensive,

accurate, and precise method for determining cholesterol and triglyceride levels.

Prevention of heart attacks—behavioral studies

Current studies demonstrate that chronic and asymptomatic disorders such as arteriosclerosis (hardening of the arteries) and high blood pressure are not easily brought and held under control. Health attitudes and lack of motivation often lead to failures in compliance with changes in life style or with diets and drugs in attempting to change risk factors. Evidence from smoking clinics and from diabetics or hypertensives under treatment indicates that these behavioral elements rather than our understanding of risk factors may prove to be the limiting factors in our ability to prevent coronary heart disease.

Prevention of heart attacks—role of public education

Public education is of primary importance in the prevention of coronary heart disease. Major steps have been taken to educate the general public regarding the causes and prevention of coronary heart disease. An example is the Seattle Heart Watch which includes a series of television programs produced with the University of Washington. Among topics covered in the series are dietary alteration, exercise programs, signs of impending heart attack, and whom to contact concerning an attack.

Heart attacks—the role of blood lipids

Epidemiological studies have established strong positive associations with high levels of blood lipids (cholesterol) and with age relative to the incidence of heart attacks. A recent study with a special X-ray technique has emphasized these associations in terms of the pathological changes in the coronary arteries.

Heart attacks—a new sudden cardiac death syndrome

A previous undefined syndrome of potentially major clinical importance has been described. This new syndrome has been called the Primary Ventricular Fibrillation Syndrome or Instantaneous Death Syndrome. Clinically, those patients fortunate enough to be resuscitated following sudden collapse exhibit disturbance of heart rhythm, absence of recent or evolving myocardial infarction (death of heart muscle), presence of chronic coronary heart disease, and a very high incidence of sudden death (30 percent per year) subsequent to resuscitation. The recognition of this sudden death syndrome presents an opportunity to prevent premature deaths from coronary artery disease by preventing or controlling the disturbance in heart rhythm.

Heart attacks—therapy to reduce heart muscle damage

Recent investigations have shown that the patient's prognosis is directly related to the amount of dead heart muscle resulting from a heart attack. Pharmaceutical agents, oxygen therapy, and mechanical circulatory assistance are promising new therapies for limiting the amount of heart muscle damage from heart attacks.

High blood pressure—national education program

Drug therapy to control high blood pressure reduces the incidence of strokes and heart failure among persons with moderate or severe hypertension. However, only about 12 percent of hypertensives in the United States are currently receiving adequate treatment. The National High Blood Pressure Education Program, initiated in 1972, is an interagency Federal/non-Federal cooperative effort designed to bring individuals with moderate and severe hypertension under effective treatment. Sustained effective blood pressure management in such persons is expected to result in a reduction of disability and death by as much as 40 percent when compared with expected rates for untreated hypertensives.

Prevention of heart and blood vessel disease—the Framingham Heart Study

A 22-year follow-up has been completed on 5,209 participants in the Framingham study. Analysis of the data reveals that: (1) High blood pressure is the major cause of congestive heart failure, with elevations of systolic pressure ("upper" blood pressure reading) playing as great a role as diastolic pressure ("lower" blood pressure reading); (2) Cigarette smoking is a major contributor to intermittent claudication (severe cramps and pain in the muscles of the legs on walking due to insufficient blood supply) and acts independently of high blood pressure, high levels of blood lipids, or diabetic status; (3) Obesity is a risk factor in coronary heart disease, stroke, and congestive heart failure, independent of other risk factors; and (4) The quantitative influence of several risk factors acting simultaneously has been analyzed and the results published for use by clinicians in the prevention of heart disease.

Understanding arteriosclerosis

Arteriosclerosis is responsible for about 85 percent of the deaths from heart and blood vessel diseases. Recent progress has been made in the understanding of arteriosclerosis. Certain preliminary studies of smooth muscle cells that make up the bulk of atherosclerotic plaques suggest the possibility that each plaque consists mainly of one colony of cells that have all arisen from a single cell of the artery wall that is ancestral for the particular plaque. While this work remains to be confirmed, it raises fundamental issues in the pathogenesis of atherosclerosis.

Studies of the blood vessel wall

While elaborating and extending methods of culturing cells derived from human blood vessels, investigators are studying their properties to develop ways to use these cells in artificial blood vessels. The method has now been carried beyond seven generations of cells in culture as pure colonies that maintain all the basic morphological and metabolic properties of the lining of the vessels. These methods offer hope for enhancing our ability to construct artificial blood vessels compatible with the blood.

Using computers to detect irregularities in the blood

Utilizing contrast angiograms (a special X-ray technique together with computerized analysis of the images produced, it has been possible to obtain sensitive and highly reproducible diagnosis of changes in the blood vessel wall resulting from disease. This technique can facilitate early detection of cardiovascular disease.

Noninvasive instrumentation

Instrumentation is probably the most important single constraint to the effective prevention of clinical complications of arteriosclerosis. Convenient, preferably noninvasive, specific, and sensitive instrumentation for the diagnosis and monitoring of atherosclerotic plaques is needed. This would allow studies of the relationship of risk factor levels to actual development of atherosclerotic plaques is needed. This would allow studies of the relationship of risk factor levels to actual development of arteriosclerosis in the individual patient and provide a precise statement of what the total identified risk factors mean for that individual. Of most important, such instrumentation could monitor the development of arterosclerosic and measure the therapeutic affect of changing one or more of the risk factors. The ability to safety determine the results of a therapy or life style change on the development of arteriosclerosis, without having to wait for a crisis event such as heart attack or death, would also enormously decrease the rigorous demands and costs of clinical trials.

Mechanical circulatory assistance

Mechanical circulatory assistance with intra-aortic balloon counterpulsation was introduced into clinical studies about a decade ago. Its exact role and effect in patients with acute heart attack had to be determined. Studies showed that this form of mechanical left heart assist could temporarily reverse shock even when refractory to all forms of medical therapy. This assistance permits further diagnostic studies and possible surgical therapy in patients who would otherwise be unable to withstand these procedures.

However, the overall impact of this form of therapy remained to be determined, especially in relation to the morbidity and mortality in those patients less critically ill. Recent studies in patients have now shown a definite reduction of infarct size associated with the use of mechanical left heart assist.

Implantable heart assist device

A totally implantable left heart assist device may have a significant future in terms of acute and chronic cardiac insufficiency. In recent experiments, a device has performed successfully in calves. In several acute implantations, excellent results were obtained in terms of the amount of blood put out by the heart, heart rates, and blood pressure. These implantations have demonstrated functionally the potential of these devices for individuals requiring left ventricular assist.

LUNG DISEASES

Highlights of recent progress and future challenges in research, prevention, control, and education programs include:

Pediatric lung disease—detection before birth

Hyaline membrane disease (HMD) is a disorder of newborn babies characterized by the immaturity of the lung. It usually occurs in premature infants, starts within hours of birth, and frequently leads to death within a few days. Without special treatment, over 50 percent of babies with this disease will die. If death from this disease could be eliminated, the infant mortality rate in this country might be reduced to a level comparable to the best in the world. Current therapy is available for treatment of hyaline membrane disease. However, delay in diagnosis contributes greatly to its high morbidity and mortality. A major diagnostic breakthrough has occurred which allows detection of hyaline membrane disease before birth. This technique, which involves sampling amniotic fluid, promises to result in exciting new therapeutic and preventive measures.

Pediatric lung disease—new therapy

Hyaline membrane disease is characterized by collapse of the oxygen-exchanging portions of the lung resulting in extreme difficulty in breathing and in death, as noted above. The course of HMD is relatively rapid, and survival is usually determined within a matter of days to 1 to 2 weeks. Therapeutic efforts have focused on methods of maintaining the airways open and allowing adequate oxygenation of the blood. Until recently, the usual therapy for HMD consisted of artificial ventilation and other intensive care usually available in large hospital centers. Unfortunately, this was not sufficient. Many infants still died from this disease. The therapeutic breakthrough that long has eluded investigators may now have been achieved. A provocatively simple technique, albeit one that requires scrupulously attentive patient care, has resulted in a survival rate of up to 90 percent in some studies. This therapy is continuous positive airway

pressure (CPAP) and is used in conjunction with artificial ventilation.

Asthma—diagnosis in the asymptomatic child

Asthma, which affects more than 8 million Americans, could be prevented or treated while still reversible if it were diagnosed sufficiently early. A diagnostic test has been developed recently and is currently undergoing evaluation. This test involves exposing patients to a substance called methacholine. It may allow physicians to predict, perhaps years before symptoms develop, whether an individual is a potential victim of asthma. This potentially important diagnostic tool should permit already available therapeutic and preventive measures to be initiated early.

Chronic obstructive lung disease—early detection

Chronic bronchitis and emphysema are the major chronic obstructive pulmonary diseases (COPD). A new, and potentially more sensitive, method has been developed for early detection of changes in lung function and structure which appear to be the first sign of chronic obstructive pulmonary disease. This method (measurement of closing volume) is now being used on selected populations to determine its usefulness as a mass screening test.

Chronic obstructive lung disease—risk factors

Emphysema is the fastest growing cause of death in the United States. There are many different kinds of emphysema, none of which is well understood. Cigarette smoking has long been recognized as a major risk factor for emphysema, but attempts to identify other causes and risk factors have frequently ended in failure. New lines of research have been opened up by the recent discovery of a genetic basis for one type of emphysema. Other risk factors may soon be found as well.

Understanding lung disease

It has been recognized that the lung is an organ with several functions which may be as complex as the liver. The structure of the lung is also very complex as it is made up of as many as 40 different cell types. Technology is now at hand to relate structure and function at the cellular level by using cell culture techniques. As this information develops, it should be possible to begin investigations into the molecular basis of lung disease—an essential step toward effective prevention and treatment.

Artificial lung to treat respiratory failure

It has been estimated that at least 150,000 adult patients a year suffer from respiratory failure. Despite the availability of intensive care units, the lung function of these patients on occasion continues to deteriorate. Approximately 40 percent of these patients die. Therefore, patients with potentially reversible lung disorders still die because of a need for short-term respiratory augmentation. An artificial lung has been developed and tested that oxygenates the blood external to the body. This device can provide long-term (days) support without serious blood damage. In recent years, clinical studies have shown that these membrane oxygenators can be used successfully to provide partial respiratory support for patients with acute respiratory failure.

BLOOD DISEASES AND BLOOD RESOURCES

Highlights of recent progress and future challenges in research, prevention, control, and education programs include:

Dissolving blood clots in the lung

A clinical trial has been completed of an enzyme capable of dissolving blood cots in the lung. Results indicate that the enzyme streptokinase (a relatively inexpensive and available preparation) dissolves blood clots in the lung just as effectively as the more widely publicized urokinase (another enzyme preparation), which is quite difficult to obtain. These results are important to the development of more readily available treatment of thromboembolic diseases.

A new technique to measure abnormal tendency of blood to clot

A hypercoagulable state in which the blood is more likely to clot than normally contributes to a variety of diseases including development of arteriosclerosis and heart attacks. Methods to adequately measure or characterize this state have been lacking. A method of sufficient sensitivity and specificity has now been developed which will make possible earlier initiation of appropriate therapy.

Sickle cell disease—prevention of sickle cell crisis

While clinical trials to evaluate urea as an anti-sickling agent have shown that it is not effective in the treatment of the sickle crisis, evaluation of other anti-sickling agents continues. Preliminary studies with sodium cyanate are quite promising.

A Cooperative Study Group composed of researchers and clinicians has been formed to collaborate and work together to answer research and clinical questions in sickle cell disease. This group will form the nidus for a larger group which will address itself to hemolytic diseases in general.

Five sickle cell disease centers and eleven screening and education clinics have been added to continue research and demonstration efforts (bringing the total of 15 centers and 26 clinics).

Hemophilia—improved treatment

A procedure has been developed which will improve production of Factor VIII, which is used to stop bleeding in hemophiliac patients. This procedure will enable blood banks and laboratories throughout the country to obtain more potent and more uniform Factor VIII from donor blood. Use of this procedure will improve hemophilia therapy and also permit more efficient use of donated blood and plasma.

Hepatitis—transmission through blood transfusion

Two large studies on the epidemiology of hepatitis B infection are nearing completion, including one in New York City of blood donors found to be carriers of hepatitis antigen. Newer, more sensitive detection systems for hepatitis B are being developed and compared. A study of the efficacy of hepatitis B immune globulin in the treatment or prevention of hepatitis B infection has shown that this agent is not effective in the treatment of acute fulminant type B viral hepatitis.

Preventing the rejection of transplanted organs

Investigators are pursuing means of preventing the sensitization of the transplant patient by lowering or attempting to eliminate histocompatibility-antigens (HL–A) in transfused blood. Platelet (one of the formed elements in blood) studies are in progress to determine the indications for HL–A typing in platelet transfusions. Studies of *in vitro* methods for removing HL–A from blood will be completed this year to be followed by clinical trials on renal dialysis patients.

Development of artificial materials which will not harm blood

Important progress has been made in developing techniques to impart blood compatibility to materials for artificial organs in contact with blood. As one example, a class of "springy" polypropylene has been synthesized with unique tissue-like physical properties for potential prosthetic applications. The technology now exists to graft blood compatible materials, such as hydrogels, to the polypropylene surface and thus greatly increase its potential for biologic use.

Safe materials for blood bags

A method has been developed and evaluated which accurately detects the amount of plasticizer DEHP (di-2-ethylhexylphthalate), a substance leached out of blood bags during blood storage. It should now be possible to assess more readily the clinical significance of the presence of DEHP in tissues and body fluids of transfused patients.

II. PROVISIONS OF THE ACT AND NHLI RESPONSE

The Act: Section 413(a). The Director, NHLI, with the advice of the Council, shall develop a plan for a National Heart, Blood Vessel, Lung and Blood Program.

Response: In 1972, NHLI undertook a review of progams at NIH and at other Federal Agencies, and also, with the aid of approximately 300 consultants, reviewed the state of knowledge in the four areas specified in the 1972 Act, namely, Heart and Blood Vessel Diseases, Lung Diseases, Blood Diseases and Blood Resources. The review resulted in an assessment of the ongoing programs, and the opportunities for additional efforts. With the advice of the National Heart and Lung Advisory Council, the Interagency Technical Committee (IATC) and representatives of nonfederal and voluntary organizations with related programs, NHLI organized the results of this review into a National Program Plan (DHEW Publication No. (NIH) 73–515) supported by extensive resource material from the Council, Panels and IATC.

The National Program Plan was forwarded by the Director of the Institute in May 1972 for transmittal to the Congress and was transmitted to the Congress on July 24, 1973.

As forwarded, the total report is contained in the following publications:

Volume I—National Heart and Lung Institute Summary.

This included the actual 5 year plan as required by the Act and the Institute's projections on the appropriation necessary to carry it out.

Volume II—Report of the National Heart and Lung Advisory Council.

This contains the Council's recommendations, after having reviewed the scientific inputs of the Panel Reports (Volume IV) and the analysis of current program activities (Volume V).

Volume III—Report of the Panel Chairmen.

Volume IV—Panel Reports.

Part I—Report of the Heart and Blood Vessel Diseases Panel.

Part II—Report of the Lung Diseases Panel.

Part III—Report of the Blood Diseases Panel.

Part IV—Report of the Blood Resources Panel.

Volume V—Program Analysis.

Part I—National Heart and Lung Institute.

Part II—National Institutes of Health (Exclusive of NHLI).

Part III—Other Federal Agencies.

The Act: Section 413(a) . . . and (The Director, NHLI) . . . shall carry out the Program in accordance with the plan.

Response: Within the constraints of available resources the program is carried out as detailed in the report, described above.

The Act: Section 413(b)(2). The Director of the NHLI shall prepare annually a report on activities, progress and accomplishments during the preceding calendar year and a plan for the Program for the next five years.

Response: During the latter part of 1973 and the early part of 1974, an update of the National Program Plan was prepared, which presented the Institute's revised plan for FY 1976–1980. This updated plan (The First Annual Report of the Director of the NHLI, DHEW Publication No. (NIH) 75–514), was forwarded to the President who transmitted it to the Congress on September 24, 1974.

The Act: Section 413(c)(1). If authorized by Council, obtain services of not more than 50 experts or consultants.

Response: The Institute currently has on board 3 full time and 1 part time experts/consultants under these provisions. The Institute has not made fuller use of these provisions because these special NHLI experts/consultants have not been exempted from the Institute's regular personnel ceiling. This is in contrast to the instructions to NCI, which clearly indicate that such positions are not to be counted in the regular personnel ceiling.

The Act: Section 413(d). There shall be in NHLI an Assistant Director for Health Information Programs appointed by Director, NHLI . . . shall conduct a program to provide public and health professionals with health information.

Response: The Institute has established and filled the position of Assistant Director for Health Information Programs. An analysis of public and professional inquiries has resulted in several workshops, and new publications for broad distribution are being developed. New approaches to communication involving multi-media approaches are being developed. The distribution of health related information is steadily increasing; last year in the area of hypertension alone, approximately 30,000 articles appeared in magazines and newspapers (or the print media).

The Act: Section 414(a)(1). Director of NHLI shall establish control programs as necessary for cooperation with other federal health agencies, state, local and regional . . . and non-profit private health agencies.

Response: The National High Blood Pressure Education Program is the major effort currently involving active cooperation and participation of other federal, state, local and regional public health agencies. There are currently about 100 such agencies actively involved in this program. This activity is of high priority to the Institute and will continue. The Sickle Cell Disease Program is another major program involving the coordination by NHLI of the National Institutes of Health, Health Services Administration, Center for Disease Control, Veterans' Administration, Department of Defense and the Labor Department. Major emphasis is on decreasing morbidity and mortality in sickle cell disease through a program of research and development and demonstration activities in public education, testing, rehabilitation and follow-up. Other cooperative efforts are in the planning stages to deal with cardiac rehabilitation, hemophilia and diet modification.

The Act: Section 415(a)(1). Director, NHLI may provide for development of: (A) 15 new centers for research and demonstration in heart and blood diseases, (B) 15 new centers for research and demonstration in lung diseases.

Response: (A) During FY 1975 one National Research and Demonstration Center was established for heart diseases (Baylor College of Medicine, Houston, Texas) and one for blood resources (King County Central Blood Bank, Inc., Seattle, Washington). Each of these deals with a broad spectrum of issues including basic and clinical investigation, community demonstrations of diagnostic and preventive techniques and public and health professional educational dealing with current knowledge and new approaches to disease control.

(B) One National Research and Demonstration Center for lung diseases (University of Vermont, Burlington, Vermont) has been established. It focuses primarily on occupational safety and health as related to lung diseases. The program of this center covers the spectrum as in (A) above.

The Act: Section 416(a). The Secretary shall establish an Interagency Technical Committee responsible for coordinating all related Federal programs and providing for full communication and exchange of information.

Response: The Interagency Technical Committee on Heart, Blood Vessel, Lung and Blood Diseases and Blood Resources was established by the Secretary, DHEW, on November 3, 1972. Departments and agencies represented on this committee are:

Constituent Agencies of HEW:
Alcohol, Drug Abuse and Mental Health Adminstration.
Center for Disease Control.
Food and Drug Administration.
Health Resources Administration.
Health Services Administration.
National Institutes of Health.
Social and Rehabilitation Services.
Social Security Administration.
Other Departments and Agencies:
Department of Agriculture.
Department of Defense.
Department of Transportation.
Atomic Energy Commission.
Environmental Protection Agency.
National Science Foundation.
National Aeronautics and Space Administration.
Veterans Administration.

This Committee has assisted in the preparation of an annual report which summarizes the Federally-supported research programs in Heart, Blood Vessel, Lung and Blood Diseases and Resources. It has also provided a vehicle for exchange of information on current operating programs and the development of new programs.

The Act: Section 417(a). There is established a Heart and Lung Advisory Council of 23 members.

Response: The Council was revised to 23 members following enactment of the legislation.

The Act: Section 417(d). The Director, NHLI, shall designate a member of the staff . . . to act as Executive Secretary to the Council.

Response: Following the enactment of P.L. 92-423, the Director appointed a senior member of the Institute staff to serve as Executive Secretary to the Council. One of the major duties of the Executive Secretary is to assist the Council in preparation of the annual Council report required by P.L. 92-423.

The Act: Section 417(e). The Council shall meet not less often than 4 times per year.

Response: The Council as a whole meets regularly four times per year; in addition, subcommittees or working groups meet between Council meetings as necessary.

The Act: Section 418(b)(2). The Council shall submit a report to the President for transmittal to the Congress not later than January 31 of each year.

Response: The First Annual Report of the National Heart and Lung Advisory Council, DHEW Publication No. (NIH) 74-508, was transmitted by NHLI to upper echelons on January 2, 1974 and was forwarded by the President to the Congress on July 29, 1974. The Second Annual Report is now being prepared for transmittal.

The Act: Section 5, Section 419A(2)(c). The Director, NHLI, may approve grants not to exceed $35,000 without review and recommendation by Council.

Response: The Institute has not taken advantage of this provision because of administrative difficulties and the necessity for clarification whether the stipulated sum refers to direct cost or total cost. The Institute has submitted a legislative recommendation that the $35,000 be identified as direct costs in a similar manner to the provision in the National Cancer Act Amendment of 1974 (P.L. 93-352, July 23, 1974).

The Act: Section 419B. Appropriations for any fiscal year shall be not less than 15% lung and 15% blood.

Response: This requirement has been met. For FY 1974 the allocation for Lung Diseases was 15%; for Blood Diseases and Resources, 17%.

The Act: Section 8. The Secretary, HEW, shall carry out a review of all administrative processes and submit a report to Congress within one year of the findings.

Response: The Secretary, HEW, forwarded the required report on administrative processes to the Congress on September 27, 1973. The report concluded that the authorities made available by the 1972 Act generally have provided the administrative tools necessary to implement the National Heart, Blood Vessel, Lung and Blood Act efficiently.

Mr. JAVITS. Mr. President, the tragic consequences of cardiovascular, pulmonary and blood diseases—pain, suffering, and death—have long been of deep concern to me. Twenty-eight years ago, in 1947, I introduced with Senator, now Congressman PEPPER of Florida a bill which became law to establish a National Heart Institute and which I believe was the first to focus attention on the issue. I am, therefore, particularly pleased to join with Senator KENNEDY in the introduction of the "Heart, Blood Vessel, Lung and Blood Act Amendments of 1975 and the National Research Award Act amendments of 1975" which allows us to continue to combat these dread diseases through an expended intensified and better coordinated program under the auspices of the National Heart and Lung Institute with broadened authorities.

Regrettably, the statistic I cited in 1948 when I testified in support of my National Heart Institute bill—H.R. 3762— as true now as it was then about heart disease: "It is the No. 1 killer." The time has come when we must recognize the serious proportion of cardiovascular and pulmonary diseases, and their dire effects on the health and well-being of the American people. The need for the legislation we are considering today can, and I quote from my testimony in 1948, "be justified as a national security investment."

The need for a continued, concerted, comprehensive coordinated attack on diseases of the heart, blood vessels and the lungs—which account for more than half of all the deaths in our country—is seen in the following tragic statistics, without reference to their human pain and suffering and economic toll upon the Nation where the combined economic and social impact of morbidity and mortality is enormous and the direct costs for medical care for patients with heart disease and related complications are estimated to cost more than $4 billion per year.

Heart and blood vessel diseases kill more than 1 million people each year.

Myocardial infarctions—heart attacks—kill some 600,000 people annually.

More than 12 million Americans will suffer some kind of heart attack in the next 10 years.

Lung diseases are deadly killers and debilitators. Approximately 20 million Americans are disabled with diseases of the lungs. Death from emphysema is rising at a rate unparalleled by any other disease.

Enormous numbers of people are being killed and disabled by thrombosis. This disease, the formation of blood clots in the vessels, is responsible for most of the suffering and death caused by the 200,000 strokes occurring annually in the United States.

The bill we introduce today will continue the intensified effort begun under

the "National Heart and Lung Act," for 2 additional years at the fiscal year 1975 level of authorizations—$520 million.

This bill also continues the biomedical research training authority, established under Public Law 93-348, for 2 additional years at the fiscal year 1975 level of authorizations—$207,947,000.

Also, under the programs authorized by this measure will be considerably illuminated by the assessments, findings and recommendations of the President's Biomedical Research Panel—chaired by Franklin D. Murphy, chairman of the board, Times Mirror Co. of Los Angeles; and, upon which also serve Robert H. Ebert, dean of the faculty of medicine for the Harvard Medical School; Albert L. Lehninger, DeLamar professor and director of the Department of Physiological Chemistry, Johns Hopkins University School of Medicine; Paul A. Marks, vice president for health sciences, Columbia University; David B. Skinner, professor and chairman for the department of surgery, University of Chicago Hospitals and Clinics; Ewald W. Busse, director of medical and allied health education and associate provost for Duke University School of Medicine; and the chairman of the President's Cancer Panel, Benno C. Schmidt.

Mr. SCHWEIKER. Mr. President, in 1972 the Congress enacted the National Heart, Blood Vessel, Lung and Blood Act. It was the purpose of that act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack upon heart, blood vessel, lung and blood diseases. The key provision of that legislation was a requirement that the Director of the National Heart and Lung Advisory Council develop a plan for a 10-point National Heart, Blood Vessel, Lung and Blood program. The plan provided for investigation into the epidemiology, etiology and prevention of all forms and aspects of heart, blood vessel, lung and blood diseases; studies and research into the basic biological processes and mechanisms involved in these diseases; research into the development, trial and evaluation of techniques, drugs and devices; establishment of programs to focus and apply scientific and technological efforts involving the biological, physical and engineering sciences; setting up of programs for the conduct and direction of field studies, large scale testing and evaluation; studies and research into blood diseases; the education and training of scientists, clinicians and educators; public and professional education; programs for study and research into heart, blood vessel, lung and blood diseases of children; and the establishment of programs for study, research, development, demonstrations and evaluations of emergency medical services. That 10-point program constituted a rational approach to the problem of organizing a national attack against cardiovascular and pulmonary diseases as well as diseases of the blood. Such a plan provides a coherent program for action as well as evaluation. In addition, we placed particular emphasis on the prevention of these crippling diseases.

The bill being introduced today by my colleagues and myself will continue the effort we began 3 years ago. The bill makes no fundamental changes in the present act, but incorporates the recommendations of the Association of American Medical Colleges, the National Heart and Lung Institute and the American Heart Association.

Specifically, the bill provides: First, changes in the requirement for a calendar year report to a fiscal year; second, requires the setting forth of staff and appropriation recommendations as those required in the annual report; third, broadens the construction grant authority to include alteration and renovation; fourth, extends the program for 2 years at the current level of authorizations; fifth, broadens heart prevention activities to include lung and blood diseases; sixth, increases the $5 million maximum single grant to a research center to include "cost-of-living" increases"; and seventh, conforms the contract peer review mechanism to that which is provided in the Cancer Act.

Mr. President, this extension of the Heart Act is an appropriate second step in our national effort against America's No. 1 killer.

This bill also contir ues the biomedical research training authority established under Public Law 93-348, the National Research Service Award Act of 1974, for 2 additional years at the fiscal year 1975 level of authorizations. The changes to existing law in this title of the bill are not major.

Last year the Congress consolidated existing research training and fellowship authorities at the National Institutes of Health into a single national research service awards authority. This increased the capability of the National Institutes of Health and the National Institutes of Mental Health to carry out their statutory responsibility of maintaining a superior national program of research into physical and mental diseases and impairments and perpetuate the excellence of research activities at the Institutes. The fellowship and training programs of the NIH are essential to insure that biomedical researchers of the future will continue the national research effort. The success and continued viability of the Federal biomedical and behavioral research depends on the availability of excellent scientists and a network of institutions capable of producing superior research personnel. Direct support of the training of scientists and careers in biomedical and behavioral research is an appropriate and necessary role for the Federal Government.

By Mr. KENNEDY (for himself, Mr. JAVITS, Mr. WILLIAMS, Mr. SCHWEIKER, Mr. PELL, Mr. HATHAWAY, Mr. CLARK, Mr. MCGOVERN, Mr. ABOUREZK, and Mr. RANDOLPH):

S. 989. A bill to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the health and allied health professions, to revise the National Health Service Corps program, and the National Health Service Corps scholarship training program, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. KENNEDY (for himself, Mr. JAVITS, Mr. WILLIAMS, and Mr. SCHWEIKER):

S. 990. A bill to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the health and allied health professions, to revise the National Health Service Corps program and the National Health Service Corps scholarship training program, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. KENNEDY (for himself, Mr. JAVITS, Mr. WILLIAMS, and Mr. SCHWEIKER):

S. 991. A bill to amend the Public Health Service Act, to revise the programs of student assistance, to revise the National Health Service Corps program, to establish a system for the regulation of postgraduate training programs for physicians, to provide assistance for the development and expansion of training programs for nurse clinicians, pharmacist clinicians, community and public health personnel, and health administrators, to provide assistance for projects to improve the training provided by undergraduate schools of nursing, pharmacy, and allied health to provide assistance for the development and operation of area health education systems, to establish a loan guarantee and interest subsidy program for undergraduate students of nursing, pharmacy, and the allied health professions, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. KENNEDY (for himself, Mr. JAVITS, Mr. WILLIAMS, and Mr. SCHWEIKER):

S. 992. A bill to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the health professions, to revise the National Health Service Corps program and the National Health Service Corps scholarship training program, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. KENNEDY. Mr. President, the Health Professions Educational Assistance Act expired June 30, 1974. Throughout 1974 the Congress struggled to fashion a profound restructuring and extension of that act. That struggle ended in a deadlocked conference with the House the day before the 93d Congress adjourned sine die.

This legislation has become controversial. That is unfortunate, but, given the complicated health manpower problems the legislation addresses, that controversy is unavoidable.

I am hopeful that with the bills I am introducing today with my friends and colleagues, Senators JAVITS, WILLIAMS, and SCHWEIKER that it will be possible to bring back to the Senate a comprehensive health manpower bill which adequately addresses the major health manpower problems of geographic maldistribution, and reliance upon foreign medi-

cal graduates in the very near future. I am confident that all members of the Senate Health Subcommittee share that goal.

In order to facilitate the subcommittee's consideration of major health manpower proposals, we are today submitting four bills. The first, which is also cosponsored by Senators PELL, HATHAWAY, CLARK, MCGOVERN, ABOUREZK, and RANDOLPH is the bill which emerged from the committee last year, less the deletion of nongermane health manpower amendments. I continue to strongly believe that it is the only measure which adequately addresses the health manpower problems described above. In addition, Mr. President, we are introducing on request a bill which has been recently developed by the Association of American Medical Colleges. While I am heartened by the association's movement respecting specialty maldistribution of physicians and provisions to contain the increasing flow into the country of foreign medical graduates, I am disappointed that the proposed provisions of the bill regarding geographic maldistribution and capitation conditions are so weak. As they stand, they will not be sufficient to effectively address the problem of geographic maldistribution. The rhetoric of voluntarism has not been sufficient to motivate young physicians to practice either on a temporary or permanent basis in rural communities or innercity areas. Yet the residents of these areas by the millions pay the tax that so generously supports these educational institutions and their students. This problem must be more adequately addressed, if the health manpower legislation in the 94th Congress is to avoid the fate it met in the 93d Congress.

In addition, Mr. President, we are introducing the health manpower proposal introduced last year in the House by my very good friend Bill Roy of Kansas. His approach to overcome geographic maldistribution relied upon substantially increasing student scholarships, while eliminating institutional—capitation—support. This approach did not receive adequate attention in the Senate last year. And the introduction of this bill will place it before the Health Subcommittee at a time when it can be fully evaluated. Lastly, we are introduced the House-passed bill.

Subcommittee hearings will be scheduled in April and May, if necessary. Given the fact that much of the legislation in 1975 will be a repeat of the legislation which grew out of the subcommittee's hearings in 1974, it will not be necessary for the subcommittee to schedule hearings for the purpose of simply repeating testimony from interested parties. The 1975 hearings will rather focus on the main problem areas described above. Parties wishing to comment on these bills and others which may be introduced should file statements with the subcommittee no later than April 7, 1975.

Finally, Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a document entitled "H Health Manpower Legislative Proposal," dated January 24, 1975, and developed on a "crash basis" by the health officials in HEW with representatives from the Office of the Assistant Secretary for Health, the Health Services Administration, and ADAMHA. This is a fascinating document and had it officially seen the light of day in the form of a new administration health manpower proposal for 1975, it would have made a major contribution to the work of the Senate and House in restructuring health manpower legislation.

Unfortunately, I understand the administration intends to simply reintroduce its 1974 bill, which received little or no serious attention by the Congress.

The task force report identified the same pervasive problems as has the Senate Health Subcommittee:

First. A shortage and uneven geographical distribution of primary care;

Second. Uneven geographical distribution of specialty service;

Third. High cost and uneven productivity of service delivery; and

Fourth. Lack of uniform standards for assuring adequate levels of service quality.

The report acknowledges that efforts to date to deal with these problems have been uneven, fragmentary, and inadequate.

Unlike the administration's bill, the report calls for stable institutional support in the form of capitation grants for the schools. The report calls for reducing the net influx of foreign medical graduates.

The report calls for the creation of a National Graduate Medical Education Residency Commission to advise the Secretary of Health, Education, and Welfare on the numbers, types, and locations of medical residency positions in the various specialties appropriate to national needs.

The report calls for a program to develop uniform standards for the health services and for the use of comparable examinations for entrance into graduate medical education for FMG's and USMG's.

I know this report will be useful to me and the members of my subcommittee. I commend it to my colleagues and to those who have an interest in these important and complicated health manpower issues.

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

"H" HEALTH MANPOWER LEGISLATIVE PROPOSAL

"Here comes Edward Bear down the stairs—bump, bump, bump on the back of his head. He is sure there must be a better way to get down the stairs if he could only stop bumping his head long enough to think of it. But, on the other hand, perhaps not."—A. A. Milne, Winnie the Pooh

NOTE

House and Senate conferees of the last Congress were unable to agree in late December on new health manpower legislation to replace the Comprehensive Health Manpower Act of 1971, which expired on June 30, 1974. New legislation to replace the Nurse Training Act of 1971, which also expired on that date, was vetoed by the President. This is a proposal for new consolidated legislation to replace the expired bills.

On a crash basis during the past several weeks, an H work group lead by HRA, with representatives from OASH, HSA and ADAMHA participating, developed the attached proposal. In the course of its development, the work group re-examined the previous Administration proposal, first submitted to the Congress on May 20, 1974, in the context of the H Forward Plan for FY '76-'80 which was not available during development of that earlier proposal. The work group took into account actions of both the House and Senate during the last Congress on health manpower legislation. Recently published reports, both government (e.g., The Supply of Health Manpower—BHRD, HRA) and nongovernment (e.g., Manpower for Health Care—Institute of Medicine) were also used as major reference sources.

The proposal has been endorsed as a recommended policy position by the H Health Manpower Coordinating Committee and the H Policy Board.

This proposal is in three parts, each paginated separately:

Part I—Overall Rationale and Approach.
Part II—Proposed Legislative Authorities.
Part III—Supporting Analyses.

Because of the tight deadline, there is some overlap of content among the three parts.

PART I—OVERALL RATIONALE AND APPROACH

Scope

This legislative proposal focuses on Federal relationships with the Nation's postsecondary health education and training systems that are involved in producing manpower for the direct delivery of personal health care services (excluding alcohol, drug abuse and mental health manpower) and for service delivery administration.

Persistent Problems in Delivery of Health Care Services

Delivery of personal health care services to the nation's population is accomplished through a complex, pluralistic, largely private system involving several major components—consumers, product manufacturers, third party payors, State and local governments, education and training institutions, providers and provider institutions, and the Federal government. A very broad national consensus has emerged during the last decade that the overall performance goal for this multi-faceted system should be to provide access to adequate services at a reasonable cost for all persons, regardless of their socio-economic status. This consensus has been explicitly codified in the recently enacted National Health Planning and Resources Development Act of 1974.

There are generally recognized performance short-falls of the health care system with respect to this overall goal: widely varying access to and utilization of services, uneven quality of available services, and continuing escalation of service costs. Because the system is labor-intensive, it is not surprising that several major deficiencies and inefficiencies within the system that have been identified as directly related to these performance short-falls involve health manpower. The most pervasive of these problems are the following:

1. Overall shortage and uneven geographical distribution of primary care services.*

2. Uneven geographical distribution of secondary and tertiary care (specialty) services, including apparent distortions (under

Working Definition of Primary Care Services: Provision of personal health services characterized by delivery of first contact health care services; assumption of longitudinal responsibility for the patient regardless of the presence or absence of specific diseases; serving as referral entry point to specialized secondary and tertiary care services; and integration of physical, psychological and social aspects of health care to the limits of the capability of the practitioner.

or over supply in certain specialties), in the national profile of specialty services.

3. High cost and uneven productivity of services delivery, associated in great measure with inefficient organization of service delivery systems.

4. Lack of uniform standards for assuring adequate levels of service quality.

These deficiencies and inefficiencies are persistent and interrelated *systemic conditions* of the health care system which, through time, have grown more serious in nature. The conditions do not represent problems with just one component of the system (e.g., third party payors), but rather joint problems resulting from the structural and functional characteristics of the linkages among the system components, and of the components themselves.

It is clear that no quick, "silver bullet" solution can cope with these systemic conditions. Change in the system necessarily must be viewed as a very long-term process which will require the concerted action of all major system components in a national effort. The legislation proposed herein is designed to reinforce and facilitate those changes in health manpower production components which are necessary if they are to appropriately and effectively participate in that national long-range effort.

Changes in Direction for Health Manpower Production

It is a generally accepted proposition that health manpower production systems must modify both their processes and outputs in order to contribute to a long-range attack on the four systemic conditions identified in the preceding section. Specifically, there is a broadly-based consensus that the following interrelated major changes in direction are needed:

1. Improved Geographic Distribution of Manpower Output.

2. Increased Production Capacity and Output in Primary Care Manpower.

3. Increased Training in Team and Group Practice Modes.

4. Improved Specialty Profile of Manpower Output.

5. Standardization of Manpower Performance Qualifications.

6. Extension of System Capacity to Support Continued Competence.

Both self-generated and Federally stimulated activities along each of the above directions are already underway within the health manpower production systems, but efforts to date are uneven, fragmentary, and inadequate in the aggregate. The compelling requirement is for these changes in direction to be viewed as critical structural reforms that must be institutionalized, and not viewed as temporary or transient "crisis" responses by the systems.

The Federal Role in Health Manpower Production

The necessity for the Federal government to participate, indirectly or directly, in the health care system in order to assure achievement of national health care goals, has been historically established. In addition to direct operation of limited special purpose service delivery systems (*e.g.*, Department of Defense, Veterans Administration, Indian Health Service) and public health programs (*e.g.*, disease control and hazardous product protection), the Federal government has conducted and fiscally supported biomedical research on a large scale.

The Federal government's involvement in health services delivery on a broader base has included financing the costs of health care facilities, primarily hospitals, partial financing of health care services for major segments of the population, and more recently, partial, sometimes total, financing of health planning and service agencies (*e.g.*, Neighborhood Health Centers). For over a decade, now, health manpower development also has been partially financed in a substantial amount by the Federal government through student assistance, institutional support and special project and program support.

The basic rationale for the Federal activities listed above includes two major dimensions: achievement of the end-results desired as a matter of national public policy are (1) beyond the jurisdiction or resource capacity of the separate states, and/or (2) the competitive market economy system is unacceptably inefficient or ineffective.

The objective of the Federal role in health manpower development is to assure an adequate supply and an appropriate mix and distribution of qualified health personnel for the nation's health care system so that it can achieve national health care goals most efficiently and effectively. The changes in direction for health manpower production systems listed in the preceding section are directly targeted on improvements in the supply, mix, distribution and productivity of health manpower. Federal role relationships with the manpower production systems that are necessary to assure those desired changes in direction represent the focus of the proposed legislation.

Beyond their intrincis differences in manpower production purpose and substantive content, the separate categorical production systems are dissimilar in institutional structure and function in ways that are significant to establishing Federal role relationships that are necessary to assure desired changes in those systems. These important distinguishing characteristics among the systems center around those which produce manpower who require post-baccalaureate training for entry into health service occupations, and those who do not.

Although the empirical data available are not comprehensively definitive, the following characteristics of these two groupings are generally accepted. For those health manpower categories requiring no more than a baccalaureate degree:

1. Educational and training opportunities are more evenly distributed nationally than post-baccalaureate opportunities;

2. The separate states, local governments and nongovernment organizations provide more of the total fiscal resources for operation of the educational and training institutions at these levels and their health manpower programs, compared to post-baccalaureate institutions;

3. Output capacity of these institutions is more readily adjustable to proximate (local and state) level supply and demand determinations, without major impact on national supply and demand, than post-baccalaureate capacity;

4. Institutions at these levels have tended to respond well to demands for increased personnel in most occupational categories, without large programs of direct Federal support;

5. Federal assistance under various Office of Education scholarship and loan programs can provide a larger portion of the students' expenses for training at these levels;

6. A higher proportion of students are originally residents of the states in which the institutions they are attending are located.

7. The manpower output of these programs is generally less mobile than the output of post-baccalaureate programs.

For those health manpower categories requiring post-baccalaureate education and training, the obverse of the factors stated above holds. Institutions offering such education and training are less evenly distributed among the States; the total operating costs of these institutions are largely Federally financed because of interlocked service and research functions; these institutions more often provide educational opportunities for residents of States not having such institutions; graduates are more mobile; finally, the manpower output of these schools, in both numbers and types of manpower, determines the national supply in these categories.

On the basis of the above consideration, Federal health manpower programs of institutional support and of general student assistance for manpower production at the less than post-baccalaureate levels do not appear necessary, or justified, to assure desired changes in those production systems. However, there are situations in which specific, targeted fiscal support of particular training programs is needed on a discretionary selective basis (including student assistance in some instances). This support is required to stimulate development and output of manpower categories found to be in short supply nationally to revise roles and duties within categories for more productive manpower utilization, and to address specific training process or utilization issues.

Post-baccalaureate training institutions and programs, on the other hand, must be viewed as vital national resources. It is most difficult for State and local jurisdictions, and for private organizations, to generate the fiscal resources necessary for these institutions to respond to nationwide needs. Federal programs of institutional support and student assistance, as well as targeted discretionary programs, are justified to assure that desired changes in those production systems occur.

The health professional schools, particularly medical and dental schools, are vital national resources from other perspectives than just their role as producers of manpower needed nationwide: these institutions perform the bulk of Federally financed biomedical research and development and deliver a substantial amount of the nation's hospital-based patient care, much of it Federally reimbursed. Most of these activities, separately funded through different Federal agencies with separate program, policy and funding priorities, must be performed jointly by the schools. Because of these interrelationships, changes in priorities, policies or fund flows from one Federal sponsor have profound effects on these jointly performed activities and their other outputs. Institutional support, therefore, in the form of a stable capitation-based operating subsidy under the Federal health manpower program for assuring manpower production changes, should be viewed more broadly as helping to assure the financial viability of institutions, with multi-purpose functions of critical national importance.

The principal conclusion following from this basic rationale for determining Federal role relationships with the nation's post-secondary education and training systems producing manpower for the delivery of personal health care services is that Federal institutional assistance programs should be limited to schools of medicine, osteopathy, dentistry, podiatry, and public health. Schools of Veterinary Medicine would not be included because the bulk of their graduates do not enter the personal health care delivery systems; however, targeted student assistance and discretionary program support are necessary to assure that portion of manpower output that is involved in public health activities. Neither would schools of Pharmacy, Nursing and Allied Health be included under institutional assistance, but targeted student assistance and discretionary program support are necessary to assure desired changes in direction of these manpower production systems.

CHANGES IN DIRECTION FOR THE FEDERAL HEALTH MANPOWER ROLE

Historically, the nation's health manpower production systems have responded well to Federal encouragement to change. The post-

baccalaureate health professional institutions, for example, earlier expanded their biomedical research capacity dramatically during the 50's and 60's. During the last decade, they have equally dramatically expanded their manpower production capacity and output. This latter goal was represented the major priority of Federal health manpower programs of the last decade, with the bulk of Federal funds expended targeted to that general purpose—a quantum increase in the supply of health manpower.

Current projections of manpower supply indicate that the output capacity of the nation's manpower production system is approaching a level that assures an adequate supply for the range of manpower requirements that are likely to be obtained during the 80's and beyond (see Tab A of Part III of this legislative proposal package). This suggests that the major Federal priority should shift from encouraging further rapid and massive expansion of capacity to more targeted efforts to assure the changes in direction of manpower production systems identified in an earlier section.

The need for the Federal government to shift from a priority of assuring a rapid and massive increase in health professional supply is justified by explicit recognition of the non-validity of what may have been an implicit assumption partially embodied in that priority. As noted earlier, the four persistent systemic problems in service delivery have not just suddenly emerged, but have been with the nation for some time, surely in significant ways during the last decade. The belief may have persisted that massive increases in professional manpower supply —even oversupply—would satisfactorily address those problems through operation of the competitive market for physician services.

Two essential characteristics of a truly competitive market, for this approach to be effective, are: individual sellers (or buyers) have no discretionary power over the price of the service in the market and changes in supply do not effect demand at a given market price (supply and demand are independently determined). While these conditions generally hold for most professional manpower—economists, lawyers, engineers—they do not hold for most health professionals, particularly physicians and dentists. Physicians enjoy considerable discretion over the demand for services by their patients and within fairly wide limits can set prices to attain chosen income levels. For these reasons, physicians can continue to choose practice specialties, settings and locations which do not alleviate specialty or geographic maldistribution problems in the face of various supply levels—even with "oversupply". Given the high cost of physician production, Federal policies should guard against encouraging an oversupply.

In shifting away from encouragement of rapid and massive increases in capacity to avoid oversupply and to give priority to other desired changes in manpower production systems, two additional considerations must be taken into account.

First, the supply projections and requirements forecasts which provide the basis for a shift in Federal priorities involve assumptions which do not allow a total lack of Federal concern for production capacity (see Tab B of Part III). Specifically, for example, the supply projections assumed a modest annual growth in production capacity for physicians of 1.3%. The uncertainties associated with requirements forecasting (e.g., annual increases in physician productivity, potential impact of national health insurance) strongly suggest that the Federal government encourage this modest growth in output capacity to assure that physician supply falls within a reasonable range of potential requirements.

Secondly, two legislative authorities proposed herein, which also have appeared in various forms in other legislative proposals, impact on judgments about the adequacy of physician output capacity. Changes in Immigration and Educational Exchange programs will have the effect of reducing the net influx of FMGs into the U.S. health care system to a level substantially below the number assumed in the previously mentioned supply projections. Increases in primary care physician capacity and output cannot, and probably should not, be accomplished at this time through precipitous and premature reduction or elimination of other specialty outputs.

For these reasons, there is a need for the Federal government to not encourage continued rapid and large expansion of health professional production capacity, but rather to encourage both the maintenance of the existing capacity and a modest increase in that capacity to assure an adequate aggregate supply for addressing persistent systemic problems through other means.

Special Economic Considerations for Federal Role

The nation's general economic condition, as well as more focused considerations about health professional manpower, have led to suggestions that the Federal government essentially withdraw from providing fiscal support to the health professional educational and training institutions and to students in those professions.

The basic rationale asserts that since most health professionals, particularly physicians, realize incomes in the top five (5) percent of the country, this represents a very good return on their educational investment and they should be willing to bear the brunt of that investment. The health professional schools could raise tuition levels to cover full educational costs; Federal involvement at most would be to provide loan guarantees or perhaps direct loans in some instances.

The above approach deserves consideration, particularly in times of intense pressure to reduce Federal outlays generally. Unfortunately, the market conditions described in the preceding section mean that this approach likely would lead to an exacerbation of the persistent systemic problems in the health care system. Graduates, under this approach, would be encouraged to seek even higher fees to attain a targeted income level while repaying their educational debt; there would be even more incentive to choose specialties and practice locations where the volume of services is likely to be the highest; socio-economically disadvantaged persons would be less likely to enter the professions.

In the final analysis, the income transfer implied in this approach would still be borne by the public generally (assuming some form of national health insurance) at a level at least equal to Federal investments in educating and training the professionals. Also, this approach frequently overlooks the portion of the transfer returned to the society through taxes. More importantly, Federal involvement in health manpower production allows leverage to encourage desired changes in direction of the production system, and its output, to assure an adequate supply, distribution and mix of manpower for meeting national health care goals.

However, the Federal role need not be all or nothing in this regard. Without abandoning Federal support, capitation levels for institutional support can be set to encourage some increases in tuition in the health professional schools and student assistance can be conditioned to reflect legitimate societal expectations that the recipients of such aid do have service obligations not always entirely met through pursuit of strictly personal goals. Evidence is beginning to emerge that students in the production pipeline have attitudes and values quite compatible with the changes in direction which are necessary to address the four persistent systemic health services problems. Federal policies should encourage these trends.

Consolidating and Integrating Strategy

Historically, the legislative approach generally has identified and isolated specific health manpower problems, and then equally specific legislative provisions authorizing the use of one of the available Federal mechanisms to address the identified problem have been devised. This one-to-one problem/legislative provision approach has been partially successful in addressing many critical health manpower issues, but frequently it has resulted in overlapping, duplicating, and occasionally, conflicting statutes. In addition, while an authority may have been successful in addressing a targeted problem, it sometimes has exacerbated other problems or reduced the efficacy of efforts being made under other authorities.

This legislative proposal breaks with such historical precedent. The legislation provides for a consolidation of authorities along two dimensions. First, it extends the consolidation of health manpower categories begun in the Comprehensive Health Manpower Training Act of 1971, which incorporated allied health and public health manpower categories with health professional categories, by including nursing manpower. Secondly, it consolidates provisions for separate purposes which use the same mechanism (e.g., scholarships) into a single provision for that mechanism, allowing for multiple use of the mechanism.

These consolidations reflect recognition of the systemic interdependency of health manpower problems. Because of their systemic character, the legislation addresses these problems at multiple points within the system, with the full range of mechanisms. This approach facilitates administration of the separate mechanisms through an integrated, orchestrated strategy employing common assumptions and compatible regulations and policies. It is explicitly recognized that a single provision may address more than one problem area and conversely, that a given problem can be addressed by a combination of legislative authorities.

The following is an outline of the integrating strategy implied by the separate legislative authorities described in Part II of this legislative proposal.

Improved National Planning and Analysis Capacity

As noted previously, manpower-related deficiencies in the health care system will yield to nothing less than a concerted long-range effort involving all components of the health care system. This implies the need for new mechanisms and capacities to establish long-term health manpower goals, to monitor and assess performance in achieving those goals, and to develop appropriate strategies and policies for Federal involvement in that effort. The proposal contains three specific provisions addressed to this need.

Firstly, a revitalized National Health Manpower Advisory Council is established which will report to the Secretary, DHEW, and will not only advise the Secretary on the award of appropriated funds, but will also have the responsibility for developing long-range national health manpower goals and Federal health manpower strategies. Secondly, a National Graduate Medical Education Residency Commission is proposed to advise the Secretary on the numbers, types, and locations of medical residency positions in the various specialties that are appropriate to national needs.

Both of these bodies are envisioned as broadly representative of the national health care system, including consumers. The important matters of public policy which will be addressed mandates such broad representation; for example, the numbers, types, and locations of high-cost, high-technology, ter-

tiary care services and manpower, e.g., organ transplant units) involve judgments which go beyond strictly professional medical views on the quality of medical care.

Finally, the legislation calls for an enhanced and integrated Federal manpower analysis capacity to assemble, analyze and interpret information and data on health manpower in the health care system; the existing Federal capacity is fragmented and inadequate. An improved capacity is required to provide a sound informational base for the two advisory groups, for internal HEW planning and policy development, for Congressional legislative development, and for appropriate feedback to the various components of the health care system to encourage self-generated change to meet national goals.

All of the above efforts will be conducted in close collaboration with the programs authorized under the recently enacted P.L. 93-641, The National Health Planning and Resource Development Act of 1974, and with data collection programs of the National Center for Health Statistics under provisions of Section 306 of the Public Health Service Act. (See Tab C for additional discussion of planning and analysis issues and anticipated collaboration efforts).

Assurance of Adequate Aggregate National Manpower Supply—It is a generally accepted proposition that an increase in manpower supply alone will not effectively address persistent manpower-related deficiencies in the health care system. However, it does not follow that an adequate supply, including some increases in certain manpower categories, is unnecessary for successfully addressing those persistent problems. In keeping with the rationale presented in the preceding section, legislative authority is provided for institutional support for those health manpower categories considered to be national supply concerns.

Basic capitation support would be conditioned only on maintenance of both output capacity and non-Federal support. These minimal conditions for basic support recognize and preserve the desirability of a pluralistic health professional educational system. The provision recognizes the institutions as national resources possessing the capacity for imaginative and innovative contributions to the attack on persistent manpower-related deficiencies in the health care system.

Provision is made for bonus capitation awards to provide incentives to the institutions to address the problems of inadequate primary care manpower output and to increase production capacity for this purpose, as well as to assure a modest increase in overall system capacity to meet desired levels in view of supply and requirement uncertainties (e.g., decreasd in FMG net influx, increase in demand for certain occupations under NHI).

This emphasis on maintenance of output capacity, with selective increases in capacity is reflected in the construction authority which focuses on modernization and replacement needs, with new construction limited to that which would increase primary care output, primarily development of detached ambulatory care facilities. Also, a provision for limiting deficits sharing (financial distress) is provided for schools in temporary special circumstances not adequately covered by capitation assistance.

Improved Geographic Distribution of Manpower Output—A major premise of the proposed legislation is recognition of the systemic character of the geographic maldistribution problem. Thus, it is proposed that the bulk of student assistance be used as the primary mechanism for addressing this problem, embodying both short-term and long-range approaches. Specifically, the legislation provides for a consolidated student scholarship authority targeted on the needs of the National Health Service Corps and other HEW manpower requirements, with a student loan authority targeted on disadvantaged persons who have problems of access to health careers. The scholarship program is voluntary and has no institutional quotas. A year of service for each year of scholarship aid received is required, with a minimum of two years service; the provision includes strong payback, buy-out sanction. A private practice option in underserved areas in lieu of service in the National Health Service Corps with the approval of the Secretary, is also included.

The longer term need to establish a system for providing continuity of care in underserved areas is addressed in several provisions: the capitation bonus for increased primary care graduate training opportunities; portions of the consolidated discretionary target authority for extending the outreach of health education and training institutions to provide ongoing support and continuing education to health personnel in underserved areas; construction of ambulatory care training facilities and in selected instances, new schools, in regions currently not having such facilities; incentives in the consolidated discretionary target authority for increased training of mid-level professionals and an increase in interdisciplinary team training programs, particularly in primary care.

Increased Primary Care Manpower Output and Production Capacity—The geographic maldistribution deficiency in the health care system is largely, although not exclusively, a deficiency in primary care services. Thus, the approach described in the preceding paragraph will, at the same time, be increasing primary care manpower output and production capacity. In addition, the consolidated discretionary target authority contains provisions for support of development and expansion of family practice residency programs and of programs preparing health personnel for primary care service, including both medical residency and general faculty development.

Improved specialty profile of manpower output

The emphasis placed on improving geographic distribution and primary care output in the proposed legislation, as described in the preceding paragraphs, implicitly addresses the apparent distortion in specialty manpower output. By definition, increased enrollment in the primary care specialties, given a relatively stable capacity, will at the least mitigate against continued increases in output of other specialty categories. Specialty emphasis in the proposed legislation clearly is on medical education although other manpower categories are included. The legislation recognizes, moreover, that there currently is no consensus regarding the specialty mix that is appropriate for health services delivery in various settings (other than the general consensus that more primary care manpower is required). The establishment of a National Graduate Medical Education Residency Commission, mentioned in the paragraph addressing an improved capacity for national planning and analysis, reflects the need to establish consensus on this question, even in the absence of complete and definitive data on all the issues involved.

Uniform quality standards and continued competence

Professional standards and measures of competence are not available for all manpower categories. Where available and proscribed, they are in sharp variance from state to state and are applied differentially. The proposed legislation extends and complements existing authorities to provide for a program to develop uniform standards for those health professions and occupations not currently mandated by statute, where critical need for such standards exist.

Provision is made for the use of the discretionary target authority to support education and training programs designed to maintain continued competence of personnel in practice. (See Tab D for additional discussion of Qualifications Standards and Continued Competence issues.) The legislation calls for the use of comparable examinations for future entrance into graduate medical education for FMGs and USMGs. Related to this concern, the legislation mandates a return in the educational exchange program to the original purpose for which it was intended, namely, assistance to other countries in improving their health care capacity. Finally, special attention is given to programs designed to improve the qualifications of U.S. students currently studying abroad for entering U.S. medical schools and the qualifications of FMGs currently practicing in this country with limited and/or restricted licenses. (See Tab E for additional discussion of FMG issues.)

IMPROVED UTILIZATION AND PRODUCTIVITY

It is a generally accepted proposition that highly trained health personnel are being used for the performance of tasks that can be performed with comparable, adequate quality by personnel with less formal training. Programs for increasing manpower output in mid-level occupational levels and for inter-disciplinary "team" training are included in the proposed consolidated discretionary target authority as direct approaches to these problems of improved utilization and productivity of health professionals. The productivity of manpower production systems is the target of another provision of the consolidated discretionary target authority which supports programs of educational research and development designed to improve the effectiveness and efficiency of those systems. Finally, the overall approach of increasing the nation's primary care capacity impacts on these deficiencies by guiding the health care system away from inappropriate utilization of specialists for providing general primary care.

Summary Statement

As part of its larger public responsibility for assuring the health and welfare of the Nation, the Federal government must establish national goals for the health care system and monitor its performance in achieving those goals. The Federal government also has the derivative responsibility of participating indirectly, or directly if necessary, in the health care system if national goals are not being achieved without such participation.

The proposed legislation is designed to provide the Federal Government with an improved capacity for setting national goals and monitoring achievement of those goals by the health care system. It also establishes a series of Federal role relationships with the Nation's health manpower production systems which facilitate and reinforce the latter's participation in a concerted, long-range national effort to address persistent manpower-related deficiencies in the Nation's complex pluralistic health care system.

While, in one sense, there is nothing new in the Federal mechanisms proposed as authorities (there are only a finite number of variations on those themes), the proposal does chart new directions for the Federal role in the targeted and coordinated use of those mechanisms in an overall consolidating and integrating strategy. These new directions are significant enough to have profound effects, if implemented in a complementary fashion with other Federal programs

(e.g., health financing mechanisms), on the persistent, systemic problems of the Nation's health care system.

The more salient new directions for Federal role relationships are the following:

1. The use of Federal scholarship and loan programs as a direct means of addressing the problem of geographic maldistribution of services.

2. The use of the institutional assistance programs to bring about structural reforms to increase national primary care manpower output capacity.

3. Augmenting 1 and 2 above, the establishment of a Federal regulatory mechanism, with broadly-based representation from the health care system, to address the problems of specialty distortions in graduate medical education.

4. Supporting the development of uniform standards for manpower qualifications, with special emphasis on addressing the problems associated with the heavy dependence of the U.S. health care system on FMG supply.

5. Shifting priority from encouragement of manpower supply expansion as an implicit indirect means of addressing distributional problems to increased concern with utilization and productivity of manpower in service settings.

PART II—PROPOSED LEGISLATIVE AUTHORITIES

INTRODUCTION

This consolidated health manpower legislative proposal is conceived as a four-year extension and modification of Federal support for health manpower education. While most of the Federal health services and resource development authorities in recent years have been limited to three-year extensions (and some of the more recent to two years), this proposal adds a fourth year for the purpose of providing transitional time to develop and promulgate regulations and implementing policies for selected programs. This one transitional year (FY '75) is also required because Congressional action on the health manpower bill will probably not occur until the late Spring of 1975. Accordingly, while certain uncomplicated modifications of essentially continuations of existing programs can go into effect immediately in FY '75, others will require more time in implementation preparation. Specifically, capitation assistance, the Consolidated Scholarship Program, the National G.M.E. Residency Commission, the Uniform National Standards for Qualifications, and the Immigration and Educational Exchange Program modifications would commence in FY '76 in order to provide time to develop and promulgate the necessary implementing policies and materials. All other elements of this proposal would become effective during FY '75.

MANPOWER PLANNING AND REGULATORY ACTIVITIES

National Health Manpower Advisory Council

Discussion

A new consolidated National Health Manpower Advisory Council should be established to include all health professions, including nursing, public health, and allied health. The Council would establish national health manpower goals, assist in Federal policy development, and perform grant application reviews. Application reviews would be limited to selected grant programs in order that the Council could devote a large measure of time, commensurate with its status, to its broader policy functions.

Proposal

Establish a National Health Manpower Advisory Council to develop short-term and long-range national health manpower goals, to recommend Federal health manpower policy, strategy and priorities for achieving the goals and to report to Congress on this charge within 30 months after enactment of the legislation. The Council will review all proposed Federal politics and regulations related to health manpower development and utilization before promulgation. Grant applications for construction and target programs, would be reviewed by the advisory council prior to award. The Council would be chaired by the Secretary and would consist of 25 members, representing health professionals, students, general public, major segments of the health care system, and other individuals qualified because of their position, experience or training to assist the Secretary in the administration of Federal health manpower program.

National manpower analysis capacity

Discussion

The development of national health manpower goals and the formulation of appropriate and effective strategies, priorities and policies in the health manpower area requires sound analysis of information and data on the functioning of health care system—financing mechanisms, consumer behavior, organization of service delivery—as well as the deployment and utilization of personnel within the system. The pluralistic character of the health care system presents complex analytic problems that require sophisticated use of advanced multi-variate methods, techniques and approaches including computer-based models which take account of major interacting factors in the system. The Federal capacity for such analysis is fragmented and inadequate; existing analytic resources are properly attached to organizational units to support program administration and operations, and their perspective is focused on special-purpose analyses of those aspects of the overall system with which the program interacts. A centralized organizational capacity is required to assemble and aggregate information and data on the total system from a national perspective, to utilize existing sub-system analytic outputs, and to conduct in-depth analyses on critical short-term and long-range national problems and issues.

Proposal

The Secretary is required to establish a national health manpower analysis capability which would include data on all health professions personnel, including nursing, allied health and health administrators.

The proposal would authorize DHEW to make grants and contracts with public and other nonprofit bodies and contracts with other entities for the purpose of improving the assembly, processing and analysis of health manpower data and other relevant health system data including the development of advanced analytic methods and techniques.

The authority would be used for national level policy and strategy analyses with these activities performed in close collaboration with the National Center for Health Statistics; a major data input to the analyses will come from the data collection activities of NCHS under Section 306 of the PHS Act, particularly the Cooperative Health Statistical System. The authority also would be used in close collaboration with sub-national data collection and analysis efforts authorized under P.L. 93–641, the recently enacted National Health Planning and Resource Development Act.

The analytic capability established would be authorized to provide analytic support to the proposed National Health Manpower Advisory Council and the National Graduate Medical Education Residency Commission.

Appropriation Authorizations

FY '76, $10 million; FY '77, $10 million; FY '78, $10 million.

National Graduate Medical Education Residency Commission

Discussion

Traditionally, the Federal role in specialty distribution has been limited to special project grants and other types of similar activity, discretionary on the part of the Federal Government, and voluntary with respect to the participation by graduate medical programs.

Given the growing problem of specialty maldistribution, however, it is unlikely that any combination of Federal special project grants and voluntarism can adequately cope with the problem. The problem is clearly manifested by the reduced number of physicians is increasing. For example, 47.9 percent entering primary care specialties, while the absolute number of physicians of all active non-Federal physicians were in primary care specialties in 1963 as opposed to 44.9 percent in 1972. The difference is far greater if the number of internists who enter subspecialties are excluded from this total. For the same period, the number of general practitioners dropped from 25.6 percent to 15.8 percent. Further, of the 51,115 residency positions offered in September 1972, only 17,934 were in primary care, of which 2,089 went unfilled.

Conversely, while there is an insufficient number of primary care physicians, there appears to be a surplus of the number of physicians in other specialties. Unfortunately, while opinions differ regarding what constitutes a sufficient number within each specialty, there is general agreement that certain specialties are in excess of national needs.

There are several reasons for the anti-primary care bias in existing residency programs. One reason is that institutions have great incentives for establishing large numbers of residency programs because they constitute a source of inexpensive physician manpower. In this way, training needs become secondary to an institution's service needs. Also, primary care has not attained the prestige of other more established specialties. Primary care residencies also suffer because of current reimbursement policy. Because of third party reimbursement policies outpatient services usually operate at a loss.

Furthermore, residency programs and positions are approved by a large number of residency specialty and subspecialty review committees. While these committees are to be credited with maintaining a high quality of training, they are not concerned with the total number of future specialists, particularly in relation to other specialties as they involve national needs. Finally, specialty boards operate independently and there is no attempt to coordinate the number of residency positions with the number of United States medical school graduates. As an example, of the 51,658 approved residency positions existing in 1973, only 30,610 were filled by graduates of United States and Canadian medical schools.

Proposal

A National Commission on Graduate Medical Education Residency Programs (NCGME) would be established by the Secretary within six months after enactment, and be composed of appropriate representatives of medical schools, teaching hospitals, State and local health planners, third party payors, specialty groups, the health professions, and consumers. The Assistant Secretary of Health, DHEW, the Assistant Secretary of Health and Environment, DOD, and Chief Medical Officer, VA, would serve as ex-officio members.

The Commission, which would be chaired by a member appointed by the Secretary, would be provided with adequate staff support from DHEW. The Commission would have the authority and resources to conduct

and contract for various studies. It would have the general responsibility for designating the number, type, and location of medical residencies; and Federal reimbursements under Medicare, Medicaid and Maternal and Child Health would eventually be limited to the Commission designated positions. The Commission, in the development of the plan, and otherwise, would consult with the CCME, and State and local health resources planning agencies. The plan for such a residency determination and allocation system would be required to be completed within thirty months after enactment, and effective four years after enactment. The plan would include, but not be limited to, the following:

1. The number, location, and type of residency positions, with appropriate cognizance for the need for primary specialties;

2. A method for bringing the total number of residencies to a level reflective of national need, while at the same time recognizing and devising recommendations by which hospitals may develop alternative ways of delivering services;

3. Developing recommendations for reimbursement under Medicare and Medicaid which would adequately compensate for ambulatory care services, thereby, among other things, appropriately support primary care residencies;

4. Proposing the methods and conditions under which the non-Federal third party payors would participate in the implementation of the Commission's decisions; and

5. Recommending an administrative system (within HEW) responsible for administering the plan and annual Commission determinations, including an appeals mechanism for institutions seeking redress from Commission determinations.

Appropriation Authorizations

FY '76, $2 million; FY '77, $2 million; FY '78, $2 million.

Uniform national standards for manpower qualifications

Discussion

DHEW has examined the issue of national standards for the health professions in several reports and studies. Generally, standards for assuring adequate level of quality and competence of health manpower in services delivery—both at initial entry and on a continuing basis—vary from State to State, or in the case of continued competence, are non-existent in many manpower categories.

Under authority of the Health Manpower Training Improvement Act of 1970 (P.L. 91–519) and the Social Security Amendments of 1972 (P.L. 92–603), DHEW has developed a limited program of proficiency examinations for certain categories of health manpower. The limitations of this program are both in the selection of categories cited by the statutes and in the termination date, in P.L. 92–603, of December 31, 1977.

In addition, although various programs in BHRD, BQA, BHSR, and RMP have addressed the issues of professional standards and measures of competence, the objective of such activity—with the possible exception of the Division of Associated Health Professions activities and of the PSRO program—was not to develop uniform national standards for professions. Consequently, the measures that are currently employed relative to Medicare and Medicaid reimbursement are in sharp variance from State to State; individual practitioners in some of the health fields have great difficulty in moving from one State to another, from one institution to another, or from one health discipline to another. In addition, some States and professions are requiring certain demonstrations of continued competence while others are not—thereby exacerbating the potential problem of interstate mobility of health professionals.

One alternative to the existing system would be, of course, to promulgate a national licensing system. The Federal government, traditionally, has opposed such an approach and has supported instead approaches that would assist the States and professions in adopting uniform standards of professional quality.

Proposal

Authority would be sought to extend the proficiency testing concept inherent in the mandate of P.L. 91–519 and P.L. 92–603. P.L. 91–519 authorizes DHEW to develop uniform national standards for allied health personnel and P.L. 92–603 authorizes the Secretary to develop equivalency examinations for allied health personnel presently not qualified for Medicare reimbursement because of problems with certifications. This proposal would provide the authority to assist in the development of uniform national standards for those health professions and occupations, where there exists a critical need for such national standards, as determined by the Secretary, including proficiency testing and other measures of competence. This mandate must be viewed as a critical step toward national health insurance and its attendant reimbursement scheme.

Appropriation authorizations

FY '76, $1 million; FY '77, $1 million; FY '78, $1 million.

Immigration and education exchange program modifications

Discussion

Addressing the problems associated with Foreign Medical Graduates necessarily includes the ethical issue in respect to non-U.S. citizens trained in foreign medical schools, practicing in the United States, and, as a consequence, being lost to their native country. There is, however, the more immediate and consuming problems, the question of FMG–U.S. medical school graduate skill comparability. This same question relates to American graduates of foreign medical schools.

At the present time, there are more than 63,000 graduates of foreign medical schools in the United States constituting more than 22 percent of the active physicians in this country. In some specialties, they constitute a third or more of the active positions, i.e., Pathology, Anesthesiology, Pediatric Cardiology, and Physical Medicine.

While some FMG's enter the United States as direct immigrants, a majority enter as post-graduate physician trainees under the exchange study or J-visa program. This program, conceived after World War II as a way to provide future leaders of foreign countries with experience in the U.S., has become a primary source of inexpensive medical manpower for many U.S. health facilities. In 1972, more than 17,000 graduates of foreign medical schools were in post-graduate physician training programs in the United States, constituting over one-third of all of the trainees at the time. The 1972 amendments to the Immigration and Nationality Act has made conversion from the J-visa program to the immigration visa (i.e., a permanent resident status) a relatively simple task.

In 1970, the AAMC initiated the Coordinated Transfer Application System (CONTRANS) which arranges for qualified American students to take Part I of the National Medical Board Examination and apply for transfer into a United States medical school. As of May 1973, a total of 42 American students had been admitted through this mechanism to medical schools for advanced training. To date, only 30% of the U.S. citizens taking this required examination have passed it, indicating special training needs for these students in order to qualify to enter a U.S. medical school.

In summary, new legislation concerning FMG's should be directed toward assuring that:

(1) The quality of care delivered by FMG's who become permanent additions to the licensed physician manpower pool in this country is comparable to that delivered by USMG's;

(2) The Educational Exchange Program be of mutual benefit to the countries of origin of the exchange visitors and to the United States, and not be used to supplement or expand the health resources of the United States; and

(3) The return of qualified U.S. citizens presently studying medicine abroad be facilitated.

Proposal

1. As policy, DHEW currently supports the development of a single qualifying examination for all physicians who are entering hospital training programs where they will have some responsibility for patient care. The existence of such an examination would introduce into the physician training experience a way to determine for U.S. and foreign graduates alike, suitability for the years of graduate education. Because this examination is not yet established and because immigrant physicians should be expected to meet standards of U.S. medical graduates in provision of care in the United States, it is proposed that the most appropriate screening examination for FMG's presently available would be the first part of the examination used on a national basis as evidence of physician competence. Therefore, it is recommended that by legislative mandate:

The definition of a physician for purposes of qualification for admission to the United States as an immigrant physician be revised and that successful performance on National Board of Medical Examiners (NBME) Part I and an English language proficiency test replace the ECFMG examination as a determination that an alien qualify as a physician.

It is recognized that adequate advance provisions must be made for administration of this NBME examination prior to implementation of this recommendation, because administrative problems related to utilization of this examination for the proposed recommended are complex.

2. Extensive changes in the Exchange Visitor Program are required. It is proposed that the U.S. Informational and Educational Exchange Act be amended as follows:

A. Exchange visitor programs for physicians must be sponsored by accredited U.S. medical schools. It must be demonstrated that those programs are designed to prepare the exchange visitor physician for medical practice in his home country and such programs must provide the exchange visitor with a cultural orientation which will include supplemental English language training when necessary.

B. The issue of Exchange Visitor (J) visas will be limited to those foreign medical graduates selected and sponsored by their home country medical school or designated official agency of the home country.

C. The period of stay in the United States for the Exchange Visitor physician will be limited to no more than two years.

D. Aliens who have entered this country as exchange visitor physicians are not eligible to apply for admission to the United States as permanent residents unless they have resided outside of the United States for a period of no less than three years.

E. Only visiting medical scholars of distinguished merit ability shall qualify for H–1 temporary visas.

3. In order to facilitate the return of U.S. citizens presently studying medicine abroad, efforts to accommodate transfer students into the U.S. medical education system must be expanded. This proposal would authorize grants and contracts to schools of medicine and osteopathy for the development of "transfer" training for qualified U.S.

citizens enrolled in foreign medical schools at the time of enactment of the legislation, and who apply for advanced standing transfer to U.S. schools. These programs will identify any academic deficiencies these transfer students may have and incorporate these transferers into the regular program of the school by providing any supplemental instruction necessary.

4. Since it is known that many foreign medical graduates are practicing in the United Staates in State hospitals on temporary, partial, or institutional licenses, a program would be established to prepare these physicians for unrestricted licensure. This recommended grant and contract program would provide assistance to schools of medicine and osteopathy to develop preparatory courses directed at a well-defined population of nonfully licensed FMG's presently serving in State institutions. The course would prepare those FMG's to pass the appropriate State licensure examination, qualifying them for unrestricted practice within the State.

The program will be temporary in nature and limited to FGM's already practicing in this country.

Impact of Proposal and Appropriation Authorizations

FY '76, $5 million; FY '77, $10 million; FY 78, $15 million.

It is estimated that this authorization will support: "transfer" programs involving a total number of 350 U.S. FMGs in FY '76, 700 in FY '77, and 1,050 in FY '78, at an average educational cost per student for the supplemental courses of $5,000; licensure preparatory courses involving a total number of 750 FMGs in FY '76, 1250 in FY '77, and 3000 in FY '78 at an average educational cost per student of $3000; estimated costs do not include student stipends.

STUDENT ASSISTANCE

Consolidated scholarship program

Discussion

Geographic maldistribution of health manpower represents one of the greater barriers to access to quality health care. Despite increases in the total number of health manpower personnel, geographic maldistribution has increased in the last ten years. Without intervention, this condition, primarily affecting rural and inner city areas, is not generally expected to improve.

The several existing scholarship programs (PHS and NHSC programs, and Physician Shortage Area Scholarships) can continue to address these problems; however, since these separate programs were established at different times and for discrete purposes, existing authorities tend to overlap and policies often appear to conflict. Much more could be accomplished through a single broad and conditional health manpower scholarship program.

The broadened program would serve as a mechanism for addressing geographic distribution, fulfilling various HEW internal health manpower requirements, and offer, at least, potential for addressing problems associated with the maldistribution of medical specialties.

A conditional scholarship program would also be consistent with the principle that the public is ordinarily entitled to public service, or service meeting a public need, from those individuals who receive special scholarship assistance while preparing for a health professions degree.

Proposal

The proposal would consolidate the existing Public Health and NHSC, and Physician Shortage Area Scholarships into one broadened conditional scholarship program. The Secretary would be provided with clear authority to assign participants in the program to a Federal health service or other areas of critical need. Under the broadened program, the Secretary could decide that certain participants could serve in the National Health Service Corps, while others could serve in other parts of DHEW. Still others could serve elsewhere in other Federal agencies, or State or local government. Overall, however, at least 90% of all participants would have to be involved directly in the delivery of personal health care services. Equally important, the broadened authority would permit a service obligation to be fulfilled by individuals practicing their skills as private practitioners. These individuals need not be employed by the Federal Government, but would agree to serve in a shortage area, as determined by the Secretary.

While the existing DHEW policy limits NHSC assistance to physicians and dentists, this proposal would continue the broad existing statutory authority which comprises all health professions, nurses, allied health professions, and other related health personnel as determined by the Secretary.

The service commitment would consist of one year service for each year of assistance; however, a minimum of two years would be required.

A payback provision in lieu of service would be available. Payback would be equal to twice the cost of support (minus any time equivalent already fulfilled), plus compound interest at prevailing market rates dating back to the first year recipients received scholarship support.

Payback or service would begin immediately after the completion of training—in the case of medicine, deferments would be granted for the period of residency training. Payback, in lieu of service, would be made in equal annual installments with the number of installments equal to the number of fiscal years for which the student received such scholarship support. Payback could be waived by the Secretary in the case of death of the recipient or in other cases where payback would be against equity and good conscience.

Unlike some preceding scholarship programs, a direct Federal relationship would be established between DHEW and the student.

Impact of Proposal and Appropriation Authorizations

Scholarships: FY 76, $40; FY 77, $80; FY 78, $120.

Number of scholarship recipients: FY 76, 6,000; FY 77, 12,000, FY 78, 18,000.

Average award computed at $6,666 per student. However, specific awards would vary by discipline. When the program is in full operation, output will equal 6,000 graduates per year.

These figures do not include funds to phase out (continue prior obligations) the health professions and nursing scholarship programs estimated at $7.5 million for FY '76.

Student loan programs

Discussion

Except for specialized assistance to cope with the unique problems of the disadvantaged, it can be argued that Federal outlays for direct student loans are probably unnecessary because the private market can generate sufficient funds under proper Federally-guaranteed conditions. On the other hand, critics of the private market loan approach point out that not all students have equal access to private financial institutions. However, to minimize this potential problem, schools would be permitted to make new Federal loans from funds already repaid by former students, first to students in financial need, then to others less needy.

To mitigate the absence of a direct Federal loan program, it would be proposed that the OE loan guarantee program be expanded, special unconditional student assistance and unconditional scholarships would be created for the economically disadvantaged, and the conditional scholarships would be broadened as described earlier. Also, it would be proposed that the several OE student loan and scholarship programs be broadened to make these programs available to all health manpower students and institutions.

Proposal

The existing health manpower and nursing direct loan program would terminate, except for students already asisted under these programs who would be eligible to receive loan assistance for three additional years. Also, authority should be provided so that funds would remain available for the schools to make new student loans from amounts paid back from previous student loans. These loans would be made first to students in financial need, then to others. As in the existing loan program, up to 85% repayment would be available to graduates who practice in a shortage area for three years. The 85% Federal payback provision would also continue to be available for non-Federal loan recipients who practice in a shortage area. Also, any individual serving a period of obligated service under the proposed scholarship program may concurrently apply for loan repayment based on such service in a shortage area.

Further, the present OE guaranteed student loan program would be expanded for graduate level education with the existing aggregate loan ceiling increased from $2,500 to $7,000 per year. OE student assistance programs would also be made available to those health professions institutions now excluded from these programs.

Impact of Proposal and Appropriation Authorizations

	Fiscal year—		
	1976	1977	1978
Student loan programs	$9.0	$12.0	$15.0
Forgiveness and cancellations	.5	.5	.5
Repayment:			
Health professions	6.0	7.5	9.5
Nursing	2.5	4.0	5.0

These figures do not include sales insufficiency and interest losses (payments) estimated at $4 million per year. Also, they do not include funds to phase out the health professions and nursing loan programs estimated at $32 million for FY '76.

Support for the disadvantaged

Discussion

While progress has been made in attracting the disadvantaged individual into the health professions, more needs to be done. The existing legislation (Section 774(B)) provides grant authority for awards to public or nonprofit health or educational entities. These awards may include limited assistance for individuals as part of the cost incurred for undertaking non-degree, remedial type activities.

Even with a special program for identifying and assisting the economically disadvantaged, these individuals frequently experience difficulty acquiring the capital for health professions education once they are admitted to professional schools. Also, disadvantaged students are reluctant to borrow heavily in the early years of training. A special short-term unconditional scholarship program would hopefully ease the problem of capital acquisition and increase their confidence until their future potential is recognized.

To exercise the unique advantages of a targeted effort, a separate statutory authority should continue, providing support for educational programs assisting disadvantaged individuals to enter health careers. Further,

the authority would be broadened to include contract support, and stipends to permit assistance to any individual in financial need who has the potential and desire to become a health professional. Contract authority would allow a new basis for supporting developmental efforts that focus on high priority needs.

Proposal

The existing 774(b) authority for grants for identifying and assisting the disadvantaged would be extended and expanded to include contracts and a separate appropriation authorization not tied to any other activity as is now the case. It is proposed that this existing authority be further expanded to permit the award of stipends to individuals in professional training. A four-year unconditional scholarship mechanism would be established (at amounts comparable to the conditional scholarship program) for two years of prebaccalaureate study (or equivalent) and two years of undergraduate medical and other equivalent health professional training levels. These scholarship funds would be made available to the school which, under Federal guidelines, would in turn award them to disadvantaged students. After this scholarship support, directly financed Federal loans would be available. These loans should be in an amount sufficient to cover educational costs and living expenses.

Loans would be made available from the Federal Capital Contribution program currently authorized. Also, as in the existing loan program, up to 85% repayment would be available to graduates who practice in a shortage area for three years.

Impact of the proposal and appropriation authorizations

	Fiscal year—		
	1976	1977	1978
Grants and contracts to organizations	$10	$15	$20
Unconditional scholarships	10	15	20
Total	20	30	40
Number of scholarship recipients	1,500	2,250	3,000

The amounts of individual awards are comparable to the conditional scholarship program, and the output is estimated at 750 graduates per year.

INSTITUTIONAL SUPPORT

Capitation

Discussion

Basic operating suport to institutions calculated on the basis of student enrollment has usually been justified, on the one hand, as an incentive necessary to encourage schools to carry out Federal initiatives such as expansion of enrollment and, on the other hand, as a means of assuring these institutions a stable source of financial support.

Recently, Congress has viewed capitation as a means to accomplish specified Federal objectives. These include causing a redistribution of health personnel by requiring practice in certain geographic areas and/or training in shortage specialties. Moreover, it is felt that substantal Federal support should only be extended to institutions which agree to fulfill nationally perceived needs. However, there is not general agreement that such a course is the most effective way of accomplishing Federal initiatives. It can be argued that specific Federal initiatives should not become a part of what is essentially basic institutional assistance, but rather such initiatives can be most effectively carried out through targeted special project activities, as well as through planning and regulatory measures. Furthermore, basic capitation support is frequently essential to the survival of certain types of health manpower schools, and should be limited in purpose to maintenance of enrollment. Accordingly, basic capitation would not be used as a mechanism for making substantive changes in the quality and types of health manpower.

Moreover, for reasons presented earlier, capitation support should be limited to MOD schools and schools of podiatry, public health, and optometry. Capitation support is not proposed for schools of veterinary medicine because the majority of their graduates do not provide personal health care services.

At the same time, a bonus capitation payment would have utility for encouraging certain activities relating to increasing enrollment, training in a community setting, curriculum improvement, interdisciplinary team training, and other similar activities. Such a bonus capitation would serve to stimulate innovation and individual school flexibility, without tying these activities as requirements to the basic capitation support.

Proposal

Capitation authority would be continued for MOD schools and schools of podiatry, public health, and optometry, but at a lower level of support for the basic grant. Awards would be based simply on the number of full-time enrolled students. Schools would be required to assure the maintenance of enrollment and the same level of non-Federal support received during the previous fiscal year. Bonus capitation would be paid to schools for meeting two of the following conditions:

1. Increase in enrollment by the greater of 5% or 10 students annually, beginning in 1975–1976;

2. Increase in affiliated primary care residency positions (family medicine, general pediatrics, general internal medicine) to at least 50% of all affiliated positions beginning July 1978 (medicine and osteopathy);

3. Achieve annual incremental increases of 10 students or 10% (whichever is greater) of graduating class enrollment who choose primary care residencies;

4. Achieve or maintain proportion of this years graduating class who choose primary care residencies at a level equal to or greater than 60% of the whole class or equal to or greater than last year's proportion choosing primary care residencies (whichever is greater);

5. Provide a mechanism whereby 50% or more of all students will have a significant educational experience (as defined by regulations) in the direct provision of personal health care delivery to underserved areas.

Impact of Proposal and Appropriation Authorizations

	Fiscal year—		
	1976	1977	1978
Basic institutional capitation	$120	$125	$130
Bonus capitation	40	50	60

Eligibility is limited to approximately 213 schools of medicine, osteopathy, dentistry, podiatry, optometry, and public health.

Awards would amount to approximately 20 percent of educational costs as determined by the Institute of Medicine study. It is estimated that 25 to 50 percent of eligible institutions will participate in the bonus program.

Construction

Discussion

With the exception of some publicly-owned schools, there is ample evidence that without direct Federal capital assistance, many schools would have great difficulty maintaining enrollment levels because of the inability to acquire the capital necessary for physical plant renovation and replacement. Also, loan guarantees and direct Federal loans are not satisfactory alternatives to grants because the schools are not sufficiently revenue generating.

With this in mind, authority to support the renovation, and remodeling of existing facilities and the construction of selected new facilities should be preserved. However, statutory priorities should exist to assure that funds are expended in areas of greatest need. These would include supporting existing programs to maintain enrollment (modernization and replacement, including multi-use facilities); provide new facilities in regions (as defined by the Secretary) which have no such facilities or existing programs (including multi-use facilities) and supporting facilities necessary for the development of primary care training.

With the exception of schools of veterinary medicine, construction support should be limited to schools providing post-baccalaureate training, e.g., MOD schools and schools of podiatry, public health, and optometry, and schools providing graduate training in nursing.

Proposal

Continue the construction grant authority, but limit support to the following: (a) renovation and modernization (including replacement) for the purpose of maintaining existing programs (including multi-use facilities, (b) construction of new facilities in regions where no such facilities or at schools where no such programs now exist (including multi-use facilities), and (c) primary care training facilities (primarily free-standing ambulatory care facilities).

The Federal share would not exceed 50 percent of project costs.

The existing authorities for interest subsidies and loan guarantees would continue only as necessary to cover existing obligations and the application of appropriate "recapture" provisions.

Projects for renovation and remodeling would be required to maintain the enrollment of the preceding academic year and assure that sufficient non-Federal funds will be available to maintain the program in future years. For new construction, the institution would be required to assure that it will develop the program for which the facility is being built as well as assure that sufficient non-Federal operating funds will be available to support the facility and programs in future years.

In the case of support for the construction of a new facility or the replacement of an existing structure, 20 years' use would be required. In the case of support for alterations and remodeling, 10 years' use should be required.

Impact of proposal and appropriation Authorizations

	Fiscal year—		
	1975	1977	1978
Construction:			
Renovation and modernization (including replacement)	$21.0	$21.0	$21.0
New facilities of regional need	3.5	3.5	3.5
Primary care facilities	10.5	10.5	10.5

The allocation of funds is based on recent program history, i.e., 60 percent to maintain existing facilities, 10 percent for new facilities, and 30 percent for primary care facilities.

The funding level does not include costs of interest subsidies on construction loans guaranteed under the existing loan guarantee and interest subsidy program. These costs are estimated at $2 million (health professions) and $1 million (nursing) for FY 1976.

Institutional Deficit Sharing (Financial Distress)

Discussion

The need for Federal support to institutions faced with serious financial difficulties will in all probability continue. Furthermore,

the proposed reduced capitation level would reinforce the need for a deficit sharing authority. However, by continuing such an authority it should be made clear that such support is not to be a long-term Federal responsibility. It should also be emphasized that the Federal Government is prepared to share the institution's deficit, not assume it. This support would be limited to MOD schools and schools of podiatry, public health and optometry.

Proposal

The existing financial distress authority would be continued with significant amendments, with statutory visibility in respect to the fact that this program involves a sharing of the institution's deficit. For each year of the authority, the Federal share of the Institution's annual deficit will be limited to a maximum of 75 percent of the Federal deficit contribution for the preceding year. In other words, if a school received a financial distress grant in the immediately preceding fiscal year, the sum granted to any school in a following year may not exceed 75 percent of the sum granted to that school for that immediately preceding year.

If an institution received no such support in the year preceding the year of application, the Federal share would be 100 percent for the year for which such an application is made.

Impact of the proposal and appropriation authorizations

FY 1976	$5.0
FY 1977	5.0
FY 1978	5.0

It is estimated that an average of 10 to 12 institutions will require such assistance for the 1976–1978 period.

DISCRETIONARY TARGET PROGRAMS (SPECIAL PROJECTS)

Discussion

One of the most effective means for carrying out specific Federal initiatives is through targeted special project grants and contracts as opposed to attaching various conditions to basic capitation institutional support. In this way, support can be directed to specific objectives carrying the highest Federal priorities, and efforts can be more effectively traced and evaluated.

Discretionary funds should only be used to stimulate action to achieve national goals not likely to be addressed adequately from other sources. Discretionary funds are not to become basic institutional support but are to provide a short range stimulus to desired action by institutions. Projects supported under these discretionary authorities should be used for the purpose of initiating or demonstrating new activities or modifying or augmenting existing ones for a limited period of time and not for long-term operational support.

The agreements under which such activities are supported with Federal grants or contracts would have to contain a plan for phasing out this type of support and for either ending the activities or supporting them from non-Federal sources. In most cases, project periods should be no longer than three years, but in no case would projects be eligible for more than five years of support without the specific approval of the Secretary. Unlike capitation support, special project support should encompass support of MODVOPP schools, schools of nursing, allied health, and public health.

Proposal

Extend and amend existing special project authority to authorize grant and contract support for specified purposes. To assure appropriate special project support for all health manpower, nursing and allied health schools, a general consolidated authority would be created. Within this consolidated authority, specific appropriation authorizations would be established for each category of health professions schools. In addition to separately identified purposes for all institutions, there would be separate purposes for interdisciplinary education, national manpower data collection and analysis, and uniform national standards for manpower qualifications. Eligible applicants for grants and contracts would include all health professions schools, while contracts alone would be available to public or nonprofit private health or educational entities.

Recipients of these funds would be required to fulfill the purposes of the support in most cases by the end of the first year of such support, and in all cases no later than the end of the second year of such support.

For all targeted authorities, the proposal would require a plan for ending the program or continuing the project with non-Federal funds at the completion of Federal support, and a time limit of Federal support, generally three years, but no longer than five years.

Purposes

National health manpower priority programs (Separate appropriation authorization would be available for each category of schools, MOD, VOPP, N, PH & AH).

1. Remote Site Health Professions Education. Establish and operate satellite clinical training centers in manpower shortage areas, which coordinate to the maximum feasible extent training programs of each of the health disciplines in coordination with appropriate health training institutions, to emphasize the provision of primary care to the residents of such areas, and to provide continuing education programs for health professions personnel in such areas;

2. Family practice of medicine. Support for development and expansion of family practice residency programs, for family practice faculty development and for undergraduate training programs in family medicine;

3. Preparation of Health Manpower for Primary Care. Support for development and expansion of programs preparing health personnel for primary care including residency and faculty development (including stipends where appropriate and as determined by the Secretary);

4. Health Care extenders. Develop and operate training programs, and train, for new roles, types, or levels of health professions personnel, including programs for the training of physician extenders, nurse practitioners, and other health professions assistance (including stipends where appropriate and as determined by the Secretary);

5. Interdisciplinary Education. Develop programs for cooperative interdisciplinary training among schools of health professions, allied health and public health, including projects for training in the use of the team approach to the delivery of health services.

Impact of the Proposal and Appropriation Authorizations

A.—NATIONAL HEALTH MANPOWER PRIORITY PROGRAMS

	Fiscal year—		
	1976	1977	1978
1. Remote site health professions education, all schools and other entities would be eligible	$30.0	$35.0	$40.0
2. Family practice of medicine, support would be limited to medical schools and family practice departments	10.0	11.0	12.0
3. Preparation of health manpower for primary care, support would be limited to:			
Medicine	10.0	15.0	20.0
Dentistry	5.0	7.5	10.0
Nursing	5.0	7.5	10.0
4. Health care extenders:			
Physician assistants	10.0	11.0	12.0
Nurse practitioners	10.0	11.0	12.0
Expanded function dental auxiliaries	5.0	6.0	7.0
5. Interdisciplinary education, all schools would be eligible	5.0	5.0	5.0
Subtotal	90.0	110.0	128.0

In addition to National Health Manpower Priority Programs for which all institutions would be eligible, the authority would exist for National Health Manpower Development Awards. As in the case of the Priority Awards, eligibility for grants and contracts would be health professions schools, while contracts alone would be available to public or nonprofit private health or educational entities.

Purposes

National health manpower development awards (Specific appropriations authorizations for each category of schools, MOD, VOPP, N, PH & AH).

1. Admission Criteria Changes. Establish and operate programs designed to identify, and increase admissions to, enrollment and retention in schools of the health professions allied health and public health, individuals whose background and interest make it reasonable to assume that they will engage in the practice of their health profession in rural or other areas having a severe shortage of personnel in such health professions.

2. Student Preceptorships. Provide traineeships (including costs of training and fees, stipends, and allowances for the students (including travel and substance expenses and dependency allowances)) for full-time students to secure part of their education under a primary care preceptor in medicine, dentistry, or other health fields designated by the Secretary in rural or other areas having a severe shortage of health manpower;

3. Emergency Medical Services Training. Establish and operate programs in the interdisciplinary training of health professions personnel for the provision of emergency medical services, with particular emphasis on the establishment and operation of training programs affording clinical experience in emergency medical services systems receiving assistance under Title XII of this Act;

4. Bilingual Health Manpower Training. Plan, develop, and operate programs to accomplish the dual purpose of increasing the awareness by health professions personnel of the cultural sensitivities related to health of individuals with limited English-speaking ability, with special emphasis on training programs which include clinical training and utilize team training, and on continuing education programs, and in conjunction with this or separately, providing training for practitioners with limited English-speaking ability;

5. Educational Methodology Development. Plan, develop or establish new programs or innovative modifications of existing programs with regard to research in educational design and methodology and implementation of such innovative curriculum development;

6. Health Manpower Training in Aging. Provide increased emphasis on, and training in, the aging process including the social, behavioral, and biomedical aspects of the aging process, and training in the diagnosis, treatment, and prevention of diseases and related problems of the aged;

7. New Roles and Efficient Utilization of Health Manpower. Support the development of projects relating to training for changes in the duties, functions, and responsibilities, including team training, of various categories of health manpower to increase the quality of services and to decrease the costs of such services;

8. Advanced Training Programs. The establishment of new or expansion of existing specialized training programs, including the use of advanced traineeships when necessary in areas (geographic, as well as specialty fields) identified by the Secretary as being in short supply in the areas of such specialized health manpower;

9. Training for Continued Competence. Determine the requirements, and devise, demonstrate, and evaluate education programs to insure the continuing competency of health manpower.

Impact of the Proposal and Appropriation Authorizations

B.—NATIONAL HEALTH MANPOWER DEVELOPMENT AWARDS

	Fiscal year—		
	1976	1977	1978
1. Admission criteria changes:			
Medicine and osteopathy	$4.0	$4.0	$4.0
Dentistry	2.0	2.0	2.0
OPPV	2.0	2.0	2.0
Public health, allied health	2.0	2.0	2.0
Nursing	2.0	2.0	2.0
2. Preceptorships:			
Medicine and osteopathy	4.0	4.0	4.0
Dentistry	2.0	2.0	2.0
OPPV	2.0	2.0	2.0
Nursing	2.0	2.0	2.0
3. Emergency medical services training:			
Medicine	3.0	3.0	3.0
Allied health	2.0	2.0	2.0
Nursing	1.0	1.0	1.0
4. Bilingual training:			
Medicine	2.0	2.0	2.0
Dentistry	1.0	1.0	1.0
OPPV	1.0	1.0	1.0
Nursing	1.0	1.0	1.0
5. Educational methodology development:			
Medicine	4.0	4.0	4.0
Dentistry	2.0	2.0	2.0
OPPV	2.0	2.0	2.0
Public health, allied health	2.0	2.0	2.0
Nursing	2.0	2.0	2.0
6. Training in aging:			
Medicine	2.0	2.0	2.0
OPPV	1.0	1.0	1.0
Allied health	1.0	1.0	1.0
Nursing	1.0	1.0	1.0
7. New roles and efficient utilization:			
Medicine	2.0	2.0	2.0
Dentistry	2.0	2.0	2.0
Allied health	5.0	5.0	5.0
Nursing	1.0	1.0	1.0
8. Specialized training programs:			
Medicine	4.0	4.0	4.0
Dentistry	2.0	2.0	2.0
Allied health	2.0	2.0	2.0
Nursing	2.0	2.0	2.0
9. Training for continued competence:			
Medicine	6.0	6.0	6.0
Dentistry	2.0	2.0	2.0
OPPV	2.0	2.0	2.0
Allied health	8.0	8.0	8.0
Nursing	2.0	2.0	2.0
Subtotal, pt. B (National health manpower development awards)	90.0	90.0	90.0
Subtotal, pt. A (National health manpower priority awards)	90.0	110.0	128.0
Total	180.0	200.0	218.0

HEALTH MANPOWER LEGISLATIVE PROPOSAL—PROPOSED AUTHORIZATION LEVELS

[In millions]

	Fiscal year—		
	1976	1977	1978
Student assistance:			
Consolidated Scholarship Program [1]	40	80	120
Student loan programs [2]	9	12	15
Support for the disadvantaged [3]	20	30	40
Institutional support:			
Capitation assistance [4]	160	175	190
Construction assistance	35	35	35
Institutional deficit sharing	5	5	5
Discretionary target programs	180	200	218
Manpower planning and regulatory activities:			
National Health Manpower Advisory Council			
National Manpower Analysis Capacity	10	10	10
National GME Residency Commission	2	2	2
Uniform national standards for manpower qualifications	1	1	1
Immigration and educational exchange program modifications	5	10	15
Total	467	560	651

[1] Fiscal year 1976 estimate based on 6,000 scholarship recipients comprised of all eligible health professionals, including nurses.

Does not include sales insufficiency and interest losses estimated at $4,000,000 per year, nor funds to phase out of health professions and nursing loan and scholarship programs estimated at $7,500,000 for fiscal year 1976.

[3] Includes unconditional scholarship assistance to the disadvantaged as well as grants and contracts.

[4] Assumes that bonus payments would amount to 25 percent of the total amount authorized. Basic capitation would then be approximately equal to 20 percent of educational costs as determined by the Institute of Medicine Study.

Mr. JAVITS. Mr. President, I join in introducing with Senator SCHWEIKER on behalf of the administration the Comprehensive Health Professions Education Act of 1975, which is cosponsored by Senators KENNEDY, and WILLIAMS. At the same time, I am joining in the introduction with Senators KENNEDY, SCHWEIKER, and WILLIAMS of four other separate bills: First, the Kennedy/Javits health manpower bill of the 93d Congress as favorably reported by the Committee on Labor and Public Welfare, having deleted nongermane provisions; second, the House-passed bill; third, the bill introduced in the 93d Congress by former Congressman Roy, which utilizes student assistance as the sole funding mechanism; and fourth, a bill drafted by the Association of American Colleges based upon the recommendations of its task force.

All of the bills have one common theme—they recognize that the health professions schools are a national resource which must be supported through the Federal tax dollar and, at the same time, that if such support is to be provided that the Nation has the right to expect that these schools will make vital contributions to the solutions of the problems of shortages and geographic and specialty maldistributions of physicians, dentists, and other health professionals. Senators KENNEDY, SCHWEIKER, WILLIAMS, and I have agreed to introduce all these bills so that the Congress can draw from all of them to develop the most effective response in the public interest to the problems.

The Senate-passed bill of the 93d Congress—the substitute to the committee reported bill by Senator BEALL—is not being introduced at this time since Senator BEALL will soon introduce that bill.

I believe a reasonable compromise on the issues can be effectuated:

I would recommend that we consider a division of capitation support; a percentage available to the schools—to provide appropriate, stable financial support—with the schools required to meet only limited conditions, for example, increased enrollment and the establishment of the necessary primary medical care responses.

The balance, a form of bonus capitation, available when a school could assure the Secretary that it—based upon the Senate-passed substitute provision—would have a 25-percent minimum student commitment for service, upon completion of education and training, in medically underserved areas. An additional form of bonus capitation support would be provided to each school—on a pro rata basis—for increased percentages of enrolled students who agree to such service.

I would recommend we consider adoption of the provisions of the Senate-passed bill which seeks to limit effectively the number of foreign medical graduates through Immigration and Naturalization Act restrictions, and that the waiver provisions in that restrictive authority approach be reconsidered.

I believe it would be appropriate to adopt the House provision with respect to specialty training limitations, but it is essential that the authority be vested in the Secretary, rather than the private sector as the House bill provides. However, it would be up to that same private sector, acting in cooperation and coordination with the Secretary, to develop the necessary accreditation expertise and requirements regarding specialty training.

My concerns about the administration bill are similar to those I expressed in the 93d Congress. I ask unanimous consent that they be printed in the RECORD at this point.

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

Mr. President, I introduce by request, on behalf of the administration, a bill entitled the Comprehensive Health Manpower Act of 1974. I do this today so that the administration bill may have parallel consideration with the bills on the same subject I join in introducing today.

I am deeply concerned that the bill sets in motion a departure from existing law's capitation grant program. The Health Manpower Act of 1971 and the Nurse Training Act of 1971 for the first time used a "capitation" approach of providing assistance to health profession schools whereby schools were to receive institutional support based on student enrollment—as an appropriate Federal undertaking to provide a stable source of financial support for medical, dental, nursing, and other health profession schools. At the same time I am also deeply concerned because this bill—proposed by the administration—fails to confront realistically—as does our Health Profession Education Assistance Act of 1974 and the Nurse Training Act of 1974, bills I joined in developing and introduced today with Senator Kennedy—the overriding medical manpower problems of shortages and geographic and specialty maldistribution, problems which adversely impact upon the well-being and health of millions of Americans.

I believe the administration bill translates into legislation the health manpower themes of the Office of Management and Budget but fails to meet the health needs of the American people.

I am not convinced that where there are $352,300,000 in HEW approved and unfunded construction grant applications for schools of the health professions, that we should propose the repeal of construction grant authority. Rather than encourage through Federal grants, interest subsidies and guaranteed loans the construction of desperately needed medical, dental, nursing, and other health profession schools the bill fails to continue the grant or interest subsidy authority. It merely authorizes a severely limited and redirected loan guarantee program and one which is not applicable to schools of pharmacy and public health.

Such action may be consistent with an Office of Management and Budget budgetary philosophy of zero budget requests over recent years, it is not consistent with congressional priorities. Only last fiscal year the Senate-passed appropriations bill provided $120 million for construction grant assistance.

I am not convinced we should sharply reduce capitation amounts for medical, osteopathic, and dental schools—to $1,500 per student from the currently authorized basic capitation amount of $2,850. If one reflects that the $4,000 capitation award for graduates; over 3 years phase down to practically zero for schools of optometry, podiatry—$400, $300, and $200 per student for fiscal years 1975, 1976, and 1977 respectively, from the currently authorized basic capitation amount of $800—and for

veterinary medicine—$900, $600, and $300 per student for fiscal years 1975, 1976, and 1977 respectively from the currently authorized basic capitation amount of $1,750; and wipe out all capitation support at schools of nursing and pharmacy. This is particularly tragic when pursuant to section 205 of the Comprehensive Health Manpower Act of 1971, Public Law 92-157, Congress has before it the recently completed costs of education in the health professions study by the Institute of Medicine of the National Academy of Science which endorses a policy that health professional schools be regarded as a national resource requiring Federal support and recommends that the Federal Government use net education expenditures as a basis for establishing rates of capitation payments to health professional schools.

If one chooses to use the capitation amount of 33⅓ percent of the average net education expenditures pursuant to such study for purposes of comparison it would provide capitation support for each student enrolled, as follows:

Medicine	$3,250
Osteopathy	2,300
Dentistry	2,450
Optometry	1,075
Pharmacy	1,000
Podiatry	1,650
Veterinary Medicine	1,850
Nursing (per student equivalent):	
Baccalaureate	800
Associate	550
Diploma	500

Experience suggests that the capitation grant program has improved the financial viability of many health profession educational institutions, for example, financial distress grants, received by one-half of the Nation's more than 100 medical schools—which necessitated Senate passage of my Emergency Medical and Dental Schools Assistance Act of 1969, (S. 3150)—has been reduced to only six medical schools receiving such support. That is a substantial drop.

Such action may be consistent with an Office of Management and Budget budgetary philosophy. It is not consistent with congressional priorities. Only last fiscal year the Senate passed appropriations bill provided $225,777,000 for capitation grant authority to schools of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, veterinary medicine, and nursing.

I am convinced that where there is an actual shortage of, for example, 30,000 physicians, based on the empirical data, exclusive of the Department of Health, Education, and Welfare's unconscionable reliance upon noncitizen foreign medical graduates—FMG's—to provide medical manpower, Congress should make every appropriate effort to increase our Nation's medical schools capacity to increase enrollment and train qualified Americans to become physicians. My views with respect to the FMG issue are set forth in my January 17 and April 10, 1974 letters to Secretary Weinberger. I ask unanimous consent that they be printed at this point in the RECORD, along with his response.

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

JANUARY 17, 1974.

Hon. CASPAR WEINBERGER,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: As the Committee on Labor and Public Welfare, of which I am ranking minority member, considers the development and extension of medical and other health profession student and institutional educational support legislation, I believe it would be most helpful if the Committee could have the statistical data and analyses upon which representatives of the Department of Health, Education, and Welfare have relied for their published statements to the effect that America's physician shortage will soon be eliminated.

I understand that this statement is based upon the assumption that our country will continue to rely upon the utilization of FMG's (Foreign Medical Graduates) rather than educating and training the requisite numbers of qualified Americans to achieve the goal of eliminating the physician shortage without the "brain-drain" on countries which ought not to be submitted to it. I believe it would be contrary to our nation's ethics to follow such a procedure. I can find no reasonable intellectual or philosophical rationale for this nation to support the "brain-drain"—take desperately needed medical manpower from underdeveloped, impoverished or nations less fortunate than ours to meet our own needs for physicians.

Therefore, any evidentiary presentation of data should be explicit as to the extent the physician shortage is eliminated or reduced by the continued practice of utilizing FMG's to provide America's health care, particularly where it extends beyond the scope of educational training to enable them under appropriate conditions to become qualified physicians.

With best wishes,
Sincerely,

JACOB K. JAVITS.

Hon. CASPAR WEINBERGER,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR CAP: On January 17th I wrote you requesting statistical data and analyses upon which it has been alleged that America's physician shortage will soon be eliminated.

My letter, a copy of which is enclosed, made clear that the data should be explicit as to the extent the physician shortage is relieved by utilizing Foreign Medical Graduates.

As you know, I find it almost degrading for our nation to take desperately needed medical manpower from developing nations with desperate health and economic problems to meet our nation's physician shortage. Moreover, I believe that so long as foreign medical graduates are used to alleviate our medical manpower shortage, our nation will continue to be dependent on this source and that this is improper and deplorable.

The Committee on Labor and Public Welfare will soon be considering legislation for the extension of medical and other health profession student and institutional educational support legislation and it is urgent that we have this information which was requested more than two months ago.

With best wishes,
Sincerely,

JACOB K. JAVITS.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., April 15, 1974.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in further response to your letter of January 17 requesting information regarding the projected supply of physicians and, in particular, the future influx of graduates for foreign medical schools.

As you know, the current output capacity (enrollment) of health professional schools has increased significantly over the past decade (e.g., first-year places in U.S. medical schools increased by 65 percent). The rate of those entering the field is much greater than the rate of those leaving due to death or retirement and, as a result, we can expect by 1985, 50 percent more M.D.'s, 40 percent more dentists, and 60 percent more registered nurses than in 1970.

The statements we have made about supply adequacy are predicated upon the assumption that there will be a large increase in the supply of U.S. trained physicians. Our position is not necessarily dependent upon a continued reliance upon FMG's. If the increase in M.D. manpower contributed by foreign medical graduates were to fall to zero by 1975 and stay there, the total supply of M.D.'s in the United States would be about 460,000 in 1985. This compares to about 323,000 for 1970 and represents a change in the physician population ratio from 158/100,000 to 192/100,000.

We do not feel that it is realistic to assume that the influx of FMG's can be entirely eliminated unless the Congress were to do away with the exchange program and to deny access to an immigrant because he happens to be a physician. In developing physician supply projections we used rather conservative assumption regarding the flow of FMG's because we did not want to depend upon future increases and because we feel that it is entirely possible that State governments and accrediting bodies may strengthen education and licensure requirements. Our projections for 1985 indicate that the total supply of physicians will range between 495,000 and 520,000. These estimates are based upon the assumption that the net annual increase to total supply attributed to FMG's will range between 3,500 and 5,500 per year. This range represents between 50 percent and 80 percent of the number that were probably added during 1972.

In evaluating the ability to meet future requirements, it is also important to take into consideration changes that are likely to occur in provider productivity because increases in productivity can reduce aggregate requirements. Our conclusion regarding supply adequacy is based upon the assumption that increases in provider productivity will range between 0 and 2 per cent. Many people feel this is a conservative assumption. Experience with physician extenders indicates that provider productivity can be increased by as much as 50 percent. Our requirements estimates are not predicated on such large increases. Nevertheless, we feel that investments in new types of manpower are particularly efficient when one considers the very high cost of medical education.

Obviously there are many different schools of thought on the FMG issue. I personally do not believe that as a matter of policy the Federal government should deny access to an individual because he happens to be a physician. Much of our progress in the past was made possible because this country was able to provide employment opportunities for skilled individuals. The medical sector in particular has benefited from many fine practitioners and researchers that immigrated during the last two decades. I might point out that many of our Nobel prize winners in medicine are foreign medical graduates.

In your letter you stated that the United States is perpetuating a "brain-drain" from the underdeveloped countries. It is unfortunately true that some FMG's would be providing health care services to needy persons in their own countries were they not allowed in the U.S. We are trying to help underdeveloped countries deal with this problem by giving them, under our Cultural Exchange Program, the option of specifying that certain specialties represent a shortage category of manpower. This being the case, a medical exchange student who entered the U.S. after June, 1972, must generally return to his country of origin for a period of two years before he can usually apply for permanent immigration status.

Also, many FMG's would leave their home country even if we barred them from practicing here. There are many strong "push factors" that encourage an individual to leave an underdeveloped country. For example, many underdeveloped nations are unable to provide the financing or technical backup necessary for the full utilization or

support of a medical practice. As a result physicians in major cities such as Bangkok and Manila are under-employed. These and numerous other factors specifically related to the socioeconomic characteristics of underdevelopment exert a strong influence over an individual's decision to emigrate. From the FMG's perspective, the industrialized world, particularly Western Europe, the United States, Australia, etc., provides an excellent opportunity for education and employment. If the U.S. were to shut its doors to FMG's, the push factors would not change and the FMG would go elsewhere.

The continued flow of FMG's into the United States has concerned authorities in the medical profession because of the possibility that the services provided by certain FMG's may be inferior relative to the services provided by American trained physicians. I am particularly concerned about this potential problem because the Department has an intrinsic responsibility to assure quality medical care to the citizens to whom the Department has provided access. FMG's should be required to meet the rigorous standards required of Americans.

We are actively considering the policy implications which surround the FMG issue. For example, various private organizations have recently recommended the development and implementation of a new qualifying examination to be required of both FMG's and USMG's for entry into graduate medical education. We are seriously evaluating this proposal and will support it if worthwhile.

Please be assured that the issues you have raised in your letter are of serious concern to us.

Sincerely,

CAP, *Secretary.*

Mr. JAVITS. Mr. President, I am not convinced that we can overcome geographic maldistribution of health professionals by relying solely upon a strengthened scholarship program for the National Service Corps—although I commend this effort in the bill and Senator KENNEDY and I have adopted this concept, fathered by Senator MAGNUSON, as one facet of our all-out attack on the problem in our bill—and would agree with discontinuing reliance upon loan forgiveness as an irrational approach to the problem. I ask unanimous consent that the conclusions of the May 24, 1974, report to the Congress by the Comptroller General be printed in the RECORD at this point.

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

CHAPTER 7.—CONCLUSIONS, RECOMMENDATIONS, HEW COMMENTS AND OUR EVALUATION, AND MATTERS FOR CONSIDERATION BY THE CONGRESS

Although the Congress apparently initiated HPSAP as part of an overall program to increase the output of the Nation's health professions schools, it has had no significant impact on this goal.

Secondary goals apparently intended by the Congress for HPSAP were:

To improve the quality of health professions students by increasing the number of applicants.

To induce health professionals to practice in geographic areas having shortages of their skills, and

To increase the proportion of health professions graduates who come from low-income families.

HPSAP does not appear to have had a significant impact on the quality of health professions students or on their choices of locations for practice. Although the program has undoubtedly increased the ability of students from low-income families to pursue health professions careers, its impact in this area could be greatly improved.

The program was to have been directed to students in "need" or "exceptional financial need." Ambiguities and imprecision in need determinations by the schools have resulted in a large portion of the aid going to students from middle income or upper income families who may have been able to complete medical or dental school without it. Also, the lack of coordination between the various sources of aid to health professions students—including Federal sources—has resulted in disproportionate or duplicate awards of aid to some students.

The lack of definitive criteria for distinguishing "need" from "exceptional financial need" has caused inconsistent and sometimes inequitable scholarship awards.

Statements by school officials and students suggest that HPSAP goals could be served just as well if the scholarship portion was eliminated and its funds added to the loan portion. Also, questions have been raised about the basic equity and need for subsidizing—through scholarships and interest rates lower than those available to the Government—medical and dental students because they have a very high earning potential upon graduation.

HEW needs to improve its monitoring of the schools' administration of HPSAP to insure compliance with program instructions.

RECOMMENDATIONS TO THE SECRETARY OF HEW

We recommend that the Secretary of HEW direct the Administrator of the Health Resources Administration to:

Establish uniform criteria to be used by participating schools in determining student need. Such criteria should outline the types of costs which may be considered necessary and the resources which should be considered.

Develop regulations and criteria for determining how scholarship funds are to be awarded to students.

Develop, to the extent feasible, methods for insuring the consideration and coordination of all available sources of aid, especially Federal sources, in meeting students' needs.

Establish procedures to insure that participating schools make students fully aware of loan repayment and cancellation provisions before they graduate.

Encourage participating schools to establish good internal controls, improve operating records, and develop aggressive and thorough collection procedures.

Closely monitor the operation of the program at participating schools to insure full compliance with program regulations, instructions, and guidelines.

HEW COMMENTS AND OUR EVALUATION

HEW concurred (see app. 1) with our recommendations for improving HPSAP's administration and effectiveness and agreed that HPSAP has not had a significant impact on influencing medical and dental graduates to practice in shortage areas. HEW generally disagreed with our views on the impact HPSAP has had on increasing the output of medical and dental schools and improving the quality of medical and dental students.

In commenting on our recommendations, HEW stated that:

Guidelines would be reviewed and revised to require all institutions to use definitive and uniform criteria for determining financial need and would indicate specifically what items can and cannot be considered for determining individual need.

Regulations and operating criteria would be amended to specify how scholarship funds are to be awarded and the criteria would establish the minimum level of need that will determine eligibility of students to receive loans and scholarships.

Operating procedures and guidelines would be amended to require each student recipient to make a declaration of need quarterly and to specify all financial resources.

Schools would be required to audit each student's need quarterly to document any change in the need certification and to terminate aid when need does not warrant continuation.

An attempt would be made to make student aid officers in the schools aware of all Federal funds made available to students.

Each school would be required to conduct an exit interview with each student participating in HPSAP and document that the student is aware of the loan repayment and cancellation provisions.

Regulations and guidelines would be amended and revised to mandate that schools establish and follow effective operating procedures, including fiscal and management controls, aggressive and thorough collection procedures, and the maintenance of appropriate records.

HEW stated that our report clearly documents that some schools have abused the freedom of action provided in regulations and guidelines. HEW also stated that, in addition to improving the regulations and guidelines, it will be necessary to more aggressively monitor the programs in the schools. HEW stated that it has depended too heavily on the schools to use good management procedures in administering HPSAP and that the number of personnel available to monitor HPSAP has been inadequate.

HEW also stated that (1) additional monitoring of the schools will be shared between headquarters and regional offices, (2) the collection procedures in all health professions schools will continue to be studied, (3) new guidelines will be issued to schools requiring them to safeguard all program assets and to execute all notes properly, and (4) all schools will be required to keep promissory notes and other critical documents in fire safes and locked files.

These actions, if properly implemented, will correct many of the problems identified during our review.

HEW stated that the quantity and quality of medical and dental students have increased since enactment of the HPSAP legislation and congressional objectives appear to have been met. HEW also stated that it was convinced that HPSAP had helped to attain these objectives but that it was impossible to measure the extent it has done so because it is part of a multifaceted program to increase and improve the health professions manpower pool.

We recognize that conclusive evidence supporting the impact of HPSAP on increasing the quantity and quality of students accepted by medical and dental schools since HPSAP began is not available. However, based primarily on discussions with school officials and the answers to the questionnaires that were sent to medical and dental students, it does not appear that HPSAP has been a significant factor in these increases. As stated in chapter 4, officials at the schools we reviewed attributed the increases in the number of applicants and the quality of these applicants to factors other than HPSAP. They pointed out that medicine and dentistry were enjoying great popularity because they are humanitarian professions and provide opportunity for high earnings and security.

Officials at most of the schools reviewed also believed that the demand for admissions exceeded the capacity of the schools to such an extent that HPSAP had no impact on the number of graduates the schools could produce. Faculty, classrooms, and space limited enrollment at each school. Increases in enrollment that did occur did not result from the increased applicants but from new construction or expansion of facilities—a part of the multifaceted program other than HPSAP. Most of the schools stated that full enrollment could easily be attained without HPSAP.

The schools also indicated that the number of medical and dental students that currently withdraw for financial reasons was virtually as low as before HPSAP. In addition, the vast majority of students that received HPSAP loans or scholarships in school year 1972-73 did not find out about HPSAP until after they had enrolled.

Therefore, it is our view that HPSAP has not had a significant impact on increasing the number and the quality of medical and dental graduates in the United States.

MATTERS FOR CONSIDERATION BY THE CONGRESS

The appropriation authority (Public Law 92-157) for loans and scholarships to health professions students expires June 30, 1974. Recognizing the minimal impact of HPSAP on the original congressional goals and the availability of other Federal and national aid programs for health professions students, the Congress should consider whether the goals can better be accomplished through other existing programs. These include Federal assistance in constructing teaching facilities, federally insured loans, and the Shortage Area Scholarship Program.

If the program is continued, the Congress should consider:

Whether its goals could be served as well if the scholarship funds were added to loan funds and the scholarships eliminated. This may be warranted in view of the difficulties experienced in equitable distributions of scholarship funds and the excellent potential of all medical and dental students to repay loans upon graduation.

The necessity of continuing to provide loans at interest rates lower than those available to the Government in view of the very high earning potential of medical and dental school graduates.

Whether the goal of increasing the number of health professions students from low-income families could be better served if HPSAP were directed to a specifically defined income group.

The need for providing overall coordination of the various Federal programs providing aid to health professions students.

Mr. JAVITS. Mr. President, I believe all the American people are entitled to have health care services—their tax dollar supports 50 percent of the cost of medical schools operations—and it is clear, based upon the evidence, that only one avenue is available to achieve this objective—service by all graduates in designated shortage areas upon the completion of their education. As I said, their education was in great measure paid for by the American taxpayer and the taxpayer is entitled—if only for a brief 2-year period—to be assured that the health professionals will be there, wherever it is, to provide health care.

I am not convinced, having carefully reviewed the testimony of all the administration witnesses during the course of the hearings of the House Subcommittee on Public Health—in regard to the administration bill I introduce on request today and other related measures—that the decision to withdraw capitation support for nursing schools is because we have overcome the serious shortage and maldistribution of nurses. My data indicates there is a shortage of 500,000 full-time practicing registered nurses.

Once again, such action was consistent with an Office of Management and Budget budgetary philosophy of zero budget requests over recent years. It is not consistent with congressional priorities. Only last year the Senate-passed appropriation bill provided $38.5 million for capitation support for schools of nursing.

Moreover, this Office of Management and Budget philosophy was reflected as far back as 1971. At that time—when I introduced the Nursing Education Act of 1971—I expressed to the administration my grave concern about the lack of separate nurse training funding authorities and the need for a balanced program of support to nursing schools and nursing students. Even then the administration—for the same fiscal Office of Management and Budget philosophy—refused to support the nurse training philosophy expressed in my bill and cosponsored by all the Republican members of the Senate Committee on Labor and Public Welfare. Fortunately the philosophy expressed in my bill was in great measure adopted and became Public Law 92-158.

Having set forth my deep concerns about the administration bill I believe it is appropriate that I also point out some of its good features. However, I am not convinced that such standing alone—without the provisions in the bills developed and introduced today by Senator KENNEDY and me—adequately respond to our Nations health care needs.

I support the bill's national priority incentive awards provisions which would seek to increase the number of health professionals who enter critical health shortage specialities by providing: First, an award to each school of medicine and osteopathy an amount equal to $2,000 for each of its graduates who enters a residency in the practice of family medicine; and second, grants to pay part of the cost of planning, developing, and operating for an initial period—not to exceed 3 years—programs of graduate or specialized education or training in family medicine, pediatrics, internal medicine, and other health care shortage fields.

Unfortunately the administration hearing testimony—previously cited—with respect to these efforts raises serious concerns about budget requests to accomplish the worthwhile objectives of this provision.

The administration's continuation and consolidation for the special project grants for health professions and the health professions health manpower education initiative awards authority is commendable.

I commend the concept of the administration bill which provides special assistance to the disadvantaged, for training in the health care field, by authorizing the payment to eligible individuals of stipends, with allowances for travel and for dependents, for post-secondary education or training required to qualify the individual for admission to a school providing health training, or to assist a person in undergoing the training. However, its limitations on assistance with respect to nursing, pharmacy, and public health administration are, I believe, inappropriate. Moreover, as previcusly indicated in other provisions of the bill, there are limitations on the future funding of health professions and nursing student loan funds to the amounts required to continue loans to students previously assisted from the funds, and no provision for such future assistance.

The rhetoric regarding the need for such service to overcome specialty maldistribution is clear throughout HEW's letter of transmittal of their bill. Unfortunately, the appropriate means—which I believe is called for in the bills Senator KENNEDY and I introduced today—was either not found or taken by their measure.

In conclusion, any National Health Insurance scheme is doomed to failure unless it provides the necessary support for a massive expansion of medical, dental, nursing and other health manpower.

Mr. JAVITS. Mr. President, in authorizing and reorganizing health manpower legislation the Senate acts as the steward of the American people regarding the purposes and the amount of funding for health professional schools. In that respect the Senate must be constantly vigilant in asking itself—is the public receiving full value for the investment the Nation is making? I believe that the public at large is not at this time receiving full value. Having reached that conclusion, based upon the evidence to date, I believe we must act to overcome the problems which deny the public the benefits they rightly deserve, or call into question the appropriateness of continuing to require the American public through their tax dollars to contribute so heavily to the health professions institutions.

In essence, I believe it is essential that the Senate pass a bill designed to achieve the following health manpower objectives, which have yet to be attained:

First, assure financial stability for the educational institutions upon which the Nation must depend for its supply of high-quality health professional manpower.

Second, assure adequate forms of student assistance. For too long the health professional educational institutions of this Nation have not reached out and recruited capable young people regardless of their financial situation.

Third, assure that we overcome effectively the problem of geographic maldistribution of health professionals, a problem that is national in scope and a problem that is long-standing and pervasive and which is a problem that is rapidly growing worse, not better.

Fourth, assure that we overcome specialty maldistribution of physicians. All too frequently residency training programs which are the determinants of the number and kinds of physicians the Nation produces are designed to meet the service needs of community hospitals or the research needs of medical school faculties, rather than the health needs of the American people. The time has come to reorder such priorities.

Fifth, assure that we overcome our Nation's reliance on foreign medical graduates for the routine delivery of medical services. The record amply documents the growing reliance of this Nation on FMG's, the qualifications and skills of many of whom must be seriously questioned. There is already existing in this Nation a dual system of medical care in which some of the most unfortunate citizens of society, such as residents of State- and county-operated mental institutions, must rely for medical services on doctors who may not be able to converse with them in the English language and whose professional skills were acquired under very different conditions. Testimony documents that one-third of all physicians in residency training programs in this Nation today are foreign medical graduates and about 50 percent of the new licenses granted to physicians are granted to foreign medical graduates.

I believe any national insurance scheme must be based on the necessary support for a massive expansion of medical, dental, nursing, and other health manpower and this should be the goal of any bill favorably acted upon by the Senate.

By Mr. INOUYE:

S. 993. A bill to provide for the adoption of "The Perpetual Calendar." Referred to the Committee on Commerce.

Mr. INOUYE. Mr. President, for the past several decades my constituents, Dr. and Mrs. Willard E. Edwards, have been carrying on a campaign on a worldwide basis for the adoption of "The Perpetual Calendar."

Although I am not personally sufficiently involved to provide any judgment in this matter, I believe it would be prudent for the appropriate committee to consider the merits of their proposal.

I ask unanimous consent to have printed in the RECORD an article by Dr. Edwards and two newspaper articles on the same subject.

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

NEW-YEAR DAYS ARE ANNIVERSARIES

(By Willard E. Edwards)

Several authorities commented on the above article on the Christian Era dating as follows:

Dr. Walter Orr Roberts of the High Altitude Observatory of Harvard University and the University of Colorado at Boulder, Colorado observed:

"Needless to say, I think that the history which you present in this manuscript of the way in which we mark time will be of considerable interest to many people. Certainly one of the soundest ways in which to prepare for the improvement of the time system (or any system, for that matter) is to explore the rather shaky historical basis on which our present customs rest."

Director L. B. Aldrich of the Smithsonian Institution's Astrophysical Observatory at Washington, D.C. stated:

"I read your article with interest. Your device for correcting the mistake of having no zero year in the transition from B.C. to A.D. is essential in determining elapsed time between B.C. and A.D. dates."

Dr. Hugh S. Rice, former Research Associate of New York City's Hayden Planetarium stated:

"Theoretically you are unquestionably correct in the idea developed. The entire work seems to be exactly right, including the schedule (Chart) at the end. . . . The other paragraph (3rd last), upon which you wanted special comment, is quite correct indeed. Personally, I would be glad if all astronomers would accept this method officially."

Dr. Fred E. Wright of the Carnegie Institution of Washington, Washington, D.C., wrote:

"My own impression is that you are quite correct in your assertion that the old year 1 B.C. should be called the zero year, and that it was certainly a mistake in calling A.D. 1 "the first year." I believe your article is worth publishing. It reads well and emphasizes the desirability of inserting zero year in passing from the Roman B.C. Calendar to our present A.D. Calendar."

From Dr. Willard E. Edwards, Originator of The Perpetual Calendar, 1434 Punahou Street, Apt. 622, Honolulu, Hawaii, U.S.A. 96822: "In researching this subject over many years, I think I have really discovered the historical truth regarding the actual start of the Christian Era as conceived by Dionysius Exiguus. It seems time to clear up the misunderstanding that has existed in the past and to put our reckoning of the years B.C.E. and C.E. on a sound mathematical basis."

1975 IS OUR 1976th YEAR OR NEW-YEAR DAYS ARE ANNIVERSARIES

(By Williard E. Edwards)

Many of us think of New-Year Day as the birth of the newly-numbered year, and are thinking of this year as the 1975th. But this is a misconception. Of course New-Year Day 1975 was the start of a new year. But it was the start of the 1976th year of the Christian or Common Era, not that of the 1975th.

January 1st 1975 was the anniversary or end of 1975 years of the Era, exactly as anyone's 75th birthday anniversary marks the completion of 75 years of life. A truthful woman says she is 75 all during her 76th year, the year before her 76th birthday anniversary. We are also recording the events of this year as occurring in 1975. The Christian Era will become 1976 years old on New-Year Day 1976, and 2000 years old on New-Year Day 2000, not 2001.

HOW A MISCONCEPTION STARTED

Let's see how the misconception started, i.e. of looking at New-Year Days as birth days, instead of anniversaries. It began in the 6th century. Previous to that time, the year began with January 1st. Then, about A.D. 525–533, a Scythian monk named Dionysius Exiguus introduced the system of counting years of a Christian Era from the Incarnation of Christ. He calculated his epoch and New-Year Day as March 25th 753 A.U.C., the date of the Vernal Equinox at that time. March 25th is still celebrated as Annunciation, or Lady Day.

A.U.C. is from Ab Urbe Condita, and means dating from the founding of the city of Rome. See the two dating systems on the Accompanying Chart.

Dionysius added the human gestation period (280 days) to the date of Spring (March 20th in his time) and got December 25th A.D. 525 as the 525th Nativity anniversary. December 25th has been celebrated as the date of Christmas ever since. But adding the gestation period to March 25th 753 A.U.C. put the Nativity at the end of December of that year. Some chronologers and historians want to start the Common Era from the following January 1st (754 A.U.C.) and, like the Oriental custom, call Jesus a year old at birth.

Unfortunately, Dionysius made a mistake of four years in calculating the beginning of his Christian Era. King Herod, who ordered the Biblical "Massacre of the Innocents," died in 750 A.U.C. And since Jesus is reputed to have escaped this massacre, he was living before Herod died. His birth is therefore now placed at the end of 749 A.U.C. (the end of December, 4 B.C.). However, the calendar was not changed when the error was discovered.

Dionysius called March 25th 754 A.U.C. the start of the first anniversary year, or the year one of the Christian Era. He designated it as "A.D. unum" (Roman cardinal numeral I). He called 753 A.U.C. (the previous year) "Anno ab incarnatione Domini primo," for "the first year of our Lord from the Incarnation" (an ordinal number). This was shortened to "A.D. primo." Roman chronologers in his time were handicapped by the concept of zero not yet having been introduced into their mathematical notations. However, 753 A.U.C. should now be called "A.D. zero" (a cardinal number).

BEGINNING OF THE YEAR MOVED

If the Incarnation had occurred on January 1st 753 A.U.C., the year one of the Christian Era would have begun on January 1st 754 A.U.C. However, in 1582 the beginning of the Christian year was moved again, in all Catholic countries, from March 25th back to January 1st. It was so moved in England and in America in 1752, when George Washington was 20 years old.

Scotland had changed the year's beginning to January 1st in 1600, but England didn't change until 152 years later. That was 170 years after Pope Gregory changed the year's beginning and dropped 10 days from the calendar, in order to have Spring come on March 21st. When Washington was born, it was still the year 1731 in England, where the year began on March 25th. But it was already 1732 in Scotland. That's why Washington's birth date was recorded as February 11th 1731/32. See his family Bible at Mt. Vernon, Virginia.

Washington's 20th birthday anniversary was on February 11th 1751/52, but his 21st was on February 22nd 1753 (New Style). The calendar was changed in September 1752 by dropping 11 days; and George had to wait until the following February 22nd before he was legally 21 years old.

But moving the beginning of the year to January 1st helped cause the misconception of the start of the Christian Era as following the Nativity, instead of the Incarnation; and the year 753 A.U.C. (really "A.D. primo") became incorrectly shown in publications as the year "one B.C."

CORRECTING THE MISCONCEPTION

English astronomers Maskelyne, Herschel and others attempted to correct this misconception. They recognized 753 A.U.C. as "Anno Domini primo" or "the year A.D. zero." This is shown by referring to the Accompanying Chart. When we count the years backward, the number of any year is always one less than the number of the year which followed it in time. The year one, less one, is zero. Therefore, the old year formerly designated "1 B.C." is correctly renumbered as "A.D. zero." Similarly, the old year called "2 B.C." is correctly renumbered as 1 B.C.; the old year "3 B.C." is 2 B.C.; etc.

B.C. years may thus be added numerically to A.D. years to find the correct elapsed time between them. Elapsed time from January 1st 3 B.C., the day following the reputed 4 B.C. birthdate of Jesus, to our 1975 New-Year Day anniversary is 1978 years. From the supposed Nativity date to the start of the Christian or Common Era is only 3 years, not 4. The correct assignment of "the year zero" between 1 B.C. and A.D. 1 is not simply a convenience; it is a mathematical necessity. We must also have a zero degree on thermometer scales to show that the rise in temperature from $-3°$ to $+75°$ is $78°$.

ZERO IS A REAL NUMBER

To say that there was no actual A.D. year called "the zero year" does not mean anything. There were no A.D. years at all until A.D. reckoning was introduced by Dionysius in the 6th century. But since he went back in history to renumber the years, the numbering should be rational and mathematically correct, as Dionysius intended it to be. He was an astronomer, chronologer and mathematician, and he deserves more credit than he has received.

Zero is a perfectly good number, even though it may seem somewhat confusing to those who are not mathematicians. Some of us think of it as meaning simply "nothing," or the absence of quantity. But zero has many common uses, the most common being "in place of any other number," as in 1903. Zero is a real cardinal number, 1 less 1. It is correctly shown as the first Arabic numeral (0, 1, 2, 3, etc.). Zero is also the point of departure in reckoning, and its position after 9 on telephone dials is numerically incorrect.

We use zero in the measurement of elevations, bearings and temperatures; and as the first figure on our balances, meters and scales. The first or prime meridian through Greenwich is "the zero meridian." In the 24-hour system of reckoning time, midnight is expressed as 0000, the beginning of the first hour of the day or the zero hour.

Also, the first day of the year could be called "the zero day," "January zero," or just "New-Year Day." It could be a holiday apart from any week, as in "THE PERPETUAL CALENDAR." This "New-Year Day" holiday, followed by 52 even weeks in 4 equal quarters, would allow "THE PERPETUAL CALENDAR" to become fixed for all time. This is proposed as a new International Standard Civil Calendar, along with change to The Metric System and Worldwide Decimal Currency.

We went into a zero-ending year at the start of the 20th century in going from 1899 to 1900. January 1st 1900 was noisily welcomed in worldwide as the beginning of the 20th century; and New-Year Day 2000 will begin the 21st century. Common sense and public opinion will so dictate. Let us subtract 1970 from each of the years shown on the last line of the Accompanying Chart. We then get the years for the start of the Common Era, including A.D. zero. This alone proves their correct numbering.

ORDINAL AND CARDINAL NUMBERS MISUNDERSTOOD

We should not confuse the counting of objects with measurements of time or distance. In time and distance there's a decided difference between first (an ordinal number) and one (a cardinal number). The first hour of the day is "the zero hour." We don't say it is one o'clock or 0100 until 60 minutes after midnight, the beginning of the second hour of the day.

Ordinal numbers show the order in a series (1st, 2nd, 3rd, etc.), whereas cardinal numbers express how many (1, 2, 3, or I, II, III, etc.). We start with and from zero, and the first inch on an engineer's scale is the inch of zero measurements, from 0 to 0.1, 0.2, 0.3, etc. The second inch is the inch of ones, from 1 to 1.1, 1.2, 1.3, etc. We count our age, length of time in business, wedding anniversaries and centuries likewise.

Years of the 20th century are those of the 19 hundreds (1900–1999); of the 2nd century, those of the one hundreds (100–199). Years of the 21st century are those of the 20 hundreds (2000–2099); of the 1st century, those of the zero or no hundreds (0–99). In its 1st year, a baby's age at 6 months is 0.5 year. In the Christian Era, years are distinguished by cardinal numbers.

We should not confuse "the 1st year A.D." (A.D. zero, or 753 A.U.C.) with "the 2nd year A.D." (A.D. one, or 754 A.U.C.). Our year "A.D.1" (2nd year) could not have started until the 12th month of "A.D. O" (1st year) had been completed. Unfortunately, the phrase Anno Domini primo (the 1st year, an ordinal number) came to be wrongly used for Anno Domini unum (the 2nd year, with the cardinal number 1). This has caused considerable confusion as to when the Christian or Common Era began.

NEW-YEAR DAYS ARE ANNIVERSARIES

Accepting the year preceding A.D. 1 as "the year A.D. zero" is the accurate, consistent, rational and uniform way of recording the beginning of the Christian Era. Instead of perpetuating an ancient misconception, let's correct it like intelligent and rational people. Let's remember New-Year Days for what they are, anniversaries of the approximate or practical beginning of the Christian or Common Era (abbreviated C.E., and B.C.E. for Before the Era).

At the end of its 75th year, a business becomes 75 years old. It is then beginning its 76th year. This year of 1975 is our 1976th year, but throughout this year we will call it 1975. It becomes 1976 years old on January 1st 1976. If we count New-Year Days the same as we count birthday, business and wedding anniversary days, the past misconception will disappear.

We have only one real birthday. All the others are simply "birthday anniversaries." On New-Year Day 1976 we shall have our next "yearly anniversary." It should be thought of and recorded as the 1976th. An Accompanying Chart showing correct time recording, as accepted by astronomers and modern chronologers, follows.

SHOULD THE CALENDAR BE REFORMED?

(By George Harry)

Our present calendar is an imperfect thing. Businessmen, accountants and statisticians call it a mess.

The months, quarters and half-years are all of unequal length. The months contain from 28 to 31 days. The quarters vary from 90 to 92 days. The first half of the year contains 181 or 182 days, the second half 184 days.

Each year begins and ends on a different day of the week than the year before. Companies have to open and close their annual accounts in the middle of a weekly payroll period.

Holidays wander all over the place like a cowpath, further disrupting business.

Leap Year arrives every four years, throwing the calendar into further disorder. Without Leap Year the year would at least consist of an even 52 weeks plus one day, thus each year would move forward one day more than the preceding year.

There are many other problems with the Gregorian calendar. The first and fifteenth day of the month, on which wages and rents are often paid, may fall on Sunday, making it necessary to advance or postpone payments. Easter hops from March 22 to April 25, causing numerous civil inconveniences.

One of the biggest problems is that the months and quarters cannot be compared statistically for income, production, payroll, absenteeism and similar studies. A further complication is that some months have a fifth Sunday, thus causing further distortion of the figures.

The calendar has so many inequalities that we have to recite a jingle to remember the days of the month:

Thirty days hath September,
April, June, and November.
All the rest have thirty-one
Excepting February alone.
Which hath but twenty-eight days clear
And twenty-nine in each Leap Year

The present lopsided calendar is a legacy from the Caesars. Before Julian and Augustus started naming months after themselves, the Romans used a ten-month calendar totaling 304 days.

But Julian and Augustus didn't really create all the calendar inequalities. Centuries before their time, the Egyptians had a twelve-month calendar of 30 equal days, with five "heavenly" days to make a year of 365 days. They did nothing about the quarter day that adds up to Leap Year once every four years, merely noting, straight faced, that the problem of Leap Year solved itself every 1,460 years, when another whole year had been created out of the quarter days.

Julius Caesar proceeded to adapt the Egyptian and Numa Pompilius calendars, the latter named after a legendary king of Rome, the successor to Romulus. Basically the Julian calendar followed these, except that the five heavenly days were added to various months at random and that February was reduced to 28 days to provide for two more 31-day months. At that time September and November each had 31 days.

Julius also recognized that quarter day by adding one day to February every four years and honored himself by naming the seventh month July. He was such a renowned statesman and strategist that his family name became imperial in character and appeared in the German language as Kaiser and in Russian as Czar.

His grand-nephew, Augustus, to whom he willed his wealth and power, also did some jiggling with the calendar. He named the eighth month after himself and gave it 31 days, taking one day from November. To satisfy complaints about the inequality of the third and fourth quarters, he obligingly took a day from February and added it to December, and one from the 31-day September and added it to October.

The world lived with the amended Julian calendar until the 16th century, when Pope Gregory XIII made small revisions to account for an accumulated ten days between the Julian calendar and the sun's time. He solved the 10-day problem by simply changing October 5 to October 15. He also eliminated Leap Year every century unless the number of the century is divisible by 400; this revision corrected an over-adjustment of the quarter-day every 3,500 years.

While the Gregorian calendar eliminated minor inconsistencies, it did nothing to correct the problem of unequal months and quarters, the wandering holidays and the difficulty of comparing sales and costs month by month.

Some people believe the time has now come for another calendar. It has been tentatively named The Perpetual Calendar because precisely the same calendar would be used year by year.

The chief attraction of The Perpetual Calendar would be that each quarter would be of equal length, 91 days. In each quarter the first two months would have 30 days, the third month 31 days. That would make a year of 364 days. The 365th day would be called New-Year Day, a day apart from January or any other month, just as Washington, D.C. and Canberra are apart from any state. New-Year Day would indeed be a day without any weekday name being tagged to it. In other words, it would not be a Monday, Tuesday, etc., but just New-Year Day.

Thus the creation of a separate New-Year Day would allow the remaining 364 days to be divided into 52 weeks.

Leap-Year Day, like New-Year Day, would be another day apart. It would be observed not in February, but more logically between Sunday, June 31 and Monday, July 1.

The proponents of The Perpetual Calendar say it should properly have equal quarters of 91 days each, and equal half years of 182 days.

Every month, whether 30 or 31 days, would have 26 weekdays. Every quarter would begin on a Monday. The second month of every quarter would begin on Wednesday and the third month on Friday.

As every month would have the same number of working days—and every quarter too—production schedules would be easy to plan. Comparisons with previous periods would be more reliable than now. The first and fifteenth day of each month would always fall on a weekday. The months would have a rhythmic pattern of 30, 30 and 31 days. Throughout the year, incidentally, there would never be a Friday the 13th.

Though The Perpetual Calendar is easy to remember and figure out, it too has a jingle to help those who need memory devices:

With a day apart the year's begun—
Then thirty, thirty, thirty-one.
Months always start in a certain way—
On Monday, Wednesday and Friday.
Each quarter and each year the same—
Is The Perpetual Calendar's aim.

There would be no January 31, May 31, July 31, August 31 or October 31 in The Perpetual Calendar. This would create problems for those born on those days, but the problem is not critical and would disappear in a few generations. The calendar would add February 29 and 30, June 31 and September 31.

Easter Sunday could be fixed for Sunday, April 14, which is close to the Resurrection Day. Anniversaries and holidays would always fall on the same day of the week. Christmas would be on Monday.

The Perpetual Calendar would have to be inaugurated on any year after one that ends on Sunday, December 31. Such inaugural dates include 1979, 1990, 1996, 2001, 2007 and in cycles of 11, 6, 5 and 6 years thereafter until 2100 A.D.

The time is ripe for calendar reform. Will it ever come about?

OVERCOMING OBJECTIONS TO THE PERPETUAL CALENDAR

Who would be responsible for introducing the new calendar? No country would want to take on the job.

Agreed. The first action should come from the United Nations. Later an international conference should be held and an ad hoc committee formed.

There would be tremendous upheaval when the calendar is introduced. What would make matters worse is that many countries probably would resist for years.

A few might resist, but if any unanimity is reached among some nations, the conversion would be accomplished almost as easily as the changeover to daylight savings time. Many countries were reluctant to adopt the Gregorian calendar.

People who have birthdays and anniversaries on January 31, May 31, July 31, August 31 and October 31 would be left out on a limb.

They would learn to celebrate the day after. People born on February 29 have to do the same thing now, without any traumas. Under the new calendar, Leap-Year babies would get a break at last.

Religious bodies won't like it. Especially they won't like the eight-day week caused by New-Year Day and Leap-Year Day.

These days could be considered religious holidays and not extra days of the week. This would appease most religious groups.

It would be a costly business comparing two sets of figures produced by the old and new calendars.

The extra cost, if any, would not be excessive. The problem would soon disappear as the new calendar takes over entirely.

Many business people would stand to lose.

Maybe, but offhand I can think of only one group, the calendar manufacturers. It would not be necessary to have calenders every year because the same one can be used in perpetuity. Calendar manufacturers would soon find something else to produce.

[From the Honolulu Star-Bulletin, Feb. 14, 1975]

PRESIDENT'S DAY STORY

(By Willard E. Edwards)

SIR: "The perpetual calendar" was devised in 1919. I also proposed a "presidents day" then and other Monday holidays. This hobby continued to 1953 when I requested a bill for a single Hawaii holiday honoring all past presidents.

We had been celebrating three presidents' birthdates in a little over three weeks: Roosevelt's (Jan. 30), Lincoln's (Feb. 12) and Washington's (Feb. 22).

The bill passed, and Hawaii was the first to celebrate a single "presidents day," on Feb. 22, 1954. I requested another bill in 1961 to move "presidents day" to the second Monday in February. But it was amended to have this holiday come on the nearest Monday or Friday to Feb. 22.

In 1967, I requested a bill to have "presidents day" and some other state holidays moved to Mondays. This was done. At the same time I also asked members of Congress and other state legislators to do this. The aid of chambers of commerce and various hotel, travel and transportation organizations was then obtained.

Five federal holidays were then made legal on Mondays in 1971, and most states followed. At present "Presidents Day" is officially observed in Hawaii, Montana, South Dakota, Utah, Washington, and possibly other states.

Fourteen states have had distinguished native sons who have become past presidents: Iowa, Kentucky, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio (7), Pennsylvania, South Carolina, Texas, Virginia (8), and Vermont. I'd think they'd ALL want to include them in one national and state "presidents day," especially Ohio and Virginia.

[From the Honolulu Advertiser, Feb. 17, 1975]

CALENDARS—WASHINGTON'S REAL BIRTHDAY?

(By Willard E. Edwards)

The 243rd birthday anniversary of "the father of his country" falls on Saturday, Feb. 22, 1975. However, George Washington's birthday was actually Feb. 11, 1731/32. He was born in the "old style" year 1731; "new style" year 1732.

At that time, in England and its colonies, the legal year began on March 25. At the same time, in Scotland, the year began on Jan. 1. While it was Feb. 11, 1731, in Virginia, it was Feb. 11, 1732, in Scotland.

This confusion dated back to Julius Caesar. To correct the old Roman Calendar, history says he added two extra Decembers in 45 B.C.E. That year, which began with March, became known as "the year of confusion." Romans tired of it after 12 months, and called Jan. 1 the start of the next year.

In 1278 A.U.C., March 25 (the vernal equinox date) was chosen by Dionysius Exiguus as "Annunciation Day." It became the epoch of the Christian Era and the new beginning of the Christian year. This latter date was variously observed for over 1,000 years, until the Julian calendar was corrected in 1582 C.E.

Pope Gregory then dropped 10 calendar days and moved the start of the civil year back to Jan. 1. Scotland accepted this new-year date in 1600, but England refused to accept it until 1752. At that time, 11 days had to be dropped from the count. Washington went to bed on Sept. 2 and woke up the next day on Sept. 14, 1752.

He was then 20½ years old, and would normally have celebrated his majority on Feb. 11, 1753. But before he could become legally 21, he had to wait one year from his 20th anniversary. That time came on Feb. 22, 1753; and this date was observed until 1961 in Hawaii, and until 1971 nationally.

In "The Perpetual Calendar," Washington's anniversary would be on Feb. 11, a Saturday. Lincoln's would come on Feb. 12, a Sunday. Both could then be celebrated as a legal holiday on Monday, Feb. 13. This day is proposed as "President's Day," in honor of all past presidents (except one). It will be the third day of an annual three-day holiday weekend, as it has been now since 1971. "Presidents Day" is now legally observed on the third Monday in February in Hawaii, Montana, So. Dakota, Utah, Washington, and possibly other states.

By Mr. ROTH:

S. 995. A bill to regulate investment by foreign governments and foreign government enterprises in certain U.S. business enterprises. Referred to the Committee on Banking, Housing and Urban Affairs and the Committee on Commerce, jointly, by unanimous consent.

FOREIGN GOVERNMENT INVESTMENT CONTROL ACT OF 1975

Mr. ROTH. Mr. President, I am today introducing the Foreign Government Investment Control Act of 1975 designed to insure that investments made in American industries or real estate by foreign governments are compatible with U.S. national interests.

This bill would not affect private foreign investment. Rather it seeks to distinguish between private investment made for essentially economic reasons and investment by foreign governments which may have noneconomic, political motivations, and consequences. Reports of Arab discrimination against Jewish business illustrate the kinds of political implications that such investment may entail.

The Foreign Government Investment Control Act hopes to encourage foreign investment that creates new jobs and helps to provide the capital resources we need for economic recovery and expansion without bringing control by foreign governments. Until the United States has a definite policy which lets potential foreign investors know how they will be treated, I am afraid that some potentially very useful private foreign investment may be discouraged from coming in. It is important to remember that foreign investment was an important element in our country's early economic growth.

This legislation is not intended to be a definitive answer to all problems raised by increased foreign investment in the United States. It is intended to be illustrative of the kinds of safeguards that can be created to protect American industry and property from harmful investments while maintaining our traditional welcome mat for advantageous investment. I hope that it can serve as a basis on which further refinements can be made in the course of committee consideration and when the recommendations of the executive branch, now in preparation, become available.

The bill distinguishes between four kinds of foreign government investment which would be treated differently. A major consideration involved in establishing these categories is to avoid unnecessary bureaucracy and redtape.

Investment by foreign governments would be prohibited in the first category consisting of sensitive areas like defense industries and public media.

A second category consists of portfolio investment of more than 1 percent of equity or debt obligations of companies whose assests are more than $100 million, direct investment in companies whose assets are more than $10 million, and real estate valued at more than $4 million. Such investment could not take place until submitted to the Secretary of Commerce and found by him to be in the national interests. The Secretary would study the effect of the investment on employment, capital availability, foreign relations, the balance of payments, and whatever else he thought appropriate, and he would also be required to consult the Governor of the State in which the investment is to take place. I believe that State and local receptivity should play a significant role in the ultimate decision as to whether the investment will be permitted.

The Secretary of Commerce is required to consult with the Secretary of Labor about the effect of the proposed investment on employment conditions and equal opportunity for all Americans. This provision has been added to insure that discrimination by foreign governments against any individual on racial or religious grounds cannot be imported via the foreign investment route. The practices of a number of Arab governments in this regard are outrageous and an af-

front to American ideals. New investments should be examined from this perspective and any foreigner who is unwilling to abide by our laws prohibiting discrimination should be told to stay out.

A third category of investments involves direct investment in small companies, portfolio investment of more than 1 percent of equity or debt obligations of companies whose assets are between $10 and $100 million and real estate valued between $1 and $4 million. Such investment by foreign governments would be required to be submitted to the Secretary of Commerce for 60 days. The Secretary could disapprove any investment in this category he found disadvantageous to the national interests. If he does not disapprove, the investment could take place.

The final category of investments—portfolio investment of less than 1 percent of equity or debt obligations or real estate of less than $1 million—would generally not be subject to the approval or disapproval mechanisms outlined in this act.

I believe that the Foreign Government Investment Control Act is a responsible approach to the issues created by increased foreign investment that will help foster investment beneficial to the United States while screening out potentially harmful foreign investment.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that a bill introduced earlier today by the Senator from Delaware (Mr. ROTH), relating to the regulation of investment by foreign governments and their enterprises in certain U.S. business enterprises, be jointly referred to the Committees on Banking, Housing and Urban Affairs and Commerce.

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

By Mr. SCHWEIKER (for himself, Mr. JAVITS, Mr. KENNEDY, and Mr. WILLIAMS) (by request):

S. 996. A bill to amend titles VII and VIII of the Public Health Service Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

COMPREHENSIVE HEALTH PROFESSIONS EDUCATION ACT OF 1975

Mr. SCHWEIKER. Mr. President, I introduce on behalf of the administration, the Comprehensive Health Profession Education Act of 1975 (S. 996), which is cosponsored by Senators JAVITS, KENNEDY, and WILLIAMS. I ask unanimous consent that the letter of transmittal and copy of the bill be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. SCHWEIKER. Mr. President, the Federal Government is the primary source of financial support for the training of physicians, dentists, nurses, and other health professionals. In fact, in the past decade Federal support for health manpower programs has reached over one-half billion dollars annually. This does not even include the funds provided through research grants and the delivery of services by our health teaching institutions.

The return on this investment has been an increasing number of physicians and other health professionals as well as improvement in the quality of medical education. We continue to make advances in medical science, due in part to the continued support of the Federal Government to medical education. In the last decade our support of medical education was in response to the critical shortage of physicians and other health professionals. Health manpower shortages have existed in this Nation for a number of years and our policy with regard to support of medical education has concentrated mainly on improving the total supply of health manpower. However, while shortages in some categories still exist, the primary issues surrounding health manpower today are geographic maldistribution of physicians, the maldistribution of specialties and the increased reliance on graduates of foreign medical schools. Obviously, these problems impact on any program of national health insurance which we may enact in the next 2 years.

Although we may eliminate the problem of inadequate health manpower, the problems involving maldistribution, both geographic and specialty, have an obvious implication to the availability and accessibility of care to many segments of our population. Those kinds of problems can make the promise of access to quality health care for all Americans an unkept promise.

Amid this problem we face the additional issue of foreign medical graduates. It is ironic that many young people are complaining that they are unable to enter medical school while at the same time we discover a reliance on foreign medical graduates to provide services in our community hospitals across the country. It is certainly hard to justify our sizeable investment in our medical schools while admitting to this phenomenon.

The fundamental question being posed, therefore, is what is the obligation and responsibility of the Nation's medical schools to come to grips with these problems in response to the investment we are making in those institutions? The former Assistant Secretary of Health, Dr. Charles Edwards, in a speech to the Association of American Medical Colleges, stated that very succinctly:

> The last decade has witnessed a number of changes in the way medical schools and other health teaching institutions operate but I have some serious questions about the extent to which these institutions have responded to the kind of problems that affect the whole system of health care. Yet I think all of us must question whether the medical schools and indeed the whole health training establishment have been willing to accept their share of responsibility for solving these problems.

Mr. President, it seems to me that the taxpayers of this Nation have a right to ask what is the quid pro quo for the investment of their taxes in our medical teaching institutions. If they are, as they allege, a national resource, and I do not quarrel with that assertion, then there must be an adequate response from these institutions.

I join several of my colleagues in the Labor and Public Welfare Committee in introducing a series of health manpower proposals. Specifically, in addition to the administration's bill which I have introduced, we are introducing the bill as proposed by the Association of American Medical Colleges, legislation as reported by the Labor and Public Welfare Committee during the 93d Congress, the bill as passed by the House of Representatives during the 93d Congress, and the proposal originally introduced by former Congressman William Roy which represents a major departure from the traditional method of supporting health professions education. All of these bills will provide the committee the full range of proposals and recommendations which it must consider in bringing to this body a workable program. I should add that it is expected that the bill as passed by the Senate last year will also be introduced and referred to the committee.

In its deliberations and ultimately in the reporting of a health manpower bill to the Senate, the Labor and Public Welfare Committee, it seems to me, will have to insure that we maintain adequate and stable institutional support for our medical schools, by preserving the traditional capitation grant mechanism, provide an expanded program of student assistance through the National Health Service for scholarships and student loans, design a method of eliminating the geographic maldistribution problem as well as the specialty maldistribution of physicians, and lastly eliminate the dependence upon foreign medical graduates. Embodied in the legislative proposals being introduced today are clearly the means to meet all of these objectives, and I am confident that through thoughtful deliberation and compromise we can fulfill our responsibilities in this connection.

EXHIBIT 1

S. 996

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

SHORT TITLE; REFERENCES TO ACT

SECTION 1. (a) This Act may be cited as the "Comprehensive Health Professions Education Act of 1975".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a title, part, section or other provision, the reference shall be considered to be made to a title, part, section or other provision of the Public Health Service Act.

TITLE I—LOAN GUARANTEES FOR CONSTRUCTION FOR REPLACEMENT OR REMODELING OF TEACHING FACILITIES

SEC. 101. (a)(1) Section 729 (including the caption thereof) is amended to read as follows:

"LOAN GUARANTEES

"SEC. 729. (a) To assist eligible nonprofit private entities to carry out approved projects for the construction of teaching facilities of private nonprofit schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, or podiatry, other than the construction of new buildings or the expansion of existing buildings, the Secretary may, during the period beginning July 1, 1974, and

ending with the close of September 30, 1977, guarantee (in accordance with this section and subject to subsection (f)) to any non-Federal lender that makes a loan to an eligible entity, for that project, payment when due of the principal of and interest on that loan. The Secretary may make commitments, on behalf of the United States, to make those loan guarantees prior to the making of the loans."

(2) Section 729(b) is repealed. This repealer shall not be construed to impair the obligation of the Secretary to pay any amount that the Secretary has agreed to pay, under that section, with respect to any loan made under section 729 prior to the enactment of this Act.

(3) There is added after section 729(a) a new section 729(b) to read as follows:

"(b) A nonprofit private entity shall be eligible to receive a loan guaranteed under subsection (a) if the entity meets the requirements (as determined under regulations of the Secretary) of sections 721, 722, and 723, insofar as they are applicable to nonprofit private entities, except that in lieu of any requirement of section 721(c) respecting the maintenance or increase of student enrollment, an application for a loan guarantee under this section shall contain or be supported by reasonable assurances that the teaching facility with regard to which the loan guarantee is obtained will maintain a first-year enrollment of full-time students after the completion of the construction, and for each of the next nine school years, that is not less than that enrollment during the fiscal year ending June 30, 1974. For purposes of the application of sections 721, 722, and 723 to this section, the term 'grant', as used in sections 721, 722, and 723 is deemed to mean 'grant by the Secretary of a loan guarantee under section 729'."

(4) Section 729(c) is amended by striking out "or interest subsidy payment" in the first and second sentence.

(5) Section 729(e) is amended (A) by striking out "interest subsidy payments authorized by this section" each time it appears and inserting in lieu thereof "interest subsidy payments for which an agreement was entered into under this section prior to its amendment by the Comprehensive Health Manpower Act of 1975"; and (B) by inserting before the period after "1974" the following: ", and for each succeeding fiscal year such sums as may be necessary to make interest subsidy payments for which an agreement was entered into under this section prior to its amendment by the Comprehensive Health Manpower Act of 1975".

(6) Section 729(f) is amended (A) by striking out "(1)" after "(f)", and (B) by striking out paragraph (2).

(b)(1) Section 809(a) (including the caption thereof) is amended to read as follows:

"LOAN GUARANTEES

"SEC. 809. (a) In order to assist nonprofit private schools of nursing to carry out construction projects for training facilities, other than the construction of new buildings or the expansion of existing buildings, the Secretary may, during the period beginning July 1, 1974, and ending with the close of September 30, 1977, guarantee (in accordance with this section and subject to subsection (f)) to non-Federal lenders making loans to such schools, for such construction projects, payment when due of the principal of and interest on any loan for that construction. The Secretary may make commitments, on behalf of the United States, to make those loan guarantees prior to the making of the loans."

(2) Section 809(b) is repealed. This repealer shall not be construed to impair the obligation of the Secretary to pay any amount that the Secretary has agreed to pay, under that section, with respect to any loan made under section 729 prior to the enactment of this Act.

(3) There is added after section 809(a) a new section 809(b) to read as follows:

"(b) A nonprofit private school of nursing shall be eligible to receive a loan guaranteed under subsection (a) if it meets the requirements (as determined under regulations of the Secretary) of sections 802, 803, and 804, insofar as they are applicable to nonprofit private schools of nursing, except that in lieu of any requirement of section 802(b) respecting the maintenance or increase of student enrollment, an application for a loan guarantee under this section shall contain or be supported by reasonable assurances that the applicant with respect to which a loan is guaranteed under this section will maintain a first-year enrollment of full-time students after the completion of the construction, and for each of the next nine school years, that is not less than that enrollment during the fiscal year ending June 30, 1974. For purposes of the application of sections 802, 803, and 804 to this section, the term 'grant', as used in sections 802, 803, and 804 is deemed to mean 'grant by the Secretary of a loan guarantee under section 809'."

(4) Section 809(c) is amended by striking out "or interest subsidy payment" in the first and second sentence.

(5) Section 809(e) is amended (A) by striking out "interest subsidy payments authorized by this section" each time it appears and inserting in lieu thereof "interest subsidy payments for which an agreement was entered into under this section prior to its amendment by the Comprehensive Health Manpower Act of 1975"; and (B) by inserting before the period after "1974" the following: ", and for each succeeding fiscal year such sums as may be necessary to make interest subsidy payments for which an agreement was entered into under this section prior to its amendment by the Comprehensive Health Manpower Act of 1975".

(6) Section 809(f) is amended (A) by striking out "(1)" after "(f)", and (B) by striking out paragraph (2).

TITLE II—CAPITATION GRANTS, START-UP ASSISTANCE, AND NATIONAL PRIORITY INCENTIVE AWARDS

CAPITATION AMENDMENTS

SEC. 201. (a) Section 770 is amended to read as follows:

"SEC. 770. (a) GRANT COMPUTATION.—The Secretary shall make annual grants to schools of medicine, osteopathy, dentistry, optometry, podiatry, and veterinary medicine for the support of the education programs of those schools. The amount of the annual grant to each school with an approved application shall be computed as follows:

"(1)(A) Each school of medicine, osteopathy, and dentistry shall receive for the fiscal year ending June 30, 1975, 1976, and 1977, $1,500, $1,250, and $1,000, respectively for such years, for each full-time student enrolled, in each of those years, in the medical or dental training program of the school.

"(B) In the case of a school that conducts a training program designed to permit the student to complete, within six years after completing secondary school, the requirements for the degree of doctor of medicine, osteopathy, or dentistry the medical or dental training program of the school, within the meaning of subparagraph (A), shall be deemed to be the last three years of the school's training program.

"(2) Each school of optometry and podiatry shall receive for the fiscal year ending June 30, 1975, 1976, and 1977, $400, $300, and $200, respectively for those years, for each full-time student enrolled in the school in each of those years.

"(3) Each school of veterinary medicine shall receive for the fiscal year ending June 30, 1975, 1976, and 1977, $900, $600, and $300, respectively, for those years, for each full-time student enrolled in the school in each of those years.

"(b) APPORTIONMENT OF APPROPRIATIONS.—If the total of the grants to be made under subsection (a) for any fiscal year—

"(1) to schools of medicine, osteopathy, and dentistry with approved applications exceeds the amounts appropriated under subsection (f)(1) for the grants, or

"(2) to schools of optometry, podiatry, and veterinary medicine with approved applications exceeds the amounts appropriated under subsection (f)(2) for the grants,

the amount of the grant for that fiscal year to each school under subsection (a) shall be an amount that bears the same ratio to the amount determined for the school for that fiscal year as the total of the amounts appropriated for that year under subsection (f)(1) or (f)(2), as the case may be, bears to the amount required to make grants in accordance with subsection (a) to each school referred to in clause (1) or (2), as the case may be.

"(c) MAINTENANCE OF EFFORT.—The Secretary shall not make a grant under this section to any school for a fiscal year beginning after June 30, 1974, unless the application therefor contains or is supported by reasonable assurances satisfactory to the Secretary that in the school year that ends during, or with the close of, that fiscal year, the school will maintain a first-year enrollment of full-time students that will be not less than the school's first-year full-time enrollment for the school year ending during, or with the close of, the fiscal year ending June 30, 1974. For purposes of this subsection, a student enrolled in the first year of the last three years of the training program of a school described in subsection (a)(1)(B), or a student enrolled in the first of the two years of the medical training program of a two-year school of medicine, shall be considered a first-year student.

"(d) ENROLLMENT DETERMINATIONS.—

"(1) For purposes of this part and part F, regulations of the Secretary shall include provisions relating to determination of the number of students enrolled in a school, or in a particular year-class in a school, or entering residencies in the practice of family medicine, as the case may be, on the basis of estimates or on such other basis as he deems appropriate.

"(2) For purposes of this part and part F, the term 'full-time student' means a student pursuing a full-time course of study leading to a degree of doctor of medicine, doctor of osteopathy, doctor of dentistry (or its equivalent), doctor of optometry (or its equivalent), doctor of podiatry (or its equivalent), or doctor of veterinary medicine (or its equivalent).

"(e) APPLICATIONS FOR NEW SCHOOLS.—In the case of a new school of medicine, osteopathy, dentistry, optometry, podiatry, or veterinary medicine that applies for a grant under this section in the fiscal year preceding the fiscal year in which it will admit its first class, the enrollment for purposes of subsection (a) shall be the number of first-year full-time students that the Secretary determines, on the basis of assurances provided by the school, will be enrolled in the school, in the fiscal year after the fiscal year in which the grant is made.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) There are authorized to be appropriated $118,000,000 for the fiscal year ending June 30, 1975, $95,500,000 for the fiscal year ending June 30, 1976, and $82,914,000 for the succeeding fiscal year for grants under this section to schools of medicine, osteopathy, and dentistry.

"(2) There are authorized to be appropri-

ated $6,600,000 for the fiscal year ending June 30, 1975, $5,500,000 for the fiscal year ending June 30, 1976, and $3,228,000 for the succeeding fiscal year for grants under this section to schools of optometry, podiatry, and veterinary medicine."

(b) Section 775(b) is amended by striking out "pharmacy,".

START-UP ASSISTANCE AMENDMENTS

SEC. 202. (a) Section 771(a)(1) is amended by inserting before the period at the end of the first sentence thereof the following: "; except that for any fiscal year beginning after June 30, 1974, no grant may be made under this subsection except to a new school that has received a grant under this subsection for the preceding fiscal year".

(b) Section 771(a)(6) is amended in the first sentence by inserting before the period at the end thereof the following: ", $4,620,000 for the fiscal year ending June 30, 1975, and $3,000,000 for each of the next two fiscal years".

NATIONAL PRIORITY INCENTIVE AWARDS

SEC. 203. (a) Sections 775 and 776 are redesignated sections 776 and 777, respectively, and there is added after section 774 the following new section:

"NATIONAL PRIORITY INCENTIVE AWARDS

"SEC. 775. (a) FAMILY PRACTICE RESIDENCY GRANTS.—To each school of medicine and osteopathy eligible, in a fiscal year, for a grant under section 770, the Secretary shall make a grant, from the sums appropriated under section 770(f)(1) for that fiscal year, of $2,000 for each individual (i) who entered, in the preceding fiscal year, the first year of a residency in the practice of family medicine approved by the Council on Medical Education of the American Medical Association; and (ii) who, during the school year ending in that or the preceding fiscal year, received from the school a degree of doctor of medicine or doctor of osteopathy.

"(b) GRADUATE TRAINING IN SHORTAGE SPECIALTIES.—

"(1) In order to enable the Secretary to award grants to public or nonprofit private entities providing graduate or specialized education or training in the provision of health care (including education or training in systems or methods of health care delivery), there are authorized to be appropriated $23,800,000 for the fiscal year ending June 30, 1975, and $39,000,000 for each of the next two fiscal years.

"(2) Grants under this subsection may be awarded to an entity to plan, develop, and, as provided by paragraph (3), pay part of the cost to operate or participate in, for an initial period, a new or expanded program of education or training (accredited, certified, or approved by such professional bodies, and in such manner, as the Secretary may deem appropriate) in family medicine, pediatrics, internal medicine, or such other specialties for the delivery of health care services as the Secretary may determine to lack of practitioners sufficient to serve a national need, including augumentation of stipends of individual participants in any such program who plan to specialize or work in the field in which they are to receive training under the program.

"(3) A grant under paragraph (2) for payment of part of the cost, for a fiscal year, to operate or (insofar as it may require the payment of operational costs) participate in a new or expanded program may be awarded only to an entity that has provided assurances satisfactory to the Secretary that there are sufficient non-Federal funds to pay the remainder of that cost for that fiscal year; that for each year a grant is awarded for such operation of or participation in a new or expanded program, the proportion of non-Federal funds employed in the operation of, or participation in, that program shall be increased over the proceeding fiscal year; and, if the award is for the operation of a program, that there is a reasonable prospect that the program (or the program as expanded) will be continued, without Federal financial assistance, after eligibility for assistance under this subsection has terminated. The Secretary may not award grants under this subsection for defraying more than the first three years of the costs of operating or participating in any new or expanded program."

(b) Section 776 (as redesignated by this section) is amended (1) by striking out "or 773" each time it appears and inserting in lieu thereof "773, or 775(a)", and (2) by (A) striking out "and" at the end of subsection (d)(2), (B) redesignating subsection (d)(3) as subsection (d)(4), and (C) inserting a new subsection (d)(3) to read as follows:

"(3) contains, in the case of an application for a grant under section 775(a), a description of the activities to be undertaken by the applicant to assist and encourage its students to enter the practice of family medicine and a certification by the applicant that it will use its best efforts to increase the number of its students applying for residencies in, and entering the practice of, family medicine; and".

(c) Section 770, as amended by this Act, is further amended (1) by adding before ", or" at the end of subsection (b)(1) the following: "(after reduction of the amounts appropriated by the total of grants to be made under section 775)"; (2) by adding at the end of subsection (b) the following new sentence: "If the total of the grants to be made under section 775 for any fiscal year to schools of medicine or osteopathy with approved applications exceeds the total of the amounts appropriated under subsection (f)(1) for that fiscal year, the amount of the grant for that fiscal year to each such school shall be reduced proportionately."; and (3) by adding "and section 775" after "this section" in subsection (f)(1).

TITLE III—SPECIAL PROJECTS, HEALTH MANPOWER EDUCATION INITIATIVE AWARDS, AND FINANCIAL DISTRESS GRANTS

CONSOLIDATION OF SPECIAL PROJECT AUTHORITIES

SEC. 301. (a)(1) Section 772(a) is amended in the matter preceding clause (1) by striking out "and podiatry" and inserting in lieu thereof "podiatry, nursing, and public health, and any training center for allied health professions".

(2) Section 772(a) is further amended (A) by striking out "or" at the end of clause (13); (B) by striking out the period at the end of clause (14) and inserting "; or" in lieu thereof; and (C) by adding after clause (14) the following new clauses:

"(15) assist in—

"(A) mergers between hospital training programs or between hospital training programs and academic institutions, or

"(E) other cooperative arrangements among hospitals and academic institutions, leading to the establishment of nurse training programs; or

"(16) provide appropriate retraining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession."

(3) Section 772(a)(3) is amended by inserting "nurse practitioners," before "physicians' assistants".

(4) Sections 772(a)(4) and 772(a)(5) are amended by striking out "in such health professions" and inserting in lieu thereof "or training in health care".

(5) Section 772(a)(6) is amended by striking out "in such health professions".

(6) Section 772(a)(8) is amended by striking out "and podiatry of," and inserting in lieu thereof "podiatry, nursing, and public health, and any training center for allied health professions of,".

(7) Section 772(a)(9) is amended by inserting "or training centers" after "such schools".

(b) Section 724 is amended by adding at the end thereof the following new paragraphs:

"(7) The term 'school of nursing' means a school of nursing as defined by section 843.

"(8) The term 'training center for allied health professions' means a training center for allied health professions as defined by section 795."

CONSOLIDATION OF SPECIAL PROJECT AND EDUCATION INITIATIVE AWARD APPROPRIATIONS AUTHORIZATIONS

SEC. 302. (a) Section 777 (as redesignated by section 203 of this Act) is redesignated section 778, and there is added after section 776 a new section to read as follows:

"APPROPRIATIONS AUTHORIZED FOR SECTIONS 772 AND 774

"SEC. 777. There are authorized to be appropriated $110,000,000 for the fiscal year ending June 30, 1975, and $122,000,000 for each of the next two fiscal years for the purpose of making payments under sections 772 and 774."

(b) Sections 772(d) and 774(e) are repealed.

EXTENSION OF FINANCIAL DISTRESS GRANT PROGRAM; INELIGIBILITY OF SCHOOLS OF PHARMACY; AMOUNT OF GRANT; TECHNICAL ASSISTANCE

SEC. 303. (a) Section 773(a) is amended (1) by striking out "and" before $10,000,000", and (2) by inserting "and $5,000,000 for each of the next three fiscal years," after "1974,".

(b) Sections 773(b) and 773(d) are amended by striking out "pharmacy,".

(c) Section 773(b) is further amended by adding at the end thereof the following new sentence: "In the case of a school that has received a grant in the immediately preceding fiscal year, the sums of amounts granted to that school under this section for any fiscal year may not exceed 75 per centum of the sum of amounts granted to that school under this section for that immediately preceding fiscal year."

(d) Section 773(c) is amended by adding at the end thereof the following new sentence: "The Secretary may provide, to any school of medicine, osteopathy, dentistry, optometry, podiatry, or veterinary medicine which is in serious financial straits to meet its costs of operation or which has a special need for financial assistance to meet accreditation requirements, technical assistance to enable the school to conduct a comprehensive cost analysis study of its operations, to identify operational inefficiencies, or to develop or carry out appropriate operational or financial reforms."

TITLE IV—STUDENT ASSISTANCE

PRE-ADMISSION AND FOLLOW-UP ASSISTANCE TO THE DISADVANTAGED

SEC. 401. Section 774(b) is amended—

(1) in clause (2)(A) by inserting after "assisting them" the following "(including the payment to them of such pertinent stipends, with allowances for travel and for dependents, as the Secretary deems appropriate)"; and

(2) by striking out the matter following clause (2)(C).

SCHOLARSHIPS FOR SERVICE

SEC. 402. (a) Section 225(a) is amended by striking out "other units of the Service" and inserting in lieu thereof "such other uniformed or civilian Federal health service as the Secretary may determine is appropriate, and to promote the more adequate provision of medical care for persons who reside in areas determined by the Secretary, under

section 329(b)(1), to have critical health manpower shortages".

(b) Section 225(b)(4) is amended to read as follows:

"(4) agree in writing to serve, as prescribed by subsection (e) of this section, (A) as a civilian member of the National Health Service Corps or in such other uniformed or civilian Federal health service as the Secretary may determine is appropriate; or (B) in an area determined by the Secretary, under section 329(b)(1), to have a critical health manpower shortage".

(c) Section 225(b)(3) is amended to read as follows:

"(3) except in the case of an applicant who enters into an agreement under clause (4)(B), be selected for civilian service in the National Health Service Corps or in such other uniformed or civilian Federal health service as the Secretary may determine is appropriate; and".

(d) Section 225(e) is amended (1) by amending the first clause of the first sentence to read "In accordance with his agreement under subsection (b)(4), a person participating in the Program shall be obligated following completion of academic training to serve as a civilian member of the National Health Service Corps or in such other uniformed or civilian Federal health service as the Secretary may determine is appropriate, or in an area determined by the Secretary, under section 329(b)(1), to have a critical health manpower shortage,"; (2) by striking out the second sentence; and (3) by amending the last sentence by inserting "Federal health" before the word "facility", by placing a period after the word "facility", and by striking out "of the Service or other facility of the National Health Service Corps."

(e) Section 225(f)(1) is amended by striking out "an active duty service obligation" and inserting "a service obligation" in lieu thereof.

(f) Section 225(i) is amended to read as follows:

"(i) There are authorized to be appropriated $12,500,000 for fiscal year 1975, and $22,500,000 for each of the two succeeding fiscal years to carry out the Program."

FEDERAL CAPITAL CONTRIBUTIONS TO STUDENT LOAN FUNDS; DIRECT LOAN INTEREST RATE MADE EQUIVALENT TO INSURED LOAN INTEREST RATE; AND CLARIFYING CHANGE

SEC. 403. (a) Sections 743, 794D(e), and 826 are each amended by striking out "1977" each time it appears and inserting in lieu thereof "1980".

(b) Sections 741(e), 794D(b)(2)(E), 823(b)(5) are each amended by striking out "3 per centum" and inserting "7 per centum" in lieu thereof

(c) Section 741(f)(1) is amended by adding at the end thereof the following sentence: "In the case of any individual who, on or after November 18, 1971, meets the requirements of subparagraphs (A) and (B) and who practices his profession as described by subparagraph (C) by virtue of his employment as a member of the National Health Service Corps, the individual shall be deemed to have entered into the agreement required by subparagraph (C) with respect to that practice."

TITLE V—EFFECTIVE DATE

SEC. 501. This Act is effective with respect to appropriations for fiscal years beginning after June 30, 1974, except for section 403(c) which is deemed to have become effective on November 18, 1971.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
March 3, 1975.

Hon. NELSON A. ROCKEFELLER,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed for the consideration of the Congress a draft bill "To amend titles VII and VIII of the Public Health Service Act, and for other purposes." The bill, when enacted, would be cited as the "Comprehensive Health Professions Education Act of 1975".

The draft bill is intended to translate into legislation the health professions education themes of the President's budget for fiscal year 1976.

"In 1976, total HEW outlays for training health professionals are estimated at $620 million. Measures undertaken since 1969 have assured major increases in the number of graduates of U.S. health professions schools. From 1965 to 1974, medical school enrollments and the number of graduates each grew by 56%. Medical school enrollments have grown from 32,428 to 50,477 and the annual number of graduates has increased from 7,409 to 11,580.

"As in other fields of higher education, Federal assistance in 1976 will emphasize aid to students rather than to institutions. Unnecessary Federal institutional subsidies will be gradually phased out. Since students in the health professions can anticipate high earnings, they can be expected to finance a greater share of their own educational costs. Federally guaranteed private loans are available, and recently increased ceilings on such loans will heighten their usefulness to students in the health professions. Proposed legislation will reflect this appropriate Federal role in the support of health professions training.

"An expanded National Health Service Corps program of scholarships in return for service will both assist students financially and help meet Federal needs for health professionals." (At p. 133.)

Of the 1976 outlay estimate of $620 million for all of the Department's health, education, and training activities, approximately $380 million is attributable to programs to be authorized in this bill.

CONSTRUCTION OF HEALTH TEACHING FACILITIES

Projections of the current volume of health professions graduates against expected population increases persuade us that existing facilities, if maintained, are sufficient to meet foreseeable future need. For example, in 1970 there were some 323,200 practicing physicians in the United States, or 159 physicians per 10,000 population. If the number of first-year training places existing at the end of 1972 are maintained without change through 1990, and we may assume a constant net addition of foreign medical graduates approximately the net increment during the mid-1960's, about 3,800 a year, the number of practicing physicians in the United States will grow to at least 435,000 in 1980—about 192 per 100,000 population, and 554,000 in 1990, or about 331 per 100,000.

If there is sufficient public and private support to allow for a post-1978 growth in output capacity of 1.3 percent for medical schools and 0.6 percent for osteopathic schools, and a net addition of 5,200 foreign medical graduates per year (a level approximating recent levels) we would estimate the number of physicians in 1990 per 100,000 population to arrive at 237. We are aware of no studies that suggest that a projected increase of this size—almost 40 percent, and probably nearly 50 percent, more physicians per 100,000 population within sixteen years—would be insufficient, if appropriately distributed geographically and by specialty (concerns addressed by aspects of our proposal discussed below) to meet prospective national requirements for medical care.

Accordingly, the draft bill would change the focus of the current health professions teaching facilities, and nurse training facilities, construction programs. Rather than continuing to encourage, through the making of Federal grants, the multiplication of teaching facilities, we would instead concentrate resources on encouraging existing facilities to maintain and improve their adequacy. The bill would accomplish this (1) by allowing the expiration of the construction grant programs of part B of title VII of the Public Health Service Act and of title VIII; and (2) by amending the provisions that now make Federal guarantees available for loans for the construction of health professions and nursing teaching facilities, to instead provide assistance limited to the replacement or remodeling of facilities.

Loan guarantees for the construction of new buildings (except as replacements for old buildings) or the expansion of existing buildings, would no longer be available. In addition, consistent with the philosophy expressed in the President's budget of aiding students rather than institutions, we would no longer offer to subsidize interest payments on new guaranteed loans under the program.

Loan guarantees would no longer be available under the program for schools of pharmacy and public health, because the replacement or remodeling of these facilities does not serve a significant national need. The draft bill also omits the long unfunded authorization for appropriations for the construction of health research facilities.

CAPITATION AWARDS

In the Comprehensive Health Manpower Training Act of 1971, the establishment of a capitation grant program reflected a judgment by both the Congress and the Administration that "first dollar" funding of health professions education was an appropriate and needed mechanism of Federal support. Experience to date suggests that the capitation grant program has achieved certain of its originally objectives, in that the financial viability of many of these educational institutions has improved, and in that some portion of the enrollment increases experienced would probably not have come about in the absence of the expansion requirements in the capitation grant law.

Despite these positive aspects, which the Administration recognizes, an analysis of the capitation program and consideration of future trends revel serious flaws in the capitation grant concept. These defects call into question the appropriateness and desirability of the capitation mechanism as the Federal Government's primary tool for the support of health professions education. Chief among the deficiencies are that the capitation program:

Due to its inherently rigid allocation formula, resulted in comparative windfalls for certain schools and shortfalls for other schools—that is to say, the funds were not targeted based on an assessment of need for such support;

The incremental enrollment increases that may have resulted from the program proved to be very costly;

The amounts authorized and appropriated for the program were arbitrary and unrelated to any concept of actual educational costs;

The costs of this program would only be expected to continue to increase, with the schools and the students becoming increasingly and undesirably dependent upon the continued flow of Federal subsidies for the health professions educational process; and

Reasonable alternative sources of funding support for the health education process are available in lieu of Federal across-the-board, formula-type institutional subsidies.

In this regard, we would emphasize that capitation support must be viewed, at least in part, as means of subsidizing health professions students indirectly through institutions. In conjunction with other assistance to health professions schools, Federal capitation grants enable a student to pay a tuition that commonly defrays from 10 to 20 percent of a school's costs of training that student. Nevertheless, health professionals, particularly physicians and dentists, have high earn-

ings. The annual rate of return on the total costs of basic medical and dental education has been estimated to be over 20 percent, a rate that is two to three times the rate of return for graduate education generally.

In view of these earnings, health professions students can and should be called upon to pick up a larger share of their educational costs. The Federal Government should not call upon the general public, through tax revenues, to subsidize the training of individuals who are themselves able to bear the real costs of their training and who, because of that training, will quickly recoup those costs from members of the public in the form of compensation for their professional services.

We recognize that immediate withdrawal of capitation support for health professions education would be very disruptive to some institutions, particularly those receiving the highest rates of capitation.

Accordingly, we propose to extend capitation for most health professions schools for an additional three years, but modified as follows:

1. The statutory capitation amounts for schools of medicine, osteopathy, and dentistry, now $2,500 for each student in each of the first three years of training and $4,000 for each student in a graduating class, would be set at $1,500 per enrolled student (without regard to year-class) for fiscal year 1975, $1,250 per student for fiscal year 1976, and $1,000 per student for fiscal year 1977. This compares to an average actual capitation level, under the 1974 appropriation for this activity, of about $2,000 per student.

2. Schools of veterinary medicine, for which capitation is now set at $1,750, would be set at $900, $600, and $300, for the fiscal years 1975, 1976, and 1977, respectively. Again, this compares with the actual 1974 appropriations level of about $1,325 per student.

3. Schools of optometry and podiatry, for which capitation is now set at $800 per student, would be set at $400, $300, and $200, for fiscal years 1975, 1976, and 1977, respectively. The actual 1974 appropriation for these disciplines averaged about $625 per student.

4. Because the draft bill would not impose any enrollment increase requirements on the school (merely requiring that the schools maintain their 1974 level of first-year enrollment), the capitation for "enrollment bonus students" (*i.e.*, students in year-classes meeting certain enrollment increase requirements) would be dropped.

5. Capitation of undergraduate training—*i.e.*, the training provided by schools of pharmacy and nursing—as well as general assistance, under section 309(c) of the Public Health Service Act, to schools of public health, would be allowed to expire.

6. The current program of grants for small medical, osteopathic, and dental schools—essentially a one-time bonus of $50,000—and the capitation for three-year schools of medicine ($2,500 for each student enrolled in a fiscal year, plus $6,000 for each student graduating in that year) would be repealed.

START-UP ASSISTANCE

The current program of start-up assistance would be phased out by limiting it to schools that have received a start-up grant for fiscal year 1974.

NATIONAL PRIORITY INCENTIVE AWARDS

The draft bill would establish a new program of National Priority Incentive Awards to increase the number of health professionals who enter critical health shortage specialties. The program would have two principal features:

1. It would award to each school of medicine and osteopathy an amount equal to $2,000 for each of its graduates who enters a residency in the practice of family medicine. As a condition of receiving this award, a school would be required to use its best efforts to increase the number of its graduates who enter such practice.

2. It would award grants to pay part of the cost of planning, developing, and operating for an initial period (not to exceed three years), programs of graduate or specialized education or training in family medicine, pediatrics, internal medicine, and other health care shortage fields. The grants could include amounts intended to augment the compensation otherwise payable to an individual in consideration of his participation in a program.

CONSOLIDATION OF SPECIAL PROJECT AUTHORITIES

The existing health manpower special projects authority would be amended in order to embrace assistance now authorized under comparable special project authority contained in the nursing, allied health, and public health professions portions of the Public Health Service Act. Those latter authorities would be allowed to expire.

CONSOLIDATION OF SPECIAL PROJECT AND HMEIA APPROPRIATIONS AUTHORIZATIONS

The authorizations of appropriations for the special project grants for the health professions and the health professions Health Manpower Education Initiative Awards would be consolidated in a single provision. That provision would extend both programs for three years.

FINANCIAL DISTRESS

The health professions financial distress grant program would be extended for three years, but would be amended to terminate the eligibility for financial distress grants of schools of pharmacy. The bill would also limit the financial distress grant to any school for a fiscal year to 75 percent of the financial distress grant awarded for the preceding fiscal year. This limitation is intended to make clear that amounts awarded under the financial distress provisions of the law are not intended as an increase of the general educational support that a school receives under the previously-described capitation provisions, but are truly amounts awarded on a short-term basis to meet an extreme and unusual exigency.

PRE-ADMISSION AND FOLLOW-UP ASSISTANCE TO THE DISADVANTAGED

The draft bill would amend the existing program of special assistance to the disadvantaged, for training in the health care field, by authorizing the payment to eligible individuals of stipends, with allowances for travel and for dependents, for post-secondary education or training required to qualify the individual for admission to a school providing health training, or to assist a person in undergoing that training.

The Department proposes to administer this authority as follows:

1. It would restrict the assistance to study in preparation for, or leading to, a first professional degree in the health care field. That is, stipends would not be provided in connection with training, such as in nursing or pharmacy, at the undergraduate level.

2. It would limit assistance to fields that prepare the individual to provide health care. Stipends would not be provided, for example, for the study of public health administration.

3. As previously discussed, persons who enter most health care fields enjoy a high income potential. As their professional education progresses they are increasingly able to command loans for the completion of their education.

Accordingly, stipends awarded for professional study (as distinct from pre-admission assistance) under the amended health professions program of special assistance to the disadvantaged will be limited to the first year of training.

SCHOLARSHIPS FOR SERVICE

We believe that the Public Health and National Health Service Corps Scholarship Training Program offers the potential not only of assuring an adequate future supply of health professionals to meet essential Federal health care delivery responsibilities, but also of truly opening the door to a health professions education to sizeable numbers of deserving students. For these reasons, the President's 1976 Budget contemplates funding for this program, at a level of $22.5 million. Funding of the program at that level would provide full support for in excess of 2,000 health professions students, and would accompany the phasing out of the traditional scholarship programs operated by the Bureau of Health Resources Development in the Health Resources Administration. The basic philosophy reflected in this disposition of resources is that the public is ordinarily entitled to public service, or service meeting a public need, from those individuals who are beneficiaries of special scholarship assistance while receiving their health professions degrees. The traditional scholarship programs—which do not require such service—are inconsistent with that principle.

We propose to broaden and strengthen the program, consistent with these views, as follows:

1. We would extend the Program indefinitely, and authorize appropriations for it of such sums as may be necessary.

2. We would provide the Secretary with clear and unambiguous authority to assign participants in the Program to *any* civilian or uniformed Federal health service. The National Health Service Corps and other health service delivery programs of this Department would doubtless be the primary users of the program participants, and perhaps in the short run would be the sole users. At some future time, however, the Secretary might determine that certain of the participants could more appropriately serve elsewhere in the Department, or even in other Federal agencies (*e.g.*, the Veterans Administration) or State or local governmental units. It would be preferable to not have to appoint individuals to the Commissioned Corps of the Public Health Service in order to do this but rather to be able to assign them directly to other health service duties.

3. Finally, we believe there should be room within the Program to assist individuals who wish to remain in the private sector, but who are prepared to practice a health profession in a geographic area of critical health manpower shortage. These individuals would not be employed by the Federal Government but would undertake to serve in shortage areas, as determined by the Secretary, for the same period of service to which other individuals assisted under the program are obligated to serve the Federal Government: that is, one year of service for each year of scholarship assistance.

HEALTH PROFESSIONS AND NURSING STUDENT LOAN PROGRAMS

The draft bill would also limit further Federal capital contributions to health professions and nursing student loan funds to the amounts required to continue loans to students previously assisted from the funds. However, the funds would remain available, for the next three years, for the schools to make new student loans from amounts revolving back into the student loan funds; and for continuation loans.

The bill would also raise the interest rate on these loans from 3 to 7 percent (the same maximum rate of interest now prescribed under the student loan insurance program contained in the Higher Education Act of 1965).

We believe that enactment of this legislation would be an important step toward

assuring an adequate future supply of health professionals, both for meeting the general needs of the public and meeting essential Federal health care responsibilities. It would remedy the problem of unnecessary public subsidization of the education of individuals preparing to enter highly paid health care occupations. Nevertheless, it would significantly improve the possibility of a health professions education for large numbers of students. We urge the Congress to give the measure its prompt and favorable consideration.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

CASPAR W. WEINBERGER,
Secretary.

By Mr. BAYH (for himself and Mr. THURMOND):

S.J. Res. 49. A joint resolution to amend the joint resolution entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America." Referred to the Committee on the Judiciary.

Mr. BAYH. Mr. President, I am introducing a joint resolution to clarify the provisions of chapter 10 of the United States Code, popularly known as the flag code. A similar resolution was introduced in the last Congress and hearings were held by the Subcommittee on Federal Charters, Holidays, and Celebrations. At that time, numerous representatives of veterans organizations and patriotic groups testified in favor of this legislation which would clarify the existing confusion over the proper use of the flag of the United States of America.

When first enacted by Congress in 1942, the flag code set forth rules for the display and use of the flag of the United States by civilian organizations who are not required as a matter of law to comply with the flag regulations of the executive departments of the Government of the United States of America. Over the years these guidelines have been subject to various interpretations leaving many patriotic Americans, civic groups, and church groups without a clear understanding of the proper etiquette to be afforded the symbol of our Nation and the ideals represented by the American flag.

As we approach our Bicentennial celebration, several patriotic groups, particularly the American Legion, have urged Congress to take action to clarify the existing confusion regarding the flag code. The American Legion has long been recognized as an organization dedicated to the principle of promoting the American ideal.

The leadership demonstrated by their proposal to restate the rules and customs relating to the use of the symbol of our country underscores once again the American Legion's commitment to promoting patriotism among all our citizens. I applaud their efforts to advance proper respect to be shown the American flag.

The resolution I am introducing today will clarify for all our citizens the manner in which the flag should be used on ceremonial and other occasions. The revisions to the flag code offered by this resolution change outdated customs, add new guidelines and clarify other provisions that have been a source of misunderstanding.

I ask my colleagues to carefully examine this resolution while reaffirming the principles symbolized by our flag.

I ask unanimous consent that the joint resolution be printed in the RECORD.

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

S.J. RES. 49

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint Resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America", as amended (36 U.S.C. 171–178), is amended—

(1) by adding after the last sentence of Section 1 the following: "The flag of the United States for the purpose of this Chapter shall be defined according to Title 4 U.S.C. Chapter 1, Section 1 and Section 2 and Executive Order 10834 issued pursuant thereto."

(2) by striking out the second sentence of section 2(a) and inserting in lieu thereof the following: "However when a patriotic effect is desired, the flag may be displayed twenty-four hours a day if properly illuminated during the hours of darkness.";

(3) by inserting in section 2(c) before the period a comma and the following: "unless it is an all-weather flag";

(4) by striking out section 2(d) and inserting in lieu thereof the following:

(d) The flag should be displayed on all days, especially on New Year's Day, January 1; Inauguration Day, January 20; Lincoln's Birthday, February 12; Washington's Birthday, the third Monday in February; Easter Sunday (variable); Mother's Day, second Sunday in May; Armed Forces Day, third Saturday in May; Memorial Day (half-staff until noon), on the last Monday in May; Flag Day, June 14; Independence Day, July 4; Labor Day, first Monday in September; Citizenship Day, September 17; Columbus Day, the second Monday in October; Veterans Day, the fourth Monday in October; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; such other days as may be proclaimed by the President of the United States; the birthdays of States (dates of admission); and on State holidays.";

(5) by striking out ", weather permitting," in section 2(e);

(6) by striking out "radiator cap" in section 3(b) and inserting in lieu thereof "right fender";

(7) by inserting before the period in the last sentence of section 3(f) a comma and the following: "its own right";

(8) by striking out section 3(i) and inserting in lieu thereof the following:

"(i) When displayed either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right, that is, to the observer's left. When displayed in a window, the flag should be displayed in the same way, with the union or blue field to the left of the observer in the street.";

(9) by striking out section 3(k) and inserting in lieu thereof the following:

"(k) When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, the flag of the United States of America should hold the position of superior prominence, in advance of the audience, and in the position of honor at the clergyman's or speaker's right as he faces the audience. Any other flag so displayed should be placed on the left of the clergyman or speaker or to the right of the audience.";

(10) by striking out section 3(m) and inserting in lieu thereof the following:

"(m) The flag, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. On Memorial Day the flag should be displayed at half-staff until noon only, then raised to the top of the staff. By order of the President, the flag shall be flown at half-staff upon the death of principal figures of the United States Government and the Governor of a State, territory, or possession, as a mark of respect to their memory. In the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with law. In the event of the death of a present or former official of the government of any State, territory, or possession of the United States, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff. The flag shall be flown at half-staff thirty days from the death of the President or a former President; ten days from the day of death of the Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives; from the day of death until interment of an Associate Justice of the Supreme Court, a Secretary of an executive or military department, a former Vice President, or the Governor of a State, territory, or possession; and on the day of death and the following day for a Member of Congress. As used in this subsection—

"(1) the term 'half-staff' means the position of the flag when it is one-half the distance between the top and bottom of the staff;

"(2) the term 'executive or military department' means any agency listed under sections 101 and 102 of title 5, United States Code; and

"(3) the term 'Member of Congress' means a Senator, a Representative, a Delegate, or the Resident Commissioner from Puerto Rico.";

(11) by adding at the end of section 3, a new subsection as follows:

"(o) When the flag is suspended across a corridor or lobby in a building with only one main entrance, it should be suspended vertically with the union of the flag to the observer's left upon entering. If the building has more than one main entrance, the flag should be suspended vertically near the center of the corridor or lobby with the union to the North, when entrances are to the East and West or to the East when entrances are to the North and South. If there are entrances in more than two directions, the union should be to the East.";

(12) by striking out section 4(a) and inserting in lieu thereof the following:

"SEC. 4. (a) The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.";

(13) by striking out section 4(d) and inserting in lieu thereof the following:

"(d) The flag should never be used as wearing apparel, bedding, or drapery. It should never be festooned, drawn back, nor up, in folds, but always allowed to fall free. Bunting of blue, white, and red, always arranged with the blue above, the white in the middle, and the red below, should be used for covering a speaker's desk, draping the front of a platform, and for decoration in general.";

(14) by striking out section 4(e) and inserting in lieu thereof the following:

"(e) The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.";

(15) by striking out section 4(i) and inserting in lieu thereof the following:

"(i) The flag should never be used for advertising purposes in any manner whatsoever. It should not be embroidered on such articles as cushions or handkerchiefs and the like, printed or otherwise impressed on paper napkins or boxes or anything that is designed for temporary use and discard. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.";

(16) by redesignating section 4(j) as section 4(k) and by inserting after section 4(i) a new subsection as follows:

"(j) No part of the flag should ever be used as a costume or athletic uniform. However, a flag patch may be affixed to the uniform of military personnel, firemen, policemen, and members of patriotic organizations. The flag represents a living country and is itself considered a living thing. Therefore, the lapel flag pin being a replica, should be worn on the left lapel near the heart.";

(17) by striking out section 5 and inserting in lieu thereof the following:

"SEC. 5. During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in review, all persons present except those in uniform should face the flag and stand at attention with the right hand over the heart. Those present in uniform should render the military salute. When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Aliens should stand at attention. The salute to the flag in a moving column should be rendered at the moment the flag passes.";

(18) by striking out section 6 and inserting in lieu thereof the following:

"SEC. 6. During rendition of the national anthem when the flag is displayed, all present except those in uniform should stand at attention facing the flag with the right hand over the heart. When the flag is not displayed, those present should face toward the music. During rendition of the anthem, men not in uniform should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should render the military salute at the first note of the anthem and retain this position until the last note.";

(19) by striking out section 7 and inserting in lieu thereof the following:

"SEC. 7. The Pledge of Allegiance to the Flag, 'I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.' should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute."; and

(20) by striking out section 8 and inserting in lieu thereof the following:

"SEC. 8. (a) The Commander in Chief of the Armed Forces of the United States shall appoint a National Flag Commission for the purpose of necessary study and revision of this joint resolution.

"(b) Any rule or custom pertaining to the display of the flag of the United States of America, set forth herein, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Armed Forces of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation.".

Mr. THURMOND. Mr. President, it is with great pleasure that I join today in cosponsoring a joint resolution aimed at clarifying certain provisions of the laws concerning the proper use and display of the U.S. flag, which is popularly known as the flag code.

In past years, the flag code has been interpreted in a multitude of ways. These differing interpretations have caused much confusion throughout the country regarding the proper manner of displaying the flag. Many of the customs are obsolete and need to be revised while other provisions of the flag code need clarification and reemphasis.

As we approach the Bicentennial of the founding of this great Nation, it seems rather appropriate that we should clarify the state of confusion which exists regarding the use of our flag.

Mr. President, there are many organizations which have expressed their concern over the uncertain situation which now exists. Time after time, the American Legion has called for legislation which would restate and clarify the rules and customs relating to the use, display, and proper respect for the flag of our country. I would like to extend my sincere appreciation to the American Legion for their hard work and assistance in the development of this resolution.

This resolution clarifies a state of confusion which presently exists in the custom and use of our national symbol. I ask that my colleagues carefully examine this resolution and join me in supporting it.

By Mr. KENNEDY (for himself, Mr. JAVITS, Mr. PELL, Mr. SCHWEIKER, and Mr. WILLIAMS):

S.J. Res. 50. A joint resolution to authorize and request the President to proclaim the second week of April of each year as "National Medical Laboratory Week." Referred to the Committee on the Judiciary.

NATIONAL MEDICAL LABORATORY WEEK

Mr. KENNEDY. Mr. President, I am very pleased and honored to introduce today a joint resolution which provides for the annual proclamation of a National Medical Laboratory Week during the second week of April. This week of recognition is being supported by the many professional associations representing medical laboratory personnel throughout the country.

Currently, there are some 150,000 practitioners of medical laboratory science in the United States. These dedicated men and women have over the last 50 years played an increasingly vital role in the diagnosis and prevention of disease. Today, the medical laboratory and the medical laboratory scientist stand as an integral part of the health care team by providing attending physicians with the reliable diagnostic data needed to insure quality patient care.

Mr. President, laboratory personnel are team members in the third largest industry in the United States. Unfortunately, the dedicated efforts of medical laboratory scientists often go unnoticed by the public. And because public confidence in all segments of the health arena is vitally needed, it is important that the public more adequately understand the role played by the laboratory in their well-being. That is the purpose of this resolution.

Throughout the United States, medical laboratories perform some 5 billion tests annually in the pursuit of accurate health treatment. These laboratories are staffed by pathologists, medical technologists, medical laboratory technicians, and specialists such as histologic technicians, cytotechnologists, chemists, microbiologists, and others. They are highly educated, skilled professionals in their science.

While these individuals often go unnoticed, they are actively involved in improving standards of practice for the patient's benefit. To the extent that the quality of laboratory service is affected by education, certification and accreditation, the profession has made significant advances toward insuring that well trained personnel are available to provide quality health services. Very often it is these same personnel who are responsible for the development of new methodologies which not only increase the reliability of diagnostic procedures but also improve the chances of a more healthful life for every American.

The services rendered by our Nation's medical laboratories certainly provide a very direct contribution in enabling the large majority of Americans to enjoy good health. Therefore, as both professional and public attention becomes increasingly focused on the provision of quality health care, I think it is most fitting that this Congress recognize the dedicated effort being made daily by the thousands of men and women who serve so ably in our Nation's medical laboratories by proclaiming April 13–19 as National Medical Laboratory Week.

Later this year, Mr. President, I will be joining my close friend and colleague, Senator JAVITS, in sponsoring legislation to amend and improve the Clinical Laboratory Act. During the Senate Health Subcommittee consideration of that measure, we will want to look very closely at the efforts of all laboratory personnel. I consider this forthcoming legislation to be of critical importance. And I look forward to working with Senator JAVITS during its consideration.

Mr. JAVITS. Mr. President, today I join with Senator KENNEDY in introducing a joint resolution to provide for the annual proclamation of National Medical Laboratory Week for the period of April 13–19. This week of recognition is endorsed by six national, professional laboratory organizations: American Society for Medical Technology—ASMT; American Medical Technologists—AMT; International Society of Clinical Laboratory Technologists—ISCLT; American Society of Clinical Pathologists—ASCP; American Society for Microbiology—ASM; and American Association of Blood Banks—AABB.

Medical laboratory science has expanded tremendously over the years. There are more than 150,000 practitioners, performing some 5 billion tests an-

nually as an integral part of a health care team seeking to provide reliable diagnostic data to insure quality patient care.

The advent of automation and sophisticated instrumentation in the laboratory has strengthened the need for intensive academic and clinical training to carry out the responsibilities which involve the very preservation of human life. The active involvement of highly skilled, educated professionals dedicated to establishing the highest standards of medical laboratory methods and research to increase the reliability of diagnostic procedures that may improve the chances of a more healthful life for every American is essential.

The services rendered by our Nation's medical laboratories directly contribute to the individual and public health. As all Americans increasingly turn their attention to issues of quality in our health care services, it is appropriate that we in Congress recognize the daily service of these thousands of men and women in the medical laboratory who seek to advance that ideal. I ask, therefore, that we proclaim April 13–19 as National Medical Laboratory Week.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 32

At the request of Mr. KENNEDY, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 32, a bill to establish a framework for the formulation of national policy and priorities for science and technology, and for other purposes.

S. 143

At the request of Mr. MCCLURE, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 143, a bill to prohibit the Consumer Product Safety Commission from restricting the sale or manufacture of firearms or ammunition.

S. 123

At the request of Mr. INOUYE, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 123, a bill to amend title XVIII of the Social Security Act to provide for the coverage of certain clinical psychologists' services under the supplementary medical insurance benefits program established by part B of such title.

S. 408

At the request of Mr. BROOKE, the Senator from Pennsylvania (Mr. HUGH SCOTT) was added as a cosponsor of S. 408, a bill to repeal exemptions to the antitrust laws relating to fair trade laws.

S. 795

At the request of Mr. KENNEDY, the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Vermont (Mr. LEAHY), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Colorado (Mr. HART), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. MONDALE), and the Senator from South Dakota (Mr. MCGOVERN), were added as cosponsors of the bill (S. 795) which provides a 6-month moratorium on sales of arms and related services to the Persian Gulf States.

S. 911

At the request of Mr. PELL, the Senator from Maryland (Mr. MATHIAS) and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of S. 911, a bill to encourage the conservation of energy by requiring that certain buildings financed with Federal funds are so designed and constructed that the windows in such buildings can be opened and closed manually.

S. 949

At the request of Mr. TOWER, the Senator from Utah (Mr. GARN) was added as a cosponsor of S. 949, a bill to amend the Internal Revenue Code of 1954 to increase the corporate surtax exemption to $100,000.

SENATE JOINT RESOLUTION 4

At the request of Mr. INOUYE, the Senator from Maine (Mr. MUSKIE) and the Senator from Kentucky (Mr. FORD) were added as cosponsors of Senate Joint Resolution 4, a joint resolution to authorize and request the President of the United States to issue a proclamation designating September 17 as "Constitution Day."

SENATE RESOLUTION 94

At the request of Mr. HATFIELD, the Senator from Maryland (Mr. MATHIAS), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Washington (Mr. JACKSON) were added as cosponsors of the resolution (S. Res. 94) relating to food assistance to Cambodia.

AMENDMENTS SUBMITTED FOR PRINTING

NATIONAL RESOURCE LANDS MANAGEMENT ACT—S. 507

AMENDMENT NO. 26

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

Mr. JACKSON. Mr. President, on June 21, 1973, the Senate passed S. 268, the Land Use Policy and Planning Assistance Act. Title IV of that act would have established procedures for the coordination of the planning and management of Federal lands and the planning and management of adjacent non-Federal lands.

In the Western States where lands owned or held in trust by the Federal Government constitute anywhere from 29 to 95 percent of each State's land mass and the Federal holdings often exist in a checkerboard pattern with other land, planning for or regulating non-Federal lands under present law is made very difficult by the inability of local and State governments to obtain sufficient knowledge of, much less an input in, Federal land management decisions. By the same token, the quality of Federal lands, particularly national parks, wildlife refuges, and the wilderness areas, can be and is often threatened by unplanned or poorly planned land-use patterns on the periphery of those lands—patterns which could be avoided with better intergovernmental cooperation and coordination. The problem of coordination of planning and management of Federal lands and of non-Federal lands was emphasized in "One Third of the Nation's Land," the report of the Public Land Law Review Commission.

Title IV of S. 268 addressed this problem by encouraging coordinated planning and management of Federal lands and adjacent non-Federal lands. First, the Federal Government and State and local governments would be required to provide for compatible land uses on adjoining lands under their respective jurisdictions. Secondly, short term ad hoc joint Federal-State committees, composed of representatives of affected Federal agencies, State agencies, local governments, private property owners, and user groups, including recreation and conservation interests, would be established by the Secretary of the Interior on his own volition or upon the request of the Governor of an affected State to study, and make recommendations to the Secretary for the solution of general or specific conflicts between uses of Federal lands and uses of adjacent non-Federal lands. The Secretary would be directed to act upon the recommendations and to resolve such conflicts, or, where he lacks the requisite authority, to recommend legislative solutions to Congress.

S. 984, the Land Resource Planning Assistance Act, S. 268's successor bill which I introduced today, does not contain title IV of S. 268. Instead, I offer that title with only minor changes as an amendment to S. 507, the National Resource Lands Management Act. This so-called "BLM Organic Act" has as its purpose the provision of a modern statutory base for the management of the national resource lands, lands which comprise nearly two-thirds of all Federal land and approximately one-fifth of our Nation's land base.

I believe S. 507 is the better vehicle for consideration of the coordination provisions of my amendment.

As the Subcommittee on the Environment and Land Resources will hold a hearing on S. 507 tomorrow, I ask unanimous consent that the text of my amendment be printed in the RECORD.

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

AMENDMENT No. 26

Intended to be proposed by Mr. JACKSON to S. 507, a bill to provide for the management, protection, and development of the national resource lands, and for other purposes

On page, after the last line, insert the following language:

"TITLE VI—FEDERAL-STATE COORDINATION AND COOPERATION IN THE PLANNING AND MANAGEMENT OF FEDERAL AND ADJACENT NON-FEDERAL LANDS

"Sec. 601. Planning and management of Federal lands.
"Sec. 602. Planning and management of adjacent non-Federal lands.
"Sec. 603. Ad hoc Federal-State joint committees.
"Sec. 604. Biennial report on Federal-State coordination.
"Sec. 605. Public participation.
"Sec. 606. Agency assistance.".

(b) On page 4, between lines 21 and 22, insert the following language:

"(h) 'Federal lands' means any land owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof, except lands held by the Federal Government in trust for the benefit of Indians, Aleuts, and Eskimos, and the Outer Continental Shelf as defined in the Outer Continental Shelf Lands Act (67 Stat. 462).

"(i) 'Non-Federal lands' means all lands which are not Federal lands as defined in subsection (h) hereof, lands held by the Federal Government in trust for the benefit of Indians, Aleuts, and Eskimos, and the Outer Continental Shelf as defined in the Outer Continental Shelf Lands Act (67 Stat. 462).

"(j) 'Adjacent Federal lands' means all Federal lands which are in the immediate geographic proximity of and border non-Federal lands.

"(k) 'Adjacent non-Federal lands' means all non-Federal lands which are in the immediate geographic proximity of and border Federal lands.".

(c) On page 55, after the last line, insert the following new title:

"TITLE VI—FEDERAL-STATE COORDINATION AND COOPERATION IN THE PLANNING AND MANAGEMENT OF FEDERAL AND ADJACENT NON-FEDERAL LANDS

"SEC. 601. PLANNING AND MANAGEMENT OF FEDERAL LANDS.—(a) All agencies of the Federal Government charged with responsibility for the management of Federal lands shall consider State, local government, and private needs and requirements as related to the Federal lands, and shall coordinate the land use inventory, planning, and management activities on or for Federal lands with State and local land use inventory, planning, and management activities on or for adjacent non-Federal lands to the extent such coordination is not inconsistent with paramount national policies, programs, and interests.

"(b) For the purposes of this section, any agency proposing any new program, policy, rule, or regulation relating to Federal lands shall publish a draft statement and a final statement concerning the consistency of the program, policy, rule, or regulation with State and local land use planning and management, and where inconsistent, the reasons for such inconsistency, forty-five days and fifteen days, respectively, prior to the establishment of such program or policy or the promulgation of such rule or regulation, and except where otherwise provided by law, shall conduct a public hearing, with adequate public notice, on such program, policy, rule, or regulation prior to the publication of the final statement.

"SEC. 602. PLANNING AND MANAGEMENT OF ADJACENT NON-FEDERAL LANDS.—Any State receiving grant funds to assist it to plan or manage non-Federal lands under the Land and Water Conservation Fund Act (78 Stat. 897), as amended, the Coastal Zone Management Act of 1972 (86 Stat. 1280), as amended, the Housing Act of 1954 (85 Stat. 590), as amended, and other Federal laws shall, in conducting such planning or management, take such steps as are necessary to assure that Federal lands within the State are not significantly damaged or degraded as a result of inconsistent land use patterns on adjacent non-Federal lands.

"SEC. 603. AD HOC FEDERAL-STATE JOINT COMMITTEES.—(a) The Secretary, at his discretion or upon the request of the Governor of any State involved, shall establish an Ad Hoc Federal-State Joint Committee or Committees (hereinafter referred to as 'joint committee') to review and make recommendations concerning general and specific problems relating to jurisdictional conflicts and inconsistencies resulting from the various policies and legal requirements governing the planning and management of Federal lands and of adjacent non-Federal lands. Each joint committee shall include representatives of the Federal agencies having jurisdiction over the Federal lands involved, representatives of the private land owners involved, representatives of affected user groups, including recreation and conservation interests, and officials of affected State agencies and units of local government. Prior to appointing representatives of private landowners and user groups and officials of local governments, the Secretary shall consult with the Governor or Governors of the affected State or States and with other appropriate officials of the affected State or States and local governments. The Governor of each State shall appoint the officials of the affected agencies of his State who shall serve on the joint committee.

"(b) Each joint committee shall terminate at the end of two years from the date of its establishment: *Provided, however*, That each such joint committee shall be continued for one additional two-year term at the direction of the Secretary or upon the request of the Governor of any State involved.

"(c) Each member of a joint committee may be compensated at the rate of $100 for each day he is engaged in the actual performance of duties vested in his joint committee. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently: *Provided, however*, That no compensation except travel and expenses in addition to regular salary shall be paid to any full-time Federal or State officials.

"(d) Each joint committee shall have available to it the services of an executive secretary, professional staff, and such clerical assistance as the Secretary determines is necessary. The executive secretary shall serve as staff to the joint committee or committees and shall be responsible for carrying out the administrative work of the joint committee or committees.

"(e) The specific duties of any joint committee shall be assigned by the Secretary, in his discretion or upon the request of the Governor of any State involved, and may include—

"(1) conducting a study of, and making recommendations to the Secretary concerning methods for resolving general problems with and conflicts between land use inventory, planning, and management activities on or for Federal lands and State and local land use inventory, planning, and management activities on or for adjacent non-Federal lands; and

"(2) investigating specific conflicts between the planning and management of Federal lands and of adjacent non-Federal lands and making recommendations to the Secretary concerning their resolution.

"(f) Upon receipt of the recommendations of a joint committee upon a problem or conflict pursuant to subsection (e) of this section, the Secretary shall—

"(1) where he has legal authority, take any appropriate and necessary action to resolve such problem or conflict; or

"(2) where he does not have jurisdiction over or authority concerning the Federal lands which are involved in the problem or conflict, work with the appropriate Federal agency or agencies to develop a proposal designed to resolve the problem or conflict and to enhance cooperation and coordination in the planning and management of Federal lands and of adjacent non-Federal lands; or

"(3) if he determines that the legal authority to resolve such problems or conflicts is lacking in the executive branch, recommend enactment of appropriate legislation to the Congress.

"(g) In taking or recommending action pursuant to the recommendations of a joint committee, the Secretary shall not resolve any problem with or conflict between the planning and management of Federal lands and of adjacent non-Federal lands in a manner contrary to the requirements of the laws governing the Federal lands involved.

"SEC. 604. BIENNIAL REPORT ON FEDERAL-STATE COORDINATION.—The Secretary shall report biennially to the President and the Congress concerning—

"(a) problems in and methods for coordi- eral lands and planning and management of adjacent non-Federal lands, together with recommendations to improve such coordination;

"(b) The resolution of specific conflicts between the planning and management of Federal lands and of adjacent non-Federal lands; and

"(c) at the request of the Governor of any State involved, any unresolved problem with or conflict between the planning and management of Federal lands and of adjacent non-Federal lands, together with any recommendations the Secretary and the Governor or Governors may have for resolution of such problem or conflict.

"SEC. 605. PUBLIC PARTICIPATION.—(a) Prior to the making of recommendations on any problem or conflict pursuant to subsection (e) of section 603, each joint committee shall conduct a public hearing or provide an opportunity for such a hearing in the affected State or interstate area on such problem or conflict, with adequate public notice, allowing full participation of representatives of Federal, State, and local governments and members of the public. Should no hearing be held, the joint committee shall solicit, with adequate public notice, the views of all affected parties and the public and submit a summary of such views, together with its recommendations, to the Secretary.

"(b) Prior to the making of recommendations or the taking of actions pursuant to subsection (f) of section 603, the Secretary shall review in full the relevant hearing record or, where none exists, the summary of views of affected parties prepared pursuant to subsection (a) of this section, and may, in his discretion, hold further public hearings with adequate public notice.

"SEC. 606. AGENCY ASSISTANCE.—Upon request of a joint committee, the head of any Federal department or agency or federally established or authorized interstate agency is authorized: (i) to furnish to the joint committee, to the extent permitted by law and within the limits of available funds, such information as may be necessary for carrying out the functions of the joint committee and as may be available to or procurable by such department, agency, or interstate agency; and (ii) to detail to temporary duty with the joint committee, on a reimbursable basis, such personnel within his administrative jurisdiction as the joint committee may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.".

AMENDMENT OF RULE XXII—SENATE RESOLUTION 4

AMENDMENTS NOS. 27 THROUGH 30

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

Mr. HELMS submitted four amendments intended to be proposed by him to the resolution (S. Res. 4) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

AMENDMENT NO. 31

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

Mr. PROXMIRE submitted an amendment intended to be proposed by him to the resolution (S. Res. 4), supra.

WHY THREE-FIFTHS OF THE SENATE SHOULD NOT CUT OFF DEBATE UNTIL AFTER 15 DAYS OF DEBATE

Mr. PROXMIRE. Mr. President, I submit an amendment for printing, and I ask unanimous consent that the amendment be printed in the RECORD at this point.

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

Strike out paragraphs 2 and 3, and insert the following:

"2. (a) Notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate pursuant to this subparagraph, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

" 'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by two-thirds of the Senators present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"(b) Notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate pursuant to this subparagraph, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the fifteenth calendar day thereafter (exclusive of Sundays and legal holidays), he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without further debate, submit to the Senate by a yea-and-nay vote the question:

" 'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by three-fifths of the Senator present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate."

Renumber paragraph 4 as 3.

Mr. PROXMIRE. Mr. President, let me explain first what the amendment does and secondly why I believe it should be adopted.

WHAT THE AMENDMENT DOES

This amendment amends the Byrd resolution by providing for cloture by three-fifths of the Senate present and voting only after 15 calendar days of debate.

Its effect is to allow cloture by a two-thirds vote as early as 2 days after a cloture petition is filed as in the present rule. It keeps that part of the present rule. But it adds an additional provision to section 2 of rule 22 which provides for cloture by three-fifths of the Senate present and voting only after 15 days of debate. That is what it does.

WHY IT SHOULD BE ADOPTED

In the Senate of the United States, I believe, there should be full and free debate. This is essential to orderly procedure, the rights of the minority, and the ability of Senators to arouse public opinion over great and important issues, especially when they believe that the Congress or the President is about to take a badly mistaken action.

But equally important to the right of full and free debate is the right of the Senate, at some stage, to act and to vote. That should not be restrained by rules which are impossible or extremely difficult to achieve.

In the past there are those who believed in full and free debate, but they would not let the Senate vote.

If we move to a three-fifths rule now, either a constitutional three-fifths or three-fifths of those present and voting, and if three-fifths of Senators can cut off debate after only 2 days of debate, then I believe we may be putting too much emphasis on the right to vote but too little emphasis on full and free debate and the ability of one man or even a large minority to have a fair opportunity to change public opinion through debate.

In the past the Senate has debated issues for 3 or 4 weeks without any one considering that there was a filibuster because those who were speaking were not attempting to prevent an ultimate decision by the Senate.

But at the end of the session last year we adopted cloture on the trade bill after only an hour of debate, voted cloture on the Christmas tree tax bill with no debate at all, and had a series of cloture votes on the Export-Import Bank bill after only a short period of debate.

There can be as much danger in voting too soon on some issues as not voting at all.

ALTERNATIVE

What my amendment provides is that for 15 calendar days—not counting Sundays and holidays—or for 2½ to 3 weeks, the two-thirds rule should prevail. Debate should not be cut off by three-fifths of those present and voting until after at least 15 days of debate.

This protects the minority in their ability to state their case, to arouse public opinion, and to change the views of Members of the Senate. But this also protects the country in case of war or an emergency when two-thirds believe that it is necessary to act quickly and promptly.

But after 15 days of debate, or 2½ to 3 weeks, depending upon whether the Senate meets for 5 days or 6 days in a week, then three-fifths of those present and voting should be able to reach a vote.

FULL AND FREE DEBATE

Somewhere in our system there should be a place for public debate, and for lengthy public debate if that is necessary.

When we get bills from the administration, Democratic or Republican, those bills most often are worked out in private and in behind the scenes meetings of the executive branch. There is often no public debate about their general terms and none at all about specifics.

When a bill goes to the floor of the House of Representatives, debate is most often limited by the 5-minute rule and by the previous question motion, so that there is often no real opportunity for a Member or Members to educate the public and to attempt to change the course of public opinion through the debate itself.

That leaves only the Senate where the institution of full and free and protracted debate can take place.

The two-thirds has often been used to thwart the Senate and the country in acting properly, but it has also protected the country against hasty and ill-conceived action.

I would not like to see three-fifths of the Senate able to cut off debate after only 2 days of debate—and with a two-track system it is possible that could happen—and it has happened by two-thirds—after only a few minutes of debate.

Therefore the sensible thing to do is to keep the two-thirds cloture rule intact if debate is to be stopped after only a few days, but to provide for three-fifths of those present and voting after about 3 weeks or 15 calendar days of debate.

I commend the amendment to the Senate.

AMENDMENT NO. 32

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

Mr. HATHAWAY submitted an amendment intended to be proposed by him to the resolution (S. Res. 4), supra.

AMENDMENTS NOS. 33 THROUGH 51

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

Mr. ALLEN submitted 19 amendments intended to be proposed by him to the resolution (S. Res. 4), supra.

AMENDMENT NO. 52

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

Mr. ROBERT C. BYRD submitted an amendment intended to be proposed by him to the resolution (S. Res. 4), supra.

ADDITIONAL STATEMENTS

OUR CURRENT ECONOMIC WOES

Mr. TOWER. Mr. President, only rarely do I find myself in agreement with columnist Jack Anderson, and those occasions are worthy of special note.

I would like to direct the attention of my colleagues to Mr. Anderson's column which appeared today in the Washington Post. In that column, Mr. Anderson and his associate, Mr. Whitten, express a point of view on our current economic woes that is cogent, perceptive, and very close to my own.

The column presents a thought-provoking assessment of the economic woes we face, puts those woes into perspective, and explores our willingness to undertake their solution.

Mr. President, I ask unanimous consent that this column may be printed in the RECORD.

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

BLEAK FORECASTS BELIE U.S. STRENGTH

(By Jack Anderson and Les Whitten)

Most Americans have never known a time when economic expectations weren't bright. For two-thirds of the population, there has been a steady rise in living standards.

But now, the outlook has suddenly turned bleak. No longer can Americans count on a better life for less effort.

Will the response be panic, a demand by each distressed group that it be subsidized? Or will there be a recognition that belts must be tightened, overdue accounts reconciled, dreams deferred, individual productivity increased and the price paid for the costly development of new sources of energy?

So far, the emphasis has been on special pleading and hot air.

At their recent Washington conclave, big city mayors invoked the specter of mass rioting and mob violence unless they get $15 billion in immediate federal aid.

Leaders of our national unions threaten to march on Washington by hundreds of thousands of unemployed workers. Penn Central regularly issues doomsday announcements, warning of a total shutdown, unless it gets more money from the Treasury.

A leading businessman, Eli Black of United Brands, has revived the 1929 syndrome by jumping to his death from the 44th floor of the Pan Am building in New York. Marxist economists have come out of the closet and on to the lecture circuit.

Capsule news bulletins keep dinning each month that the number of unemployed is the highest since the Great Depression. And nightly television interviews at unemployment lines keep turning up angry men who say they'll commit crime before they'll go without.

Well, we don't think this theater of the hysterical reflects either the condition of the country or the temper of most Americans. Our system is stronger and our people more resilient, we believe, than they are portrayed.

Let's begin by putting a few facts in perspective:

Six million unemployed out of 80 million workers is bad news. But during the Depression, we had 12 million jobless out of 35 million.

The prices of most goods have skyrocketed. Yet before we decide that our productive mechanism is slipping over a precipice, consider that a major appliance can be purchased today from the wages of only half the hours required 10 years ago.

Taxes are distressingly high. Still, the percentage of our income going for taxes of all kinds is under 30 per cent, the second lowest among the 13 top industrial nations.

Sixty per cent of American families own their own homes. Social Security and Medicare payments provide protection not available during the Depression. Federal insurance assures that bank failures will be isolated and no depositor will be victimized. Unemployment compensation, food stamps, federalized welfare and other programs provide a floor above Dickensian destitution.

But the most reassuring facet of all, in our view, is the quality of the American people. In the past few months, we have received 750,000 letters in response to an invitation to readers to tell us how they felt about the country and to suggest a slogan for next year's bicentennial celebration.

From these letters we have gained a picture of a people in times of turmoil and disappointment. What shows through is a love of country undampened by the betrayals of unworthy leaders, an idealism undiminished by the sight of so much high chicanery, a willingness to sacrifice for the common good.

Dozens of organizations also responded. We were contacted by Edward J. Piszek, president of the Copernicus Society of America, who wanted to participate. The society is now putting up a $5,000 first prize for the best slogan and 13 runner-up prizes ranging from $500 to $1,000.

American Motors offered a station wagon to the winner, and Holiday Inns will put up the winning family at its motels anywhere in America for 30 days.

The International Association of Fairs and Expositions will make the bicentennial slogan search part of 2,800 fairs around the country. The American Song Festival will invite aspiring composers to set the winning slogans to music.

The Jaycees, American Legion, Urban League, Boy Scouts, Girl Scouts, General Federation of Women's Clubs and the National Education Association are involved. Even Baseball Commissioner Bowie Kuhn wants to promote the slogan search at baseball games.

Slogans should be addressed to Slogans, USA, Box 1976, Washington, D.C.

The temper of the times, then, is not for mass marches on the Capitol to bullyrag Congress for benefits, or for billion-dollar grabs by ailing power blocs.

It is a temper which recognizes that in the months ahead the President and Congress must calmly deliberate and strike a bold but delicate balance between short-term action to halt the slide and long-term austerity to choke off permanent inflation.

FINANCIAL STATEMENT OF SENATOR J. GLENN BEALL, JR.

Mr. BEALL. Mr. President, in keeping with my usual practice, I am submitting a copy of my financial statement for 1974.

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

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

Financial statement of Senator J. Glenn Beall, Jr., December 31, 1974

Assets:	
Cash in bank:	
Checking accounts	$7,092.88
Savings accounts	13,458.68
Total	20,551.56
Stocks and bonds (see attached list, appendix A)	217,271.15
Life insurance—cash surrender value	22,013.90
Vested interest—Beall, Garner, and Geare, Inc. Retirement Trust	26,953.82
Equity interest—Beall, Garner, and Geare Realty	12,280.12
Real Estate	
Beall's Lane, Frostburg, Md.	50,000.00
Western Avenue, Chevy Chase, Md	80,000.00
Total	130,000.00
Personal property	20,000.00
1972 Chrysler 4 door sedan	2,650.00
Total	451,720.55
Liabilities:	
Note payable, First National Bank and Trust Co. of Western Maryland	4,987.36
Due on life insurance	2,744.26
Mortgages:	
The Fidelity Bank, Frostburg, Md. (Frostburg house)	12,230.41
Citizens Building and Loan Association (Chevy Chase house)	52,792.30
Total	72,754.33
Net worth	378,966.22

Appendix A—Stocks and bonds

34 Allegheny Power System	$433.50
39 Beall, Garner and Geare, Inc. (common)	146,139.63
100 Beall, Garner and Geare, Inc. (preferred)	26,000.00
Beall, Garner and Geare, Inc. (7% conv. notes)	5,000.00
100 Canadian Export Gas & Oil	162.50
1 Capitol Hill Associates	100.00
5 Charter New York Corp	91.87
183 Cumberland Fair Association	3,660.00
30 Exxon	1,938.75
234 First National Bank and Trust Co. of Western Maryland	17,550.00
50 General Telephone and Electronics	843.75
17 Kaiser Aluminum & Chemical	214.63
8 Kaiser Aluminum & Chemical (4¾% conv. pft. 1959)	298.00
174.431 Massachusetts Investors Growth Stock Fund	1,371.02
275 Mercantile Bankshare Corporation	2,475.00
60 Minnesota Mining and Manufacturing Co	2,767.50
30 Northern Illinois Gas	525.00
34 Tenneco	799.00
268 United States Fidelity & Guaranty Co	6,901.00
Total	217,271.15

Statement of income and taxes for 1974

Gross income	$78,736
Less adjustment to income	3,144
Adjusted gross income	75,592
Less:	
Contributions	2,562
State, local and other taxes	8,355
Interest paid	4,297
Miscellaneous expense	489
Total	15,703
Total	59,889
Less exemptions	2,250
Taxable income	57,639
Federal income tax paid	21,042

WORLDWIDE TRADE IN CONVENTIONAL WEAPONS

Mr. KENNEDY. Mr. President, last Tuesday, March 5, marked the opening of the 655th session of the United Nations Conference of the Committee on Disarmament in Geneva.

For some time, I have strongly believed that the agenda for disarmament discussions must not neglect the serious problems of the burgeoning worldwide trade in conventional weapons. This trade—to rich and poor nations alike—is now more than $18 billion a year, up more than 5½ times from a decade ago, and 60 times greater than 1952.

Last year, the United States alone sold more than $8 billion worth of military equipment to 136 foreign nations.

Many of us in the Congress have strong and growing reservations about the apparent failure of the administration to try bringing together the major arms-supplier and buyer nations, in order to impose some controls on this traffic.

Last year, I introduced an amendment to the Foreign Assistance Act of 1974, calling on the President to raise this issue as a high-priority item at the Geneva Conference. That amendment is part of the law.

In his remarks at the Conference's opening session on Tuesday, Ambassador Joseph Martin expressed the U.S. delegation's desire that "the question of restraints on conventional arms" be considered by the Conference.

Mr. President, this is a beginning. I hope it means that the administration is now seriously concerned with the unbridled marketing of sophisticated weapons around the world, and will follow the expressed will of Congress by building on this initiative.

Mr. President, I ask unanimous consent that Ambassador Martin's remarks at the opening session of the Committee be printed in the RECORD.

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

AMBASSADOR JOSEPH MARTIN REMARKS AT THE CONFERENCE OF THE COMMITTEE ON DISARMAMENT MEETING

We are resuming our work in the committee at a time when disarmament efforts are receiving increasing attention in the search for a more stable and secure world. Evidence of growing interest in arms control solutions to national security problems can be found in the extensive treatment of disarmament questions at the 29th UN General Assembly. It is also reflected in the unprecedented number of international meetings dealing with the subject.

Here in Geneva, Soviet and American negotiators are working out the specific provisions of a second-stage SALT agreement, the broad outlines of which were agreed at the Vladivostok summit. In Moscow, representatives of the United States and the Soviet Union are engaged in discussions aimed at reaching the agreement governing peaceful nuclear explosions that is called for in article III of the Threshold Test Ban Treaty. In Washington, representatives of the two countries have been considering the question of effective measures of restraint on environmental modification techniques. In Vienna, members of NATO and the Warsaw Pact are continuing their efforts to reach agreement of mutual and balanced force reductions in central Europe. The idea is the focal point for international examination of safeguards on the peaceful uses of nuclear technology as well as of various aspects of peaceful nuclear explosions. Two months from now the Conference to Review the Operation of the Non-Proliferation Treaty will begin in Geneva.

The CCD occupies a unique and important position in this overall effort. Our newly enlarged committee can expect a heavier workload in 1975 than it has had in several years. The 29th General Assembly of the United Nations, in addition to urging the CCD to continue its work on a comprehensive test ban and chemical weapons limitations, called on the committee to examine questions that have so far received relatively little attention here—namely, environmental modification for military purposes, nuclear-free-zones, and the arms control implications of peaceful nuclear explosions. My delegation welcomes these new responsibilities and is confident that the CCD can make a valuable contribution in each of these fields.

Among the large number of items on the international disarmament agenda, the most pressing, in our view, concern non-proliferation and related nuclear issues. An encouraging sign at the 29th U.N. General Assembly was the recognition by many delegations that there is serious cause for concern in the prospect of the further spread of independent nuclear explosive capabilities. Another constructive development was the wide support given to the non-proliferation treaty and the many calls for broader adherence to that treaty.

At the same time, a large number of delegations recognized that the prevention of the further spread of nuclear weapons capabilities cannot be taken for granted, and that a broad and determined international effort is needed to strengthen the non-proliferation regime. My government is urgently considering what courses of action would contribute most effectively to achieving a more universal, reliable system of safeguards against diversion of nuclear materials and technology to military purposes and to increasing political and economic incentives to forego the nuclear explosive option. My government looks to the NPT review conference to assess how well the treaty has functioned in the first five years of its existence, to consider how the treaty can be more effectively implemented, and to provide an impetus for the broadly-based effort that will be essential if we are to avoid a proliferation of nuclear powers.

The review conference will be concerned not only with the operation of those provisions of the NPT that deal directly with the spread of nuclear weapons capabilities, but also with the implementation of those provisions, notably article VI, that were designed to halt and reverse the nuclear arms race. In this connection, I am pleased to note that, since this committee last met, the United States and the Soviet Union took another major step to curb their competition in nuclear arms. At Vladivostok, President Ford and General Secretary Brezhnev set firm and equal numerical limits on the strategic forces of both sides. Specifically, they agreed to put a ceiling of 2400 on the total number of intercontinental ballistic missiles, submarine-launched ballistic missiles, and heavy bombers for each country. They also agreed that the maximum number of launchers for missiles that could be armed with multiple independently targeted reentry vehicles would be 1320. By agreeing to place all these strategic delivery vehicles under the ceiling and to set an additional limit on MIRVs, this general framework for a new SALT accord goes well beyond the scope of the interim agreement concluded in 1972.

Because of this breakthrough at Vladivostok, for the first time in the nuclear age each side's strategic calculations and force planning will not be driven by fear and uncertainty about a possible open-ended strategic buildup by the other side but will instead be based with confidence on the firm parameters that were established. This can be expected to make a valuable contribution to the stability of the strategic relationship. Of perhaps greater long-range importance, the ceilings worked out by the leaders of the two countries will provide a solid foundation for negotiating future arms reductions. While many details remain to be settled before this general framework can be transformed into a new agreement, the United States is confident that such an agreement can be concluded this year and that further negotiations on reducing the force ceilings can follow soon thereafter.

My government is aware of the importance attached internationally to a comprehensive test ban as a means of curbing the nuclear arms race. The United States remains firmly committed to seeking an adequately-verified CBT. The threshold test band treaty, negotiated in Moscow last summer, is not only a step toward that objective, but will be, in itself, a significant constraint on the nuclear arms competition between the US and USSR.

The question of peaceful nuclear explosions has recently become a major topic in international disarmament discussions. Recognizing that a number of uncertainties about the feasibility and practicability of PNES have yet to be resolved and that the use of PNES is a highly complicated matter both politically and legally, the US delegation at the recent UNGA called for thorough international consideration of the PNE question. We accordingly supported the general assembly's request, in resolution 3261 D, that the CCD consider the arms control implications of peaceful nuclear explosions.

The arms control implications of PNES have two aspects: their implications for the development and testing of nuclear weapons by nuclear weapon states and their inplicaions for the spread of nuclear weapons capabilities among non-nuclear weapon states.

With respect to the first of these categories, it is clearly important to ensure that nuclear explosions carried out ostensibly for peaceful purposes are not used to gain weapons-related information in circumvention of agreed limitations on weapons testing. This is the central task of the bilateral negotiations now underway in Moscow, where the two sides are discussing criteria to ensure that PNES are consistent with the threshold test ban treaty. An analogous question arises with respect to any form of international test ban agreement, and this question would be particularly crucial with a comprehensive test ban—since, in the absence of any authorized weapons testing, there would be a greater incentive to seek weapons information in the course of a PNE program.

With respect to PNE implications for the spread of nuclear weapons capabilities, my government's firm conviction, which I wish again to recall to this committee, is that it would be impossible for a non-nuclear weapon state to develop a nuclear explosive device for peaceful purposes without in the process acquiring a device that could be used as a nuclear weapon. It has been argued that the critical factor is not the capability to produce nuclear devices but the intention of the country producing the device. However, the issue is not whether we can accept the stated intentions of any country, but whether a world in which many states have the capability to carry out nuclear explosions—and in which all therefore fear the nuclear weapons capability of others—would not be vastly less secure than a world that has successfully continued the spread of nuclear explosive technology.

A notable development at the last UNGA was the heightened interest in nuclear-free zones. Resolutions were adopted dealing with

nuclear-free zone proposals for South Asia, the Middle East, and Africa as well as with the Latin American nuclear free zone treaty. Reflecting this renewed interest, and motivated in part by the diversity of the regional initiatives and the complexity of some of the issues involved, the General Assembly requested that an ad hoc group of governmental experts under old auspices undertake a comprehensive study of the question of nuclear free zones in all its aspects.

My delegation welcomes this study and hopes it will contribute to a better understanding of the wide range of nuclear-free zone issues. We think it would be unrealistic to expect the experts to reach agreement on requirements for nuclear-free zone arrangements that could be applied universally, given the vast differences that exist from region to region. One purpose of the study might be to identify issues where standardized NFZ provisions might be feasible, and others where they would not.

Unlike earlier studies undertaken under the auspices of the UN Secretary-General, the study of nuclear-free zones will involve issues that are primarily political, rather than technical, in nature. This is the first study to be carried out under the auspices of the CCD, and it has entrusted to the CCD with the understanding that a number of states not represented in the committee would participate. My delegation has developed a number of ideas on the organization of this project and will be discussing these ideas with members of the committee in the next few months.

In the area of restraints on chemical and biological weapons, I am pleased to be able to report two important actions recently taken by the United States Government. On January 22, President Ford signed the U.S. instrument of ratification of the Geneva Protocol of 1925. I should point out that, although not party to the Protocol in the past, my government has always observed its principles and objectives.

The President also signed on January 22 the U.S. instrument of ratification of the Biological Weapons Convention, a product of the expert and painstaking efforts of this committee. As members of the CCD are aware, this Convention is the first agreement since World War II to provide for the actual elimination of an entire class of weapons, namely, biological agents and toxins. With ratification procedures already completed by the three depositary governments and by many more than the required 19 additional governments, we expect the convention to enter into force in the very near future. It is our hope that this will prompt many other governments to adhere to the Convention.

As members of the committee are aware, article II of the Biological Weapons Convention requires parties to destroy or to divert to peaceful purposes, as soon as possible but not later than nine months after entry into force, all agents, equipment, and means of delivery prohibited in article I. In this connection, I would like to state that the entire U.S. stockpile of biological and toxin agents and weapons has already been destroyed, and former U.S. biological warfare facilities have been converted to peaceful uses. My delegation, and I am sure other members of the committee, would welcome similar confirmations of implementation of article II from parties to the Convention.

The ratification of the Geneva protocol and the ratification and entry into force of the biological weapons convention are viewed by my government as significant steps toward our common objective of the effective prohibition of chemical and biological weapons. My delegation is prepared at the current session to participate in the active examination or possibilities for further effective restraints on chemical weapons. An important element in this examination should continue to be a thorough analysis of the verification question in relation to the possible scope of any prohibition.

U.S. interest in overcoming the dangers of the use of environmental modification techniques for military purposes was reflected in the U.S.-Soviet summit joint statement of July 3, 1974, in which both countries advocated the most effective measures possible to accomplish that objective. In the United Nations General Assembly last fall, my government indicated that it would be ready at the CCD to consider this subject further. We pointed out that little is known about the scientific and technological aspects of environmental modification and that many of the applications posed for discussion are at present hypothetical. At the same time we stressed that we were prepared to participate actively and positively in further discussion of this matter. In that spirit we are prepared to contribute to the committee's deliberations.

In my statement today, I have discussed a number of new responsibilities assumed by the committee. There is another issue I think should be added to the list: The question of restraints on conventional arms. This committee has always given the highest priority to the control of weapons of mass destruction. While my delegation regards this as entirely appropriate, we see no reason why possible controls on conventional weapons, which account for the largest share of world military expenditures, cannot be considered concurrently. I plan to return to this subject in a later intervention.

"NEWSPAPER WEEK" AND "NEWSPAPER CARRIER DAY"—SENATE JOINT RESOLUTION 46

Mr. McCLURE. Mr. President, I am proud to join in cosponsoring Senate Joint Resolution 46 giving special tribute to our Nation's newspapers and to the young people who deliver them to our homes.

Since 1939, the newspapers of our country have, each year during 1 week in October, commemorated "Newspaper Week" and "Newspaper Carrier Day." This period is a time for the newspapers of America to rededicate themselves to maintaining high standards of service to the American people.

Congress, in recognizing October 5 to 11 as Newspaper Week and Saturday, October 11, as Newspaper Carrier Day, should also remember the contributions of a free press during America's nearly two centuries of freedom. Without an ever vigilant press, dating since before the Declaration of Independence, we might not enjoy the opportunity for public discussions we have today. The American press has always been a leader in support of the basic first amendment guarantees of freedom of speech, religion, and press.

As the 1976 Newspaper Week would not occur until most of the Bicentennial observances had concluded, this year's commemoration will be the official Bicentennial observance for America's newspapers. This should be a time for all Americans to rededicate themselves to upholding the fine ideals of our Founding Fathers, including freedom of speech and service to our fellowmen.

Today there are 1,760 daily newspapers with a circulation exceeding 63,000,000. And more than 35,000,000 people subscribe to America's 7,650 weekly newspapers. They are read for their news content, editorial and opinion comments, advertising, and entertainment. In short, newspapers still keep us aware of the happenings in our communities, as well as the world.

We also need to salute the efforts of the young people who deliver our papers. They are usually up before sunrise for their morning routes; and in the afternoons, they forego free time to assure that we will have a paper before dinner. Like the postmen, they are out in all types of weather; but they persevere. I know, because I have had two of them in my own family. In addition to earning extra money, they learn the fundamentals of business, thrift, thoroughness, and responsibility.

This year the chairman of the Newspaper Association Managers' Newspaper Week is William Moon, executive director of the Idaho Newspaper Association. We in Idaho have been proud of Bill Moon and are glad to share his talents with the Nation. His lesson of good citizenship is in actions which speak louder than words.

I am proud to join in the introduction of this resolution honoring our newspaper industry and newspaper carriers, and I urge swift passage of this measure.

ALMALGAMATED MEAT CUTTERS STATEMENT ON WORLD FOOD SITUATION

Mr. CLARK. Mr. President, organizations throughout the country have taken direct action in the battle against hunger and malnutrition both here and abroad. Religious organizations, educational groups, labor unions, and others are joining in a much needed effort to develop a national food policy to fight hunger.

The reason for concern is simple: 500 million people go to bed hungry every night. Three or four times that many are undernourished. Some even argue that the numbers are so overwhelming that we should abandon attempts to feed the hungry. The increase in world population is matched by demands for increased food production.

That demand falls most heavily right here, for the United States produces most of the world's food. We can increase domestic production, and at the same time, work to develop other countries' virtually untapped potential for agricultural production. It is too soon and too selfish to ignore and abandon the hungry while we have so much to offer.

The Amalgamated Meat Cutters and Butcher Workmens Union, AFL–CIO, has a long history of leadership on food issues. Recently, the union announced a 10-point program entitled "We Dare Not Fail: The Battle Against Hunger, Unwholesome Food and Starvation." It is this sort of action and this type of policy which will help find the right answers to the food problem.

I ask unanimous consent that the union's program be printed in the RECORD

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

WE DARE NOT FAIL: THE BATTLE AGAINST HUNGER, UNWHOLESOME FOOD AND STARVATION

(A policy statement, international executive board, Amalgamated Meat Cutters & Butcher Workmen, AFL–CIO)

A 10-POINT PROGRAM FROM AMERICA'S FOOD WORKERS UNION

The critical problems of hunger, malnutrition and skyrocketing food prices can—and must be—conquered, and quickly. The ability of this nation to produce food is immense. We must fully use that ability to avoid hunger at home and starvation in many parts of the world.

The Executive Board of the Amalgamated Meat Cutters and Butcher Workmen (AFL–CIO) calls for the intensification of our Union's long-time efforts against hunger, unwholesome food and food price inflation. There is no time to spare in the national and worldwide effort to bring adequate amounts of wholesome food to every man, woman and child on this earth.

In the light of the food crisis here and throughout the world, we urge action on the following ten-point program:

1. The 94th Congress must undertake a fundamental and critical review of the nation's fragmented food and nutrition policies with a view toward quickly ending the contradictions, outmoded goals, and bureaucratic fumbling which cause the present mess in food, and toward establishing a National Food and Nutrition Policy.

2. The nation requires a realistic policy which encourages without reservation the maximum production of food to reduce consumer prices and help feed the hungry throughout the world. The remnants of the old "scarcity" philosophy of restricting production are both morally indefensible and economically wasteful.

3. Food price inflation must be licked through the growth of an abundance of food, action against consumer ripoffs and enactment of drastically improved consumer protective laws. Spiraling food costs are the most dangerous and destructive of all inflationary pressures.

4. Federal and state governments must act to assure the safety and wholesomeness of all foods. Increasingly complex environmental and technological factors cause dangers which consumers cannot discover themselves and against which they cannot protect themselves.

5. The federal government must assure farmers an adequate return for their work and investment to reward their seeking the maximum production.

6. The poverty-stricken and exploited farm workers must achieve full, first-class citizenship. They must have the benefit of the protective laws which now cover most other wage earners, be paid wages commensurate with those of industrial wage earners and have access to decent housing, school and health facilities.

7. The present alliance between labor, including the Amalgamated, and the various consumer organizations must be strengthened and made even closer. It is absolutely essential to achieve victory against food-price inflation and improvements in the nation's consumer-protective laws and practices.

8. The U.S. must develop effective policies to help feed the hungry people of other countries. The contradictory government moves which cancel each other out must stop. While recognizing that our first responsibility is to the people in our own country, we realize we can not morally ignore the starving children—and their parents—of sub-Sahara, Africa, South America, Southeast Asia and other parts of the world. The President must establish a joint legislative-executive committee to oversee the follow-up to the recent World Food Conference.

9. As a first step, the President must immediately remove from office Secretary of Agriculture Earl L. Butz. He is more than a symbol of what is wrong. He has caused divisiveness in our country; he has mocked religious and ethnic groups; he has been the cynical apostle of scarcity and high prices; he has shown a complete lack of sensitivity to the need to feed the hungry; his statements reflect a lack of concern for facts and a lack of faith in the democratic processes. He is completely ill-suited for an important government post. We reaffirm the efforts of our Union's Chief Executive Officer, Secretary-Treasurer Patrick E. Gorman—first made more than two and one-half years ago—to have Mr. Butz replaced as Secretary of Agriculture.

10. In another immediate and specific action, Congress must block the Ford Administration's attempt to cut the funds available for food stamps. As inflation increases food prices, the Administration drives poor American families to even greater desperation by reducing the available food aid. The Administration's projected food stamp budget cut is a shameful attempt to starve our elderly and poorest citizens. It must be reversed.

A CALL TO ACTION BY A 500,000-MEMBER UNION

The ten-point program presented here is squarely in the tradition of the Amalgamated Meat Cutters & Butcher Workmen, AFL–CIO, whose half-million members make it the nation's largest union of food and allied workers.

For many years we have fought for agricultural and nutritional policies which would provide sufficient and healthful food for Americans and other peoples. We have led campaigns to initiate, aid or improve meat and poultry inspection, the food stamp program, food production policies and farm labor conditions.

As Secretary of State Kissinger reminded the World Food Conference, we must proclaim a bold objective: that within a decade "no child will go to bed hungry, no family will fear for its next day's bread."

Our union is well aware that the terrible problems of hunger, malnutrition and food price inflation are causing great human suffering. They are the result of long neglect and either inadequtae or contradictory governmental policies.

That is why the Amalgamated Meat Cutters & Butcher Workmen calls this situation and this program to the attention of our members, other unions and citizens' organizations. We seek cooperation in getting needed action on our common program.

Everywhere people are looking to the United States and its democratic government for leadership and for help. We dare not fail.

RAYMOND MOLEY

Mr. GOLDWATER. Mr. President, today I should like to record my tribute in the Senate to a resident of my home State who was both a close friend and one of the finest political minds of this century. My preference, of course, is to Raymond Moley who is credited with coining the phrase "New Deal" while serving as a member of President Franklin D. Roosevelt's original "brain trust." Ray died in Phoenix on February 18.

It was my privilege to get to know Ray Moley very well during my campaign for the Presidency in 1964 when he was kind enough to serve as an adviser. And I might explain that Ray had long since broken his connection with the New Deal and the radical leftist branch of the Democrat Party. In fact he was one of the first to find fault with the radical leanings of the New Deal, leaving his position with Roosevelt in 1933 to become editor of a new magazine entitled "Today." In 1937 when Today merged with Newsweek Ray became one of the editors of the new, combined magazine and wrote a column for that magazine which he continued for 30 years.

Mr. President, in studying the career of Ray Moley it strikes me that there must have been many other "brain trusters" and fixtures of the New Deal who came to disagree with its policies but who lacked the courage to stand up and say so.

Ray Moley had the courage of his convictions. It perhaps is appropriate that he should pass on during a period in this Nation's political life when courage is a much needed product in the body politic.

Mr. President, I doubt if anyone could do justice to the contributions which Ray Moley made to the political thinking of this Nation over the many years that he observed and commented on national developments. For my part, I can only say that the forces of freedom in this country have lost a good friend and one whose abilities will be very difficult, if not impossible, to replace.

STRENGTHENING ENVIRONMENTAL STANDARDS

Mr. McCLURE. Mr. President, the Interuniversity Consortium for Environmental Studies has concluded its Third Invitational Symposium. I was pleased to cosponsor this symposium, together with my colleagues in the Senate, Senator HELMS, Senator DOMENICI, and Senator JOHNSTON, and my colleagues in the House, Representative ARCHER, Representative WHITTEN, and Representative HINSHAW. I would like to extend special appreciation to Leonard J. Goldwater, M.D., department of community health sciences at the Duke University Medical Center for his admirable work as general chairman of the symposium.

The outstanding quality of the presentations made during this symposium is illustrated by the caliber of men and women who appeared.

Mr. President, I ask unanimous consent that the program of the symposium be printed in the RECORD.

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

PROGRAM OF INTERUNIVERSITY CONSORTIUM FOR ENVIRONMENTAL STUDIES, THIRD ICES INVITATIONAL SYMPOSIUM, FEBRUARY 24–25, 1975

STRENGTHENING ENVIRONMENTAL STANDARDS

General Chairman: Leonard J. Goldwater, M.D., Department of Community Health Sciences, Duke University Medical Center, Durham, N.C.

Monday, February 24, 1975

Welcome: Dr. Goldwater.

Keynote Address: Mr. Richard A. Carpenter, Executive Director, Commission on Natural Resources, National Research Council, Washington, D.C.

Chairperson for morning session: Anna M. Baetjer, Sc. D., Professor Emeritus of Environmental Medicine, The Johns Hopkins University, School of Hygiene and Public Health, Baltimore, Maryland.

Air Pollution—An Overview: Professor Arthur C. Stern, Department of Environmental Sciences and Engineering, School of Public Health, University of North Carolina at Chapel Hill.

Carbon Monoxide

1. Richard D. Stewart, M.D., Professor and Chariman, Department of Environmental Medicine, The Medical College of Wisconsin, Milwaukee, Wisconsin. "The Effect of Carbon Monoxide on Man."

2. Edward P. Radford, M.D., Professor of Environmental Medicine, The Johns Hopkins University, School of Hygiene and Public Health, Baltimore, Maryland. "Carbon Monoxide and Human Health."

Sulfur Dioxide, Sulfates and Particulates

Moderator: Benjamin G. Ferris, Jr., M.D., Professor of Environmental Health and Safety, Harvard University, School of Public Health, Boston, Massachusetts.

1. Herbert Schimmel, Ph.D., Associate Professor for Mathematics and Physics and T. J. Murawski, M.D., Epidemiologist, Albert Einstein College of Medicine, Bronx, New York. Relation of Air Pollution to Mortality, New York City, 1963–1972."

2. Mario C. Battigelli, M.D., Professor of Medicine, College of Medicine, University of North Carolina at Chapel Hill. "Health Effects of Sulfur Oxides."

Tuesday, February 25, 1975

Oxidants

Moderator: Quentin N. Myrvik, Ph.D., Professor and Chairman, Department of Microbiology, Bowman Gray School of Medicine, Wake Forest University, Winston-Salem, North Carolina.

1. Daniel B. Menzel, Ph.D., Associate Professor of Pharmacology and Medicine; Head, Division of Pharmacology; Director, Laboratory of Environmental Pharmacology and Toxicology, Duke University Medical Center. "Oxidants and Human Health."

2. R. A. Rasmussen, Ph.D., Professor of Environmental Engineering, Air Pollution Research, Washington State University, Pullman, Washington. "Oxidant Standards."

Moderator: Irwin W. Tucker, Ph.D., Professor of Engineering Research, University of Louisville, Louisville, Kentucky.

1. Irving R. Tabershaw, M.D., Consultant for Environmental Health, President-elect, American College of Preventive Medicine. "Environmental standards for sulphur oxides."

2. Paul B. Hammond, D.V.M., Ph.D., Professor of Environmental Health, University of Cincinnati Medical Center, Kettering Laboratory, Cincinnati, Ohio. Air Standards for Lead and Other Metals."

Luncheon speaker: Senator James A. McClure—"Environmental Statesmanship."

Mr. McCLURE. Mr. President, the proceedings will be published and will be made available to the Congress, especially to those committees having responsibility for air quality and the Clean Air Act. Our legislative work in this vital area will unquestionably benefit from the outstanding work of these scientific and medical experts. On behalf of my colleagues, I thank them.

Mr. President, in order to provide some indication of the problems concerning air pollution which I believe we have to examine and solve, I ask unanimous consent that my remarks at the symposium be included in the RECORD.

There being no objection, the remarks are ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL STATESMANSHIP

(Remarks by Senator JAMES A. MCCLURE)

Ladies and gentlemen, for the Senate Public Works Committee, 1975 will be the Year of the Clean Air Act. The 94th Congress will find that it has only a few short months in which to analyze, evaluate, and decide on what exactly has to be done—if anything—in order to bring the Clean Air Act into conformance with our new knowledge, national goals, and basic needs. Since the far-reaching Clean Air Act Amendments of 1970 were signed into law, we have progressed further, and faster, in our quest for a healthier environment, and it is essential that we know whether the standards and schedules set down almost five years ago will meet our needs of today.

I have chosen for the theme of my remarks here today "Environmental Statesmanship" because I believe that this has been one of the most serious deficiencies in our quest for a healthy environment. Whereas the medical community, the scientists and engineers, and the public in general have shown their willingness and ability to make the efforts necessary, to improve the quality of our natural environment, this same dedication has not been evident within the Federal Government. Whether we examine the records of either the Congress or the Administration, we see a sad lack of willingness to set aside petty bureaucratic or partisan aims in order to arrive at solutions based on fact.

I will define "environmental statesmanship" in terms of certain criteria which I believe should be met by governmental policies and programs intended to protect our environment. First and foremost, all environmental standards must be scientifically sound, and environmentally beneficial—in a total sense. They must also be economically realistic and legally valid. There has been entirely too much demagoguery, one-upship, and just plain name-calling, which leads only to public apathy and cynicism, with the quality of our air and water suffering as a consequence. Opportunism and short-term apparent gains must not be permitted to interfere with the achievement of the more useful long-range objectives.

For example, there is sometimes found on Capitol Hill a reluctance to reconsider past political decisions based on new scientific evidence. This can be self-defeating. A recent report, prepared by the Naval Research Laboratory in Washington, D.C., aptly illustrates how our improved knowledge can directly impact on the legal standards which have been set. In our quest for clean air, we have assumed that removal of man-made pollution would suffice. It appears, however, that this may not be true.

In August, 1973, the Washington metropolitan area experienced severe smog conditions, which were immeditaely blamed on automobile exhausts. The NRL study suggests, though, that the automobile played a minor role. What did these scientists discover? They found that the predominant contaminant was hydrocarbons volatized from Appalachian vegetation. According to one of the scientists responsible for this finding, "When there is a high temperature in the 90's, the effect of pollution from vegetation is a hundredfold greater than that from autos."

The implications of this finding are indeed far-reaching. At present, EPA and local government officials are urging stringent automobile control regulations for the Washington metropolitan area—as in other major urban cities—including parking restrictions and surcharges, limitations on commuter driving, and even outright banning of automobiles in certain areas. But, if the NRL report is accurate, then we are faced with the conclusion that even if we banned all automobile travel in D.C.—with the accompanying physical and economic hardships—we would still experience severe smog conditions whenever the right combinations of temperature and pressure occured. In other words, we would have accomplished nothing worthwhile.

On the other hand, such scientific evidence could mean that the money and effort being directed at limiting automobiles could be spent towards actually solving the air pollution problem that we know exists. The basic guiding principle, though, should be that whatever action is taken has to be based on the scientific evidence—not preconceived, emotional biases. If we ignore the facts—and available reports—we run the risk of wasting our limited resources and finding ourselves breathing dirty air.

I have contacted the Naval Research Lab and requested more detailed information regarding their report, and I intend to bring it before my colleagues on the Environmental Pollution Subcommittee, when we begin our reconsideration of the Clear Air Act. In addition, I have asked EPA to provide me with their evaluation of this report.

At the same time, I will urge the Subcommittee to consider the recent report by the Stanford Research Institute, concerning the EPA proposed Parking Management Regulations—sometimes referred to as the PMR. Here again we find a scientific analysis flashing a warning to us—that we could be on the wrong road to clean air.

Just for brief background, the proposed PMR are based on two assumptions: that, one, regional control of carbon monoxide and oxidant emissions and, two, reduction of total vehicle miles traveled in an area, will lead to cleaner air. The Stanford analysis, however, stated unequivocally that "neither of these underlying principles is supportable; in fact, empirical test results show opposite conclusions." I do not intend to go into this Report in detail here today, but I believe that a few pertinent points will illustrate the complexity of the problem facing the 94th Congress in their evaluation of the Clean Air Act and its resulting regulations.

First, Stanford explicitly disagreed with the assumption that the Parking Management Regulations would discourage vehicle travel. In fact, Stanford concluded that in many ways the proposed PMR would encourage increased vehicle miles traveled, and increased carbon monoxide emissions. In addition, the report concludes that "there is no a priori reason to expect that all VMT reduction measures will result in corresponding decreases in emission of reactive hydrocarbons (HRC), oxides of nitrogen (NO_x), and carbon monoxide (CO)."

These conclusions are extremely disturbing. They form the basis for a serious charge against both EPA and the U.S. Congress. The Federal government's only justification for imposing the existing and proposed civil and criminal penalties against private citizens is to protect the health of all citizens. If the proscribed acts do not threaten that health, then the penalties are certainly unjust. And, it is the responsibility of the Congress to determine if the authority for such controls—as the Parking Management Regulations—is indeed necessary to protect the rights of all citizens. Speaking as one Member of the Senate, I intend to work for a full investigation of the scientific basis for both the existing and the proposed air quality legal requirements.

The National Academy of Sciences study completed last year will also be helpful in this regard. I regret that the Academy was unable to be more precise in its findings concerning the health effects of air pollution. But, even this lack of preciseness is useful, in providing us with an indication of the effort which is still required in our future investigations. For an example, we can examine that section of the Academy's report dealing with sulphur dioxide.

The question of adequate standards for sulphur dioxide concerns more than the subject of environment. It has a direct impact on our energy supply situation, our international balance-of-payments problem, and our particularly serious problem of excess reliance on imported oil. Any stand-

ard for sulphur dioxide should be established based on the need to protect human health. If a tighter standard is proposed, then the adverse effects on other vital areas of national concern must be recognized.

In this regard, the Academy report clearly illustrates the problem facing us. In their words, concerning high sulphur dioxide concentrations resulting from burning fossil fuel, there is "no way to decide whether an observed effect is due to high particulate content, high sulphur dioxide content, or a high concentration of the combination of both." This doesn't leave us with much hard data with which to evaluate the existing standards. And, to further complicate our task, the Report adds that the generally-held view—that a high concentration of either sulphur dioxide or particulates is bad—may be open to question. The experience in London illustrates this, where improvement in health indexes has been observed despite a relatively small reduction in sulphur dioxide.

The Report includes what is to me an astonishing statement: "It is clearly a matter of great importance to determine the role of sulphur dioxide in the absence of high particulate pollution in causing health effects." Does this mean that the Federal government has set and enforced nationwide standards for sulphur dioxide without knowing the health effects? The answer appears to be "yes." And, the next question that has to be asked is, "Are the present standards too high or too low?" The answer is, to me, obvious—we don't know. But, considering the serious health implications of standards set too low versus the threats in other areas of national concern from standards which are too high, we had better find an answer soon.

I won't go into the Academy's work in any great detail, but will just briefly mention two other areas of specific concern—especially to a Congressional Committee responsible for determining the validity of its past actions, and ensuring the adequacy of its recommendations for protecting the public.

The Academy raised an extremely serious—and sensitive—point: should environmental standards be set to protect the vast majority of the population or should they be set on the basis that *all* pollution is bad, and should be eliminated? Obviously, from reading the Report, there existed a differing of views on this subject. We are left with only the simple statement "it is not practicable nor possible to protect everyone from every hazard." A simple statement, indeed, but one involving serious moral questions. And, I am sure that these questions will be raised soon in the Congress.

The other area which causes specific concern to me is that regarding the hazards of automotive pollution. Most of us, I am sure, have seen the press accounts of this area of the Academy's reports. They varied, but in general the public was told that automobile emissions cause 4,000 deaths a year in the United States. In fact, this figure has been quoted by political leaders, when expressing concern about automobile emissions. But, let us look at what the Academy *actually* said. I quote, "It is *suggested* that automobile emissions *may* account for *as much as* one quarter of one percent of the total urban health hazard. For the whole U.S. urban population, effects of this magnitude *might* represent *as many as* 4,000 deaths . . ." (emphasis added). And, the Report put even this figure into perspective by adding, "Four thousand deaths is . . . one-twelfth of the deaths from automobile accidents."

This does not mean, of course, that we should not be concerned about any possible automobile emission-related health hazards. Whether the figure is 4,000 or 1,000 or 400, it is a problem that should be—and can be—solved. But, the effort to solve the problem is not furthered by misuing scientific statements. It is fact—not sensationalism—that will be the basis for our progress in protecting the quality of our air.

The Congress received last year proposals from the Executive Branch concerning amendments to the Clean Air Act—proposals which I hesitate to label as the "Administration's position." The cover letter to these proposed changes was signed by the EPA Administrator and includes a surprising, and unusual, proviso. After explaining most of the suggested amendments, Mr. Train went on to say that there were two proposals which he does not support, but which "other Executive Branch agencies" believe are needed. In other words, there was no Administration position with regard to two of the most critical problems resulting from the Clean Air Act. I refer to the questions of "intermittent control systems" and "significant deterioration." These are two issues which have to be decided as first orders of business by the 94th Congress, and I am hopeful that the Ford Administration will quickly agree with itself.

The question of intermittent control systems is straightforward. The United States does not have adequate supplies of low-sulphur fuel, nor do we yet have technology commercially available for removing sulphur from coal before combustion. And, we most certainly do not have suitable systems available for removing sulphur dioxide from the exhaust gases of commercial-size electric power plants. The question, then, reduces to: do we want to use intermittent control systems or do we want to create even more serious shortages of fuel and energy, with the resulting economic and social impacts. The 94th Congress should face up to this question immediately.

I won't go into all the details concerning flue gas desulphurization. The findings of the Ohio Environmental Protection Agency have been published, and there can be no doubt that the hearing examiners in this case believe that the technology has not been demonstrated to a degree which would justify its installation. At the same time, they found that tall stacks are an effective means of meeting ambient air quality standards.

On the other hand, EPA has issued its own report which concludes that desulphurization systems are available and are effective. Incidentally, the hearings which EPA uses as the basis for its findings consisted primarily of papers and statements presented to an EPA panel. The hearings conducted by the Ohio EPA were based on sworn testimony, subject to cross-examination—in other words, an official adjudication hearing. But, instead of comparing the two reports, we can look briefly just at EPA's own conclusions and statements. We find, first of all, that many of the power plants used as examples of successful scrubber operations are in the range of 100 to 200 megawatts—definitely not full-size modern day plants. But, even with these plants we find test results such as "Performance unsatisfactory due to poor scrubber control," and scrubber "availability of 27%" or scrubber "availability of 5.1%." These do not sound like successful operating histories. But, EPA now uses the decision of Philadelphia Electric to install scrubbers as a proof of their acceptance. The official EPA release on this decision quotes the President of Philadelphia Electric as saying, "The sulfur removal system we have *under development* is a good one. I have great faith that we can make anything work *if we have to.*" (emphasis added).

Terms such as "under development" and "great faith" do not sound to me like descriptions of operational, proven systems. The phrase "if we have to", however, probably gives us a clearer indication of why Philadelphia Electric chose to take this route towards compliance with EPA demands. But, who loses in the end?

The public, of course, the public will end up paying for the additional costs of these expensive systems, plus paying for disposal of the byproducts of the various systems. And, after all that, we will not have improved our air quality. With bypasses as standard equipment and operating reliabilities below 25%, ambient air quality measurements would probably not detect any appreciable improvement. The public loses all the way around.

One personal point of interest concerns a statement in the cover letter from EPA, to the effect that intermittent controls could be more costly because of possible new requirements to deal with sulfates. I remember that, in early 1973, during hearings concerning automotive emissions, I raised the sulfate question with our EPA witness. My concern was that the use of catalytic converters on automobiles could create emissions of both sulfates and sulphuric acid. My concern was based strictly on the basic chemistry of the oxidizing catalyst, wherein sulphur dioxide in the engine exhaust would be converted to SO_3. At that time, I was officially assured by EPA, and General Motors, that no such problem existed.

Despite my insistence on this subject, EPA and GM's arguments were more persuasive with my colleagues. As you know, EPA has finally admitted that the catalytic converter does indeed produce emissions of both sulphuric acid and sulfates. However, we are now told, this is no problem because of the small number of cars which will use this device. In fact, we are told that there will be no health hazard during the next two years. It appears, however, that EPA uses the sulfate question as a two-edged sword. I am hopeful that their present research will finally provide some accurate, scientific data concerning sulfate levels and their health effects.

Incidentally, in fairness I should mention that the Ford Motor Company also attempted to warn the Senate Public Works Committee about sulphuric acid emissions, during those 1973 hearings. And Chrysler, of course, very prophetically warned of the entire range of problems which would be created by mandating the use of the converter—warnings which were supported by the National Academy of Sciences' report. One of the often repeated warnings was the impact that converters and unleaded fuel could have on 1975 auto sales.

Once more, though, we have an example where emotional, political demand superseded reason. Despite clear evidence that superior alternatives to the catalytic converter were available and could have become production equipment in a relatively short time—the Congress and the Administration insisted on sticking to decisions which had been made several years earlier. Once again, it is the public and the environment which pay the cost.

The U.S. Congress would do well to follow the example of the Idaho State Legislature. Its House Joint Memorial No. 20 contains the basic, commonsense principles which should be kept in mind whenever a lawmaker enters the field of technology. As the Memorial states, the efficiency of engineering and mechanical devices is governed by predetermined laws of science. This does not mean, of course, that we cannot improve existing designs and make them cleaner and more efficient. In fact, the Japanese-designed CVCC engine decreases the pollution emissions by increasing the efficiency of the combustion process, thereby benefitting both the environment and our energy needs. But, this improvement had to be accomplished in accordance with the laws of nature.

As much as the U.S. Congress may wish to repeal the Second Law of Thermodynamics, it would be ridiculous to attempt it. But not as easily recognized as ridiculous are some of the serious proposals to legislate engine per-

formance, with no regard to other serious considerations such as safety. The recommendation of the Idaho legislature is fair and reasonable—that the Congress carefully reconsider such legislation already enacted. I am prepared to begin such an evaluation, and I will urge my colleagues to join me.

I have not been able to go into each of the significant questions which face us with regard to the Clean Air Act. The Senate Public Works Committee will be looking at each one closely, beginning soon, and I am certain that you will all be following our progress with at least some interest. One of the key factors in determining our degree of success will be public understanding of any proposed changes, and their relationship to our national goals and needs. In this area, especially, each of you will play a vital role. For that reason—among others—I am pleased to have had the opportunity to have told you about some of the questions which have been raised in my mind, together with some idea of the approach which I believe will be necessary if we are to successfully meet our responsibilities.

Such success will ultimately come, I believe, and will enable the final realization of that primary goal set down in the Clean Air Act Amendments of 1970; namely, to prevent and control air pollution in our Nation, so as to promote the public health and welfare and the productive capacity of our population. Regardless of difference of opinions on specific issues or points, adherence by all to this goal will ensure us success in this, one of the most worthy national efforts ever undertaken by the American people.

And, there can be no doubt but that the work of this Conference during the past two days will play a vital role in that success. Your work gives us the one absolutely essential ingredient for environmental statesmanship: scientific facts. Without your work, and the work of other concerned experts such as yourself, there can be no real progress in achieving our goal of a healthy environment. On behalf of my colleagues in the Congress who will be using the results of your work during the coming months and years—I thank you.

THE GENOCIDE CONVENTION: A FIRST STEP

Mr. PROXMIRE. Mr. President, an article in yesterday's Washington Post, entitled "Human Rights in Latin America" written by Rita E. Hauser, former U.S. representative to the United Nations Commission on Human Rights, expresses the need to work for respect of basic human rights by all the governments of the Americas.

The time has come to reaffirm our commitment to basic human rights not only in the Americas, but in all areas of the world. Speedy ratification of the United Nations Genocide Convention, about which I have risen to speak on so many occasions, would be a first step toward a new commitment to universal human rights. I urge my distinguished colleagues in the Senate to join me in my fight to secure ratification of the convention.

Mr. President, I ask unanimous consent that Ms. Hauser's article be printed in the RECORD.

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

HUMAN RIGHTS IN LATIN AMERICA

(By Rita E. Hauser)

(NOTE.—Rita E. Hauser served from 1969 to 1972 as U.S. representative to the United Nations Commission on Human Rights. She recently completed service as a member of the Commission on U.S.-Latin American Relations. This article is adapted from testimony before the Senate Foreign Relations Committee.)

Any attempt to revise our policy toward Latin America which fails to deal with suppression of basic human rights by governments of both the left and right will simply not be credible to serious people anywhere in the hemisphere. If we are to influence Latin America in the years ahead, it must be on the basis of shared human values which underpin our common heritage of freedom from foreign tyranny. Those values were collectively stated at the Bogota Conference of 1948, when the American Declaration of the Rights and Duties of Man was adopted as the "principal guide of an evolving American law." Included are the right to life, liberty and personal security, equality before the law, fair trial, freedom from arbitrary arrest, freedom of speech and religion. The Inter-American Commission on Human Rights was established in 1960 by the OAS as an advisory group and 10 years later made an official body of that organization, empowered to "keep viligance over the observance of human rights." The United States supported all these actions—but little else since—and has not made use of the commission on the very occasions when it might have given its best service.

Most observers would agree that an enlightened United States policy toward Latin America in the 1970s must be predicated on nonintervention in the affairs of the other American nations, with due respect for the diversity of their political and economic systems. But this is not a license for us to ignore both the legal and moral obligations we have to seek compliance by all OAS members with the norms of the Bogota Declaration, and to work affirmatively toward enforcement of those rights as against any member state flagrantly in violation of them. Indeed, for the United States to take action which could reasonably be interpreted as supportive of these violations, e.g., sending arms or aid to a government using our materiel for a systematic abuse of the rights of its nationals, is probably a breach of international law under the "aiding and abetting" concept.

What can we do in cases of gross violations of rights of nationals by a Latin state? It is not in our interest, nor is it fruitful, to take unilateral action, whether by economic, diplomatic or military steps, against an egregious violator of human rights in the Americas to compel a change in policy. The OAS Charter probably requires collective action, for only in this manner can the principle of nonintervention in the affairs of aonther state be legally circumscribed. The perfect vehicle for the United States to support is the Inter-American Commission on Human Rights. Its members are usually distinguished jurists of independent stature; its investigations in the 1960s as to the Dominican Republic, Honduras, El Salvador and Haiti, among others, were well received and no serious effort has been made to refute its factual findings. And it must be stressed that objective fact-finding is often the most difficult task in human rights disputes. Yet, in the past few years, we have done little to support its work.

The commission made a 4-year investigation of the government of Brazil, and condemned it for acts of killing and torture of political prisoners. Brazil rejected these findings and refused to comply with the commission's request that it investigate the charges and punish those guilty. The commission's report was presented to the 1974 Atlanta session of the OAS General Assembly, which merely thanked it for its work. No public discussion on the report took place, due, it is safe to say, to Brazilian lobbying. The United States was silent.

The commission has just completed a lengthy investigation of violations of human rights by the military government of Chile, finding serious failures on a massive scale by that government. It remains to be seen whether this report will have the same fate as the Brazilian study when it reaches the OAS General Assembly this spring—and what role the United States will take in getting it aired. If the report is debated at the Assembly, most experts believe that virtually all OAS members will feel obliged to support a resolution calling on Chile to change its practices.

In dealing with a possible change of policy toward Cuba by the United States and the OAS, we should call for a commission investigation of Cuba's violations of human rights as concerns their large numbers of political prisoners. If Cuba refuses to permit a commission study, I, for one, would have little hesitation in continuing a policy of quasi-exclusion of Cuba from the OAS.

It would be idealistic in the extreme to expect equal respect for basic rights as among the varied nations of the hemisphere. But it is likewise cynical in the extreme to ignore governmental conduct which is violative of the basic concepts that unite the people of the Americas. Not only is that course of action morally and legally indefensible, but in the long, if not the short run, it promotes instability, often violent revolution, within the countries involved and thus discontinuity in our own relations with those countries. It is in our mutual interest to work diligently for respect of basic human rights by all the governments of the Americas. A policy in support of freedom is the best policy, and the safest, this nation can pursue.

AUTOMOBILE EMISSION STANDARDS

Mr. BELLMON. Mr. President, it is not ordinarily well received to say, "I told you so." I am making an exception to this rule today; not with any sense of smugness, but with a sense of sadness.

On September 11, 1973, I introduced S. 2400 to freeze automobile emission standards until a thorough review of the entire emission control problem could be completed. If we had done this, Mr. President, we would have saved scarce oil resources, saved billions of dollars of capital investments in this technology which was sorely needed in our hard-pressed economy for other investments, and avoided the loss of sales in our currently depressed automobile industry.

Mr. President, the rush to premature technical judgments that occurred in this area must not be repeated either here or in other areas. To say, "I told you so" is also to say, "Heed the admonition that 'What is Past is Prolog.' "

Mr. President, I plan to introduce legislation freezing present nationwide automobile emission standards. This goes slightly beyond what the President asked for. It gives Mr. Train slightly more than what he said he recommended yesterday. But, I say we cannot afford another mistake of this sort in the current state of our affairs.

Mr. President I ask unanimous consent that an editorial along these lines appearing in today's Wall Street Journal be printed in the RECORD.

Mr. President I also ask that S. 2400, my introductory statement of September 11, 1973, and the final list of cosponsors of that bill be reprinted in the RECORD at this point.

Finally, Mr. President I ask unanimous consent that a statement I made on November 5, 1973, before the Public Works Committee on S. 2400 be printed in the RECORD since it draws attention to the then emerging energy crisis and the relation of automotive emission standards to that crisis which has only grown worse with time and which we still seem unable to solve.

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

[From the Wall Street Journal, Mar. 5, 1975]

WE TOLD YOU SO

At long last, the Environmental Protection Agency has admitted that a colossal mistake was made by the government in forcing the automobile industry into catalytic converters. The gadgets that supposedly would clean the air by removing emissions of hydrocarbons and carbon monoxide in fact are fouling the air even worse by spewing out sulphuric acid mists.

EPA chief Russell Train yesterday broke this news by announcing a year's delay in further tightening the emission standards and by recommending to Congress a plan that would probably eliminate the need for the catalyst by model year 1979. EPA could not quite bring itself to admit that because catalysts do more harm than good to public health the contraptions should not be phased out but torn off immediately. To do that, of course, would mean violation of the Clean Air Act of 1970, which sets the standards for HC and CO, but says nothing about sulphuric acid mists and the respiratory diseases they cause.

The episode is one we hope will cause some sleepless nights in the appropriate homes in and around our nation's capital. There's always the large chance that legislative or administrative decisions will turn sour, of course, and there's nothing shameful in that so long as the error is rectified and forgotten. But in this experience, it has been painfully clear for almost two years that the government had fouled up, yet stubbornly pushed ahead anyway because the individuals responsible refused to admit to themselves that a mistake had been made.

In was perhaps easier for Washington to cling to its ways because the first prominent (and now vindicated) warning that the nation was on the wrong track came in a controversial advertising campaign by Chrysler Corp. In popular mythology such business warnings are self-serving, while clean-air Senators and EPA bureaucrats are assumed to have no self-aggrandizing motives. But for those who cared to learn enough about the issue to judge it not by motives but by merits, the conclusion Mr. Train yielded to yesterday has long been apparent.

A committee of the National Academy of Sciences, for example, only came to conclusions much like Chrysler's. And on this page, the first warning of the problems of catalysts came in a May 21, 1973 article ("Oh, Oh! Here Come the Catalyst") and an accompanying editorial ("Senator Muskie's Ducks") that concluded: "Now is the time for Senator Muskie to back off a bit, to make sure the standards really are solid, to make sure the auto makers are directed down the most promising technological paths rather than the worst ones, to get all the ducks in a row."

A series of editorial warnings followed: June 1, 1973 ("The Tailpipe Debates"); June 11, 1973 ("Behold the Market Place"); September 28, 1973 ("The Scientific Method"); October 4, 1973 ("Congress and Catalysts"); Nov. 5, 1973 ("Last Chance on Catalysts"); Nov. 5, 1973 ("The $8 Billion Buck Passing"); and Nov. 30, 1973 ("Decision on Catalysts").

In the October 1973, editorial, for example, we commented on the concern at the National Environmental Research Center about the sulphuric acid mist problem. "The only mistake will be if Congress now refuses to adjust to the scientific information it did not have when the act was passed. Such a refusal would surely lead to enormous and unnecessary expense, and if the scientists are correct about the sulfate problem, would also damage public health rather than improve it."

But Senator Muskie, author and architect of the Clean Air Act, did not back up a bit, Congress refused to adjust, the EPA called for no congressional reassessment. To have done so would supposedly have been a setback to the environmentalist crusade, a "knuckling under to the auto tycoons." Instead, the petroleum industry had to spend a small fortune converting to unleaded gasoline, because leaded gas poisons catalysts. About 100,000 service stations had to add another pump to accommodate the catalysts. Factories had to be built to make the things; all this effort added to the cost of automobiles and thus forced a deeper recession on Detroit and the economy in general than would otherwise have been the case. An enormous and unnecessary expense.

Even so, maybe these costs will prove to be a good investment. Passage of the Clean Air Act in itself was a healthy development, even though it carried through on the wings of environmental zealotry and had behind it little in the way of substantive deliberations. The terrible error came when the politicians refused to adjust the act to realities, thereby punishing the society and the economy. Perhaps the enormous costs of this experience can be recouped if Washington learns a few lessons: That there are serious pitfalls in running an entire industry by remote control, that the public interest should come before the pride of authorship, that someone professing noble intentions like cleaning up the air is not invariably right, and that businessmen are not invariably wrong.

[From the Congressional Record, Sept. 11, 1973]

STATEMENT BY MR. BELLMON

S. 2400. A bill to amend section 202 of the Clean Air Act with respect to motor vehicle emission standards. Referred to the Committee on Public Works.

CLEAN AIR ACT AMENDMENTS

Mr. BELLMON. Mr. President, in a recent interview, Robert W. Fri, former Administrator of the Environmental Protection Agency, stated in reference to EPA transportation control proposals for Los Angeles, that:

"Such extreme remedies surely were not envisioned by Congress when it enacted the Clean Air Act of 1970."

He went on to say:

"Nevertheless, the government must take these steps to meet national ambient-air standards by May 31, 1975, unless the law is changed."

Mr. President, I propose to change that law.

I firmly believe that certain amendments to the Clean Air Act are indicated in order to prevent unnecessary waste of scarce energy resources which will cause great hardship and even deaths this winter among those who cannot get fuel for home heating and other essential purposes.

It has become abundantly clear that there is not enough fuel available at the present time to do everything everyone wants done. Nor will this condition improve in the immediate future. On the contrary it will likely get worse—perhaps much worse.

Already most Americans have had personal experiences with energy shortages. Empty gasoline pumps, brown-outs, reduced airline operations, shortages of energy-derived agricultural fertilizers, and empty home heating fuel tanks are only a few of the symptoms that "a nation that runs on oil is running short."

Mr. President, we presently consume in this country 16 million barrels of crude oil per day. Over 50 percent is represented by gasoline consumption. The present EPA regulations will significantly increase the consumption of the automobile population in the years to come. It has been estimated by the Office of Emergency Preparedness that these standards, which are highly questionable as to their effectiveness, will increase fuel consumption over the next 30 years by 48 billion barrels of crude oil which amounts to almost 8 years of our annual crude oil consumption.

A strong debate has been going on since the passage of the Clean Air Act regarding the merits of the emission standards that were established. It has been argued that the emission standards, if attainable from a technological standpoint, may in fact not be that solution to the vehicle emission problem.

Mr. President, I wish to submit for the record a memorandum written by Dr. Edward G. David, Jr., of the Office of Science and Technology, regarding EPA vehicle emission regulations. This document seriously questions EPA regulations. In regard to the national automotive emission standards, the Office of Science and Technology states it "does not believe it is in the interest of the consumer or the nation to have a uniform national automotive emissions standards."

Mr. President, I ask unanimous consent that the memorandum by Dr. David be printed in the RECORD following my remarks.

Not only are we faced with the danger of making the wrong decision that would cost billions of dollars to the American consumer, we are also running the risk of severely aggravating our present energy shortage through ar inordinately high consumption rate brought about by these emission control devices.

It is for this reason, Mr. President that I am introducing legislation to help husband the limited supplies of fuel we have available so that the highest priorities of human need can be met. It makes little sense to waste fuel nationwide in inefficient automobile engines in a premature effort to clean up the air in a few large metropolitan areas while much of the country is cold, dark, or paralyzed.

More time is needed to develop new fuel sources and new emission control devices. This bill will gain that time.

It is becoming more and more obvious that adding devices onto conventional automotive engines is not the ultimate solution to vehicle emissions. Even pursuing this course for some short term interim period until better technology is developed will cause a significant waste of energy resources. It will also produce 3 to 5 years of low-performance, high-maintenance cost cars, which require special expensive lead-free fuel.

Mr. President, this bill would amend the Clean Air Act to suspend all emission controls standards beyond the 1974 model year until such time that a thorough review of the entire vehicle emission control problem is completed.

In addition, it calls for careful consideration of any environmental regulations as to the effect they have upon the economic health of the country.

My proposal also calls for an in-depth study of the entire vehicle emission problem to be conducted jointly by the National Academy of Sciences, the Office of Technological Assessment and other inter-

ested governmental agencies. Upon completion of this study in 1976, a decision will be made by the Administrator of the Environmental Protection Agency with the consent of Congress as to what further course of action is required in the vehicle emission control area.

Mr. President, while I do not quarrel with the intent of environmental legislation, in view of the energy crisis this Nation faces it is apparent that a reevaluation of priorities is necessary and a determined search for rational solutions must be undertaken. We simply cannot afford to cause people to freeze in their homes this winter for lack of heat in order to achieve arbitrary environmental benchmarks.

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

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

S. 2400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of the Clean Air Act is amended to read as follows:

"ESTABLISHMENT OF STANDARDS

"SEC. 202. (a) Except as otherwise provided in subsection (b)—

"(1) The Administrator shall by regulation prescribe (and from time to time revise) in accordance with the provisions of this section, standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles or new motor vehicle engines, which in his judgment cause or contributes to, or is likely to cause or to contribute to, air pollution which endangers the public health or welfare. Such standards shall be applicable to such vehicles and engines for their useful life (as determined under subsection (d)), whether such vehicles and engines are designed as complete systems or incorporate devices to prevent or control such pollution.

"(2) Any regulation prescribed under this subsection (and any revision thereof) shall take effect after such period as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period.

"(b)(1) The regulations under subsection (a) applicable to emissions of carbon monoxide and hydrocarbons from light duty vehicles and engines manufactured during or after model year 1975 shall contain standards which were established for the 1974 model year.

"(2) Emission standards under paragraph (1), and measurement techniques on which such standards are based (if not promulgated prior to the date of enactment of the Clean Air Act Amendments of 1970), shall be prescribed by regulation within one hundred eighty days after such date.

"(3) For purposes of this part—

"(A)(1) The term 'model year' with reference to any specific calendar year means the manufacturer's annual production period (as determined by the Administrator) which includes January 1 of such calendar year. If the manufacturer has no annual production period, the term 'model year' shall mean the calendar year.

"(ii) For the purpose of assuring that vehicles and engines manufactured before the beginning of a model year were not manufactured for purposes of circumventing the effective date of a standard required to be prescribed by subsection (b) the Administrator may prescribe regulations defining 'model year' otherwise than as provided in clause (i).

"(B) The term 'light duty vehicles and engines' means new light duty motor vehicles and new light duty motor vehicle engines as determined under regulations of the Administrator.

"(4) On July 1 of 1971, and of each year thereafter, the Administrator shall report to the Congress with respect to the development of systems necessary to implement the emission standards established pursuant to this section. Such reports shall include information regarding the continuing effects of such air pollutants subject to standards under this section on the public health and welfare, the extent and progress of efforts being made to develop the necessary systems, the costs associated with development and application of such systems, and following such hearings as he may deem advisable, any recommendations for additional congressional action necessary to achieve the purposes of this Act. In gathering information for the purposes of this paragraph and in connection with any hearing, the provisions of section 307(a) (relating to subpenas) shall apply.

"(5)(A) At any time after January 1, 1972, any manufacturer may file with the Administrator an application requesting the suspension for one year only of the effective date of any emission standard required by paragraph (1) with respect to such manufacturer. The Administrator shall make this determination with respect to any such application within sixty days. If he determines, in accordance with the provisions of this subsection, that such suspension should be granted, he shall simultaneously with such determination, prescribe by regulation, interim emission standards which shall apply (in lieu of the standards required to be prescribed, by paragraph (1)) to emissions of carbon monoxide or hydrocarbons (or both) from such vehicles and engines manufactured during the duration of these standards.

"(B) Any interim standards prescribed under this paragraph shall reflect the greatest degree of emission control which is achievable by application of technology which the Administrator determines is available, giving appropriate consideration to the cost of applying such technology within the period of time available to manufacturers, except that no technology shall be allowed that is not compatible with the expected ultimate system or that is likely to induce significant waste of scarce energy resources.

"(C) Within sixty days after receipt of the application for any such suspension, and after public hearing, the Administrator shall issue a decision granting or refusing such suspension. The Administrator shall grant such suspension only if he determines that (i) such suspension is essential to the public interest or the public health and welfare of the United States; (ii) all good faith efforts have been made to meet the standards established by this subsection; (iii) the applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available for a sufficient period of time to achieve compliance prior to the effective date of such standards, and (iv) the study and investigation of the National Academy of Sciences conducted pursuant to subsection (c) and other information available to him has not indicated that suitable technology, processes, or other alternatives are available to meet such standards.

"(c)(1) The Administrator shall undertake to enter into appropriate arrangements with the National Academy of Sciences and other concerned Government agencies to conduct a comprehensive study of the entire vehicle emission problem. Factors considered should include but not be limited to:

"(A) available technology for engine design and emission control systems,

"(B) energy conservation aspects of the desired solution,

"(C) air quality requirements and reasonable time frame for achieving them,

"(D) costs versus effectiveness for incremental levels of control, and

"(E) effect of alternate strategies such as transportation controls and land use planning or air quality.

"(2) Of the funds authorized to be appropriated to the Administrator by this Act, such amounts as are required shall be available to carry out the study and investigation authorized by paragraph (1) of this subsection.

"(3) In entering into any arrangement with the National Academy of Sciences for conducting the study and investigation authorized by paragraph (1) of this subsection, the Administrator shall request the National Academy of Sciences to submit semiannual reports on the progress of its study and investigation to the Administrator and the Congress, beginning not later than January 1, 1974, and continuing until such study and investigation is completed, not later than July 1, 1976.

"(4) The Administrator shall furnish to such Academy at its request any information which the Academy deems necessary for the purpose of conducting the investigation and study authorized by paragraph (1) of this subsection. For the purpose of furnishing such information, the Administrator may use any authority he has under this Act (A) to obtain information from any person, and (B) to require such person to conduct such tests, keep such records, and make such reports respecting research or other activities conducted by such person as may be reasonably necessary to carry out this subsection.

"(5) Upon review of the report the Administrator shall recommend, after such hearings as he may deem advisable, additional congressional action necessary to insure implementation of the optimal engine-fuel-hardware strategy for emission control.

"(d) The Administrator shall prescribe regulations under which the useful life of vehicles and engines shall be determined for purposes of subsection (a)(1) of this section and section 207. Such regulations shall provide that useful life shall—

"(1) in the case of light duty vehicles and light duty vehicle engines, be a period of use of five years or of fifty thousand miles (or the equivalent), whichever first occurs; and

"(2) in the case of any other motor vehicle or motor vehicle engine, be a period of use set forth in paragraph (1) unless the Administrator determines that a period of use of greater duration or mileage is appropriate.

"(e) In the event a new power source or propulsion system for new motor vehicles or new motor vehicle engines is submitted for certification pursuant to section 206(a), the Administrator may postpone certification until he has prescribed standards for any air pollutants emitted by such vehicle or engine which cause or contribute to, or are likely to cause or contribute to, air pollution which endangers the public health or welfare but for which standards have not been prescribed under subsection (a)."

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF SCIENCE AND TECHNOLOGY,
Washington, D.C., November 1, 1972.

Memorandum for Mr. Donald E. Grabill, Office of Management and Budget.

From: Dr. Edward E. David, Jr.

Subject: EPA Proposed Regulation Affecting Lead in Gasoline.

OST has reservations with respect to both major thrusts of this regulation:

(1) The requirement that unleaded gas be made available nationally after July 1, 1974. Any individual who operates a single retail outlet which sells 200,000 or more gallons annually shall offer unleaded gas, or any person who operates six or more retail outlets shall offer unleaded gas at no fewer than 60% of such outlets.

(2) The requirement that the lead content per gallon in leaded gasolines be decreased

from 2 grams to 1.25 grams per gallon during the period January 1, 1974 to January 1, 1977.

With respect to the first thrust of the regulation, the peak lead level specified of .05 grams and the peak phosphorous level of .005 grams per gallon seem adequate to meet the requirements of those catalytic emission control systems designed to meet the 1975–1976 standards. There is some question as to the sulphur content of gasoline and its effects on catalysts. While most modern refining techniques reduce sulphur considerably, we cannot be assured that only low sulphur gasoline would be available from all refineries. Experience to date indicates that sulphur may collect on catalysts and poison them when the driving cycle is mild. A demanding driving cycle seems to burn off deposited sulphur from catalysts. If sulphur does become a problem presumably EPA could regulate its content in gasoline at some future time but hopefully before catalysts in consumers cars are destroyed.

NO NEED FOR A NATIONAL AUTOMOTIVE EMISSION STANDARD

However, OST does not believe it is in the interest of the consumer or the nation to have a uniform national automotive emissions standard. At least 30% of the nation's autos are in a region with an air quality that is unimpaired by cars meeting 1972 emissions standards. Much larger portions of the country have an air quality that would be unimpaired utilizing thermal reactors, some exhaust gas recirculation, and lead particulate traps if needed. Only a small portion of the country requires the most expensive emission abatement equipment, namely, catalytic converters mandated by the current automotive emission standards. Lead-free gasoline is needed only for this equipment.

The Clean Air Act should be modified to diminish the enormous financial burden with few compensatory benefits to the consumer required by present legislative requirements. Should the Clean Air Act be rationally modified, the requirement for unleaded gasoline to be nationally available in large quantities diminishes to a requirement for large quantities of unleaded gasoline in those regions where catalytic converters must be used and enough unleaded gasoline to provide reasonable mobility in those regions where cars equipped with catalytic converters may drive but are not required. The issue for the government is whether to require retailers to plan to have a uniformly widespread distribution of unleaded gasoline even though this would not be required if rational modifications to the Clean Air Act could be obtained.

With respect to the second thrust of these regulations, OST has reviewed the medical evidence that supposedly supports the EPA Administrator's desire to reduce the lead content of gasoline. OST finds the Administrator's position in this regard unsupported by the evidence. OST also finds that there are better strategies should the health issue be supportable than the one selected, namely, the use of lead traps in car exhaust systems rather than a general reduction of lead in gasoline.

LACK OF MEDICAL EVIDENCE TO SUPPORT FINDINGS

With respect to the medical evidence, there is no correlation between airborne lead and lead levels in blood for the range of airborne lead levels encountered in rural or urban communities, as the following Table 1 indicates:

TABLE 1

	Airborne lead density (micrograms/M³)	Lead blood level (micrograms/100 ml)
Pasadena	3.4	17.5
Ardmore (Philadelphia suburb)	1.15	18.0
Los Alamos	.2	15.0

On the average, it is true that urban populations have somewhat higher lead blood level concentration than suburban populations—19 micrograms as compared to 17 micrograms—of the order of 10%. However, there is the same difference in lead level concentration between smokers and nonsmokers. While it is true that airborne levels were higher in 1968–1969 than in 1961–1962, there is no indication that lead blood levels in either urban or rural populations are approaching clinically significant levels of 40 micrograms per milliliter.

EPA's health concern seems to focus on the ingested as compared to respired lead due to lead particulates exhausted by automobiles. EPA reports levels of lead in dust fall on some urban streets of 0.3% to 0.5%. They also point out that this is comparable to the current standard of lead paint, 1%, and that the proposed standard for leaded paint is .06%.

However, the lead dust fall in Los Angeles should be greater than lead dust fall in most other communities because of the greater dependence on the automobile. Airborne lead measurements seem to support this conclusion. Nevertheless, to the best of our knowledge, no lead poisoning attributed to ingestion of urban lead dust has occurred in the Los Angeles area in the last decade. However, in the older ghettos of urban areas with less automotive dependence than Los Angeles and lower concentrations of airborne lead, there are cases of deaths due to lead poisoning. It seems to be attributable to the very high concentrations of lead in paint (30%) in houses built before 1940. Both the stucco construction and the small number of houses predating 1940 in Los Angeles seem to minimize exposure to the lead in paint in Los Angeles.

Thus the urban area problem does not seem to be the dust fall due to lead in gasoline or even the lead in paint at the 1% level but the legacy of high lead concentrations in paint (30%) used before the 1940–1950 era. It would seem reasonable to concentrate abatement strategy on the greatest threat. There is no evidence that the lead in dust fall (at most 1.5% of the lead in old paint) is the critical exposure that leads to lead poisoning in children in older urban areas. There is no evidence that the high level of roadside lead in dust is correlated with regions where children are likely to play. There is no evidence of the duration of such levels as a function of wind or rainfall. In other words, EPA's presentation does not correlate high instances of urban roadside lead dust with exposure to children who might ingest it or to known instances of high lead blood levels. Before a lead abatement strategy could be promulgated by the Administrator on this basis it would seem that these issues would have to be addressed.

LEAD ABATEMENT STRATEGIES

Should further analysis justify a general lead abatement strategy, OST believes that lead traps in muffler systems are an effective approach that will not diminish fuel economy and that will be more cost effective than the reduction of lead in gasoline. Long-term—in the 1980's—engine technology will probably develop so that low octane fuels without lead additives can be efficiently used.

While EPA grants the effectiveness of lead particulate traps for the large particle size, they seem concerned about the ability of lead particulate traps to operate on smaller particle sizes. This is an unrealistic concern for two reasons:

(a) The literature continues to report improvements in the ability of lead particulate traps to catch small particles.

(b) The smaller particles, less than 0.3 microns, probably are airborne for considerable periods of time and do not cause the high concentrations noted in roadside dust. For example, the settling time of 0.1 micron particles is 3–4 hours to fall one centimeter. The settling time for a one-micron particle is 5 minutes for one centimeter. The smaller range of particles contribute to the general burden of atmospheric lead but certainly not to roadside lead. Therefore, if the medical concern of EPA is roadside lead dust levels, particulate traps effective to 0.3 microns may be quite adequate.

The average muffler is replaced every two years. A lead abatement strategy that calls for a muffler that includes lead particulate traps would increase the price of installed mufflers by approximately 20%. A lead abatement strategy could require that all replacement mufflers include lead particulate traps. In a short time at low cost the bulk of the car population would be so equipped. Lead particulate traps within mufflers can contain the lead volumes that would be generated during 100,000 miles of driving. The cost of such a muffler replacement program would be less than the cost of altering the refining capacity to obtain the proposed lowering of the lead content of leaded gasoline and would provide greater lead reductions.

COSTS OF REMOVING LEAD

Since there is no indication that lead is biologically helpful, one would naturally desire to remove lead unless there were a penalty in some other portion of the social system. That penalty is substantial. The penalty can be understood in terms of the automotive emission standards achievable by various technologies. Table 2 is a comparison of California 1975 standards, the standards achievable by use of a lean thermal reactor and the 1976 federal standards that may be achievable with catalytic converters and unleaded gasoline.

TABLE 2.—EMISSION STANDARDS

[gram/per mile]

	California 1975	Thermal reactor	1975 Federal
HC	1.0	0.6	0.41
CO	24.0	9.0	3.4
NO_x	1.5	1.5	.4

In current technology engines there is a fuel penalty due to lowering of compression ratio. In current technology engines lead additives are required to maintain compression ratio. This fuel penalty is variously estimated from 5.4% to 11.9%. The cost over a 85,000-mile car lifetime due to the decrease in compression ratio and the necessity to use nonleaded gasoline, is estimated to be a total of $160 per car—$30 due to increased fuel cost and $130 due to decreased mileage due to lower compression ratio. This cost penalty is based on the lower fuel penalty estimate, namely 5.4%.

Table 3 compares the cost of alternate approaches to meeting emission standards over the car lifetime. Because of measurement errors in background NO_x levels and because of the penalties in meeting the 1976 NO_x requirement, the costs are calculated in Table 3 for the current federal NO_x standard at 0.4 grams per mile and an assumed change in that standard to 0.8 grams per mile. Furthermore, since it is by no means cetrain that catalysts can last for 25,000 miles, the costs have been calculated for two cases (1) where the catalyst is assumed to last for 25,000 miles, and (2) where the catalyst is assumed to last for 50,000 miles.

By comparing Tables 2 and 3 it can be seen that the lean thermal reactor at a cost of $230 over the car lifetime can more than meet the California 1975 standards. The catalytic converted cost varies from $700 to $1100 over the care lifetime and may not be able to meet the federal 1976 standards.

It is probably true that only 10–20% of the cars in the U.S. have to meet the 1976 federal standards in order to satisfy ambient air quality. The remainder would be satis-

fied either by cars utilizing 1973 technology or a lean thermal reactor. The net savings to the country is approximately $6 billion annually.

TABLE 3.—COSTS OF ALTERNATE APPROACHES OVER CAR LIFETIME (85,000 MILES)

[Dollars]

	Lean thermal reactor	Catalytic converter	
		(a)	(b)
Initial equipment	230	390	390
Fuel penalty: compression ratio		160	160
To achieve NO_x:			
At 0.4 gram/mile		230	
At 0.8 gram/mile			40
Dual catalyst replacement (per change net costs):			
25,000 mile lifetime		330	
50,000 mile lifetime			110
Total	230	1,110	700

Table 4 represents the annual import cost of the catalytic converter relative to lean thermal reactor approach.

TABLE 4.—IMPORT COSTS RELATIVE TO LEAN THERMAL REACTOR

[Millions of dollars per year 1985]

	NO_x0.4 grams/mile	NO_x0.8 grams/mile
Platinum/palladium [1]	500	500
Fuel ($4 barrel) [2]	2,000	1,000
Total	2,500	1,500

[1] Platinum imports are a function of recycling capability which is not taken into account here.
[2] Fuel costs are lowest estimate provided.

It is well known that the costs exceed the benefits of the nationally imposed federal 1976 standards by considerable margins—approximately $6 billion per year. One should consider the costs to the consumer, the impact of the additional imports, and the cost/benefit relationship when evaluating the health threat.

TECHNOLOGICAL FORECASTS

Engines developed for the 1980 time frame will probably be less dependent on compression ratio and flame front propagation than current engines. This means that lead additives would be unnecessary and low octane fuels would be appropriate. This is probably true for external combustion engines, gas turbines, compression ignition engines, spark ignited dual chamber and stratified charge engines. Most of these engines have promise of meeting the 1976 federal standards in the 1980's at lower cost and far greater fuel efficiency than the current spark ignited internal combustion engines. It would not be a wise expenditure of national fluids ($2 billion) to provide for the refining and distribution of no lead gasoline when there is a strong possibility that alternate propulsion systems using an entirely different fuel may be predominant in the 1980's.

LIST OF CO-SPONSORS OF S. 2400

1. Mr. Bennett.
2. Mr. Bartlett.
3. Mr. Brock.
4. Mr. Curtis.
5. Mr. Fannin.
6. Mr. Scott of Virginia.
7. Mr. Taft.
8. Mr. Hansen.

STATEMENT BY SENATOR HENRY BELLMON BEFORE THE SENATE PUBLIC WORKS COMMITTEE, NOVEMBER 5, 1973

Mr. Chairman, and Members of the Committee: I appreciate this opportunity to appear before you and to present my views regarding the vehicle emission standards as defined in Title II of the Clean Air Act Amendments of 1970.

I understand that these hearings are to be directed to the specific problems of new and possibly harmful catalytic converter emissions, such as sulphuric acid, and particulate sulfates. However, I respectfully hope that this committee will at the same time consider the full implications of the many complex social and economic issues so inextricably associated with vehicle emission standards.

Mr. Chairman, I recognize that many aspects of this subject are highly technical. I have had a member of my staff, Mr. Carl Kettler, working on this subject for many months. Also, I have relied upon the expertise of Mr. Miles Brubacher, a private consulting engineer and former chief engineer of the California Motor Vehicle Pollution Control Board. I ask that these gentlemen be allowed to accompany me to the witness stand.

It is my understanding that there are numerous experts present at these hearings who will address themselves to the detailed technical aspects of these issues. I wish to address myself to the enormous impact that the vehicle emission standards, particularly those established for 1975 and beyond, have upon this nation's ability to maintain the economic vigor and the social well-being of the American people. It is now abundantly clear that our desire to achieve a relatively clean environment cannot be separated from the needs of our citizens to have sufficient energy to run their factories, to transport their goods, and to heat and illuminate their homes.

Mr. Chairman, as a result of your foresight and leadership in sponsoring S. Res. 45, the Senate has been conducting indepth and intensive studies relating to this nation's national fuels and energy policies. I have had the privilege of participating in these studies. It became clear to me, quite some time ago, that this nation was approaching a severe energy crisis. That shortage is now here.

Many factors have brought about this crisis, and I do not appear before you today to categorize them. However, one contributing factor, which has increased energy demand, particularly for gasoline, is vehicle emission standards. We do not need to be astute or experienced automotive engineers to realize that today's automobile is far less efficient in the use of fuels than models of a few years ago. The consumer knows full well that he is buying more gas, more frequently, than ever before. He is not reassured by "official" estimates that this emission control fuel penalty is only a modest amount. In addition, the associated equipment and maintenance costs, particularly those anticipated to come with 1975–76 standards, place a heavy financial burden on many of our citizens without assurance of achieving desired emission control results.

To achieve the 1975 interim California emission standards, or even the interim 1975 Federal standards, catalytic converters have been prescribed. Intense technical debates concerning the effectiveness of this device have continued unresolved during these past months, and newly raised questions have precipitated today's hearings. I believe that it is essential to have a resolution of these questions before we are irreversibly committed.

On September 11, 1973, I introduced S. 2400 which has been referred to your committee for action. This bill calls for stabilizing vehicle emisison standards at the 1974 level, until such time as a comprehensive study is completed and recommendations are submitted to the Congress by the National Academy of Sciences.

The present National Academy of Sciences review of this matter, which your committee has wisely commissioned, would be expanded to include an assignment of the impact upon the economy and available energy resources as well as the social well-being of its citizens.

Among the most pressing questions requiring a resolution are the energy depletion factors imposed by the requirements of the non-lead gasoline for operation of the catalytic converter, and also the new and added potential hazards from the combustion products from this new technology.

Respected and knowledgeable individuals have expressed their concern time and time again.

In a November 1, 1972 memo Dr. Edward E. David, Jr., of the Office of Science and Technology, seriously questioned EPA emission standards and stated that:

"OST does not believe that it is in the interests of the consumer or the Nation to have a uniform national automotive emission standard."

Dr. Philip Handler, President of the National Academy of Sciences, in testimony before the Energy Subcommittee of the House Aeronautics and Space Committee, urged that the Nation go slowly in committing itself to catalytic converter control systems on new autos.

Mr. Miles Brubacher, former chief engineer of the California motor vehicle pollution control board, states that:

"In my opinion catalysts will spell disaster for vehicle air pollution control. Catalysts will prove to be bad for the public, industry and government."

The lists of concerned, knowledgeable professionals can go on and on and I will not belabor the point. I would like to ask that some of these statements be printed in full in the RECORD.

Aside from the potentially harmful effects of the catalytic converter and the already questionable performance in controlling the intended pollutant, the use of this device could saddle the American consumer with billions of dollars spent for devices using unproven technology and further aggravate this nation's already critical energy shortage.

Vehicle emission controls have been estimated by the Office of Emergency Preparedness to consume up to 300,000 barrels of crude oil per day. This figure could increase if the statutory limits are retained.

The fuel economy ramifications of employing catalysts in new cars, including the engine compression ratio reduction penalties already imposed on new vehicles since 1971, are complex and demand a fuller examination than has yet been made available.

I would urge the Committee to carefully scrutinize the basis for the fuel economy claims of auto manufacturers. The public interest demands substantiation of these ambitious claims for catalyst technology before motorists commit hundreds of millions of dollars to inefficient and wasteful vehicles. Congress should not hastily condemn American motorists to the costs and frustrations of operating a generation of motorized lemons.

Many pertinent questions have been raised which deserve definitive answers:

Will catalyst technology permit substantial fuel economy through adjustment of engine paramaters as claimed?

Will much of these economies be derived from improved fuel and ignition systems not now on cars?

How large a vehicle fleet has been operated using catalytic converters and how many miles of satisfactory service has been accumulated on test vehicles to substantiate the fuel economy claims made by proponents of this device?

Are claims of fuel economy using catalytic converters overstated to the extent that much of the contemplated improvement can be achieved by non-catalyst equipped new 1974 cars using conventional fuels?

The American public deserves to know the

answers to these questions before being asked to accept catalyst technology on blind faith. I would hope that this committee would pose these questions to those who advocate imposition of catalyst technology on a nationwide basis.

Any substantial loss and/or possible wasteful use of scarce energy supplies would seem unjustified in view of the present Middle East embargo of oil shipments to the United States. As realists, we must face the fact that such embargoes have now become a permanent fact of life until this Nation again achieves energy self-sufficiency.

We have not yet felt the full detrimental impact of the current crude oil cut off that will unfortunately arrive at the same time as cold winter temperatures set in. The efforts to produce maximum quantities of heating oil this winter will further restrict the traditional build up of inventories of gasoline for the heavy spring-summer demand season.

We cannot expect relief from Europe, which has traditionally shipped us much of our processed petroleum products. This is particularly true of heating oil and power generating fuel for the New England states. This shortage will be worldwide. The Netherlands has already imposed a ban on weekend driving because that country is now being deprived of Middle East and North African oil.

Mr. Chairman, the reality of a fuel crisis is upon us. We must reconsider other national priorities in the light of this development.

Neither should we be optimistic about a mandatory fuel rationing or allocation program. Such a program can do little more than distribute as equitably as possible the available limited energy supplies. Shortages will still exist.

Let us not be deceived that this shortage is only of a temporary nature and that it will be resolved in the near future. Instead we can expect several years of energy belt-tightening. Under such circumstances this nation cannot permit conditions to prevail that waste our limited supply of energy without assured compensating benefits.

Unless the Congress acts promptly to provide a modest delay in the impending severe auto emission requirements, largely untried and potentially wasteful catalyst technology will be imposed nationwide on the new car buying public beginning next year.

In this likely sequence of events the catalyst equipped vehicles that may be produced for up to several years will represent a consumer burden from the standpoint of low performance as well as costly maintenance. Also they will require special fuels long after the introduction of improved engine designs, which more efficiently consume conventional fuels with superior environmental results.

Perhaps the most vexing question of all is how Federal and State agencies will monitor the success or failure of catalyst equipped vehicles. Without thorough and constant monitoring, motorists cannot be expected to maintain and replace catalytic converters. If prohibition laws were difficult to enforce in the 1920's, catalytic converter laws will likely be equally unenforceable in the 1970's, since they may waste millions of barrels of already critically short fuel. What seemed to be an attainable and desirable objective in 1970 must be re-examined in the light of the realities of 1973 and 1974.

In S. 2400 vehicle manufacturers would be permitted to continue to manufacture new motor vehicles over the next two or three model years meeting current 1974 level emission standards. Conventional motor vehicles would continue to be produced and normal engine, ignition and carburetion improvements could still be incorporated at regular model change intervals.

The public will be spared any mass imposition of untried technology. Our energy resources will not be unnecessarily depleted by a predictable decrease in fuel efficiency. In the meantime the National Academy of Sciences, which is presently investigating this matter and whose investigation would be expanded under the provisions of S. 2400, will present its findings to the Congress not later than July, 1976. The Congress could then act to impose whatever emission control limitations that it deems appropriate in light of 1976 conditions. I believe that this modest delay of two to three years, with minimal concessions on the level of vehicle emission controls, would serve the larger public interest.

I urge early and affirmative action on S. 2400.

MAINE

Mr. HATHAWAY. Mr. President, the people of Maine have a long and justifiable reputation for independence and resourcefulness. Twice in recent weeks, a writer from Maine, who is also the editor of the Maine Times, Mr. John Cole, has had articles printed in national magazines. Inasmuch as New England in general and Maine in particular have squarely faced the problems of dealing with a rigorous winter along with the cost and shortage of fuel, and Mr. Cole has articulately described the conditions and some possible solutions to these problems, I would like to share with my colleagues the two articles.

I ask unanimous consent to have them printed in the RECORD.

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

As Maine Goes

Geography may not be the parent of ideas, but surely it is an uncle. Maine lunges from the corner of the northeastern United States as if it were leaping to freedom in the North Atlantic. Every schoolchild recognizes the state for its geographic extremity; and the Yankees who live in Maine grow up with a consciousness that they are at the end of the line.

In the heyday years of mass production, mass consumption, and mass waste, Maine sent ambassadors to the industrial heartland, trying to catch the boom as it went by. But the smokestacks never came to Maine, and now that the trend is toward community production, careful consumption, and almost no waste, Maine finds herself in the vanguard. Instead of trying to catch up, she is leading the way.

Her remoteness has traditionally been an incentive to self-sufficiency. Because it takes so long to locate and acquire the new, Maine makes do. More than 80 percent of her homes are heated with oil, however, and last winter's shortage and the continuing price gouge has made Maine take an official look at ways to become less dependent on such shaky power sources.

With secession talk as an inspiration and self-sufficiency as a goal, Maine's lawmakers established an official Office of Energy Resources (OER) a year ago, and the new legislature is considering a plan designed by Robert A. G. Monks, the director of the OER. A classic Yankee combination of thrift and ingenuity, the plan uses Maine-made methanol as a primary fuel source—if and when the lawmakers agree to encourage the fermentation of some 4.5 million tons of wood waste now left annually on the state's forest floor in the wake of pulp- and paper-company cutting. The paper-makers use only the trunk of the tree, yet there is enough clean-burning methanol locked in the boughs and branches to heat all the state's homes and to power every vehicle. The technology of the fermentation process is as old and reliable as the recipe for beer. With 87 percent of Maine covered by timber, the methanol potential escapes computation.

Finding replacement fuels is but half the plan. If the legislature responds, it will also carry out OER proposals to encourage fuel thrift by helping to finance efficient home insulation, by imposing tax penalties on what Monks calls inefficient automobiles, by imposing energy consumption limits on new government buildings (if any are built), and by asking industry to recycle the heat energy generated in the manufacturing process.

Setting Maine free means using the tides that surge unfettered from Kittery to Calais, harnessing the winds that blow more fiercely along this coast than any other, and catching the sun, which shines just as brightly on Maine as it does on Italy. If its 1 million citizens are thrifty enough to conserve, and ingenious enough to create energy from what's now being wasted, Maine may become the first state to make do with the energy it has.

Which means more than merely becoming smug Yankees. For once Maine folk know they can make do, they will look at the nuclear power plants planned (and built) along the coast and wonder why their shoreline must become a super-nuclear platform to feed the wasteful energy appetites of Boston, New York, Philadelphia, and beyond. When Mainers know their survival springs from self-sufficiency, they are not going to allow their bays to be soiled by radioactive systems feeding out-of-state city folk. And that's when the beginning of the end of waste will begin in earnest.—JOHN N. COLE.

[From the New York Times, Mar. 1, 1975]

THOUGHTS ON THE SECESSION OF MAINE

(By John Cole)

TOPSHAM, ME.—The wet snow drops straight and steadily. Somewhere between our home and the center of town, the burden of its beauty is too much for an aging wolf pine. A limb snaps and falls, taking the roadside utility lines down with it. Our lights blink and die; the furnace shuts down, as do our water pump and refrigerator. We have lost our power, as they say in Maine.

This happens with reasonable regularity where we live, at the tip of a wooded point that tapers gently into Casco Bay. We are miles from town; squirrels, falling branches, ice and errant motorists cut our fragile electrical connection four or five times a year.

Even the children are too accustomed to become excited. There is light and heat coming from the wood stove in the living room and from another in the boys' room; there are plenty of candles, an oil lamp, and we can get icy water from the cistern. We know our routine for being thus set adrift, on our own, and there is satisfaction in it. Collectively reassured by the knowledge that we have planned well enough to survive independently, to stay warm, and even to continue our reading and talking, we are gentled and drawn together, not anxious or irritated.

I can see the snow falling in the luminous night, and I can tell where the white land ends and the dark waters of the bay begin. It is a nocturnal landscape I would have been denied if we had not been marooned by the wounded wolf pine.

In the peace of the still night and the contentment of our collective security, I dream a bit about a continuation of this insularity. Without its links to the beyond, the point becomes an island cradling this house in protective isolation. We can exist, I say, indeed, we can find a kind of fulfillment in making do, in cutting stove wood, in planting a larger garden, in raising a beef creature or two and harvesting crops of mussels, clams and fish from the bay.

And beyond our place, the community could exist. There is enough open land,

enough wood, enough water, enough resources for every person in the town. Self-sufficiency is possible in this place—a decentralized, low-energy life-style can be made to work, and it comes naturally to Maine.

It is an old dream, one I return to often—so often I can provide my own detractions: Isolation is selfish and impractical; this world is increasingly interdependent; no one in my family is rugged enough for sustained self-sufficiency or has the sinew for the long, lonesome haul. I know the arguments, and I accept them; but still I go on to ponder a new style of self-sufficiency, not merely for our place, or this town, but for the community of Maine.

I wish there were a great wolf pine at the border that would fall with such a crash that it cut Maine off from the rest of the nation—a kind of natural secession. There would be no trauma; Maine would not be convulsed. Last winter's energy crisis, which brought Manhattan to the edge of panic and introduced cheating, bribery and gunplay in the name of gasoline, was no crisis in Maine; it was scarcely a minor irritation. There were no lines and no anxiety. Never quite fully acquainted with the Industrial Age, Maine folk were never introduced to its early excesses.

But as those excesses grow more swollen, the tendrils of their pain have reached this place. Even as the news reached here of crude oil smothering the shores of three nations along the Singapore Straits and fouling the Celtic fishing boats of Bantry Bay, the Pittston Company stubbornly shoved closer to the time when it would bring its supertankers through the narrow, tide-tossed waters of Head Harbour Passage to berth at Eastport docks which have known only sardine carriers for two centuries. And along the shores of Penobscot Bay, at the edges of that great blue circle that holds its fretwork of islands like green patterns on a Dresden plate, a consortium of New England utilities plans a string of nuclear power plants. Drawing on the cold Atlantic waters and exploiting the pure remoteness of the coast, the consortium will build an ominous nuclear necklace, strung not to serve or enhance its native state but for the profit it will reap from energy-starved cities beyond Maine's border.

Divine secession could change that fate. If she could find herself cut off, insular and isolated, Maine could not only survive and make do, but Maine could become a metaphor for the equilibrium economics that can sustain the nation. In the process, the state's environmental integrity could be preserved, not merely for its citizens, but for the millions who live beyond its borders and need the sustenance of natural truths. If Maine could set that example, might not the nation follow and find its way out of the darkness and violence of the wretched last days of the petroleum century?

As I ask that question, the lights return, the refrigerator hums and the children stir drowsily from their places by the woodstove. Our home is no longer independent; we are part of the network again, and I find no contentment in it. There is no great wolf pine to accomplish the secession of Maine. The people of Maine will have to do it themselves. Secession is a strong word; perhaps self-sufficiency is a more comfortable one. Like Maine, I'm going to keep trying to find ways to make self-sufficiency possible, and unselfish.

NEEDED REFORM OF OUR JUDICIAL SYSTEM

Mr. GARN. Mr. President, I again call the attention of my colleagues to the pressing need for reform of our Federal judicial system.

The recent speech by Chief Justice Warren E. Burger which I requested printed in the RECORD was a compelling call for congressional action to sustain this vital branch of our Government.

The need for congressional action is immediate. Congress must not continue to delay; rather, we must give our bipartisan consideration to such responsible proposals. Our economic crisis dictates that we must halt Federal spending. However, one does not need a magnifying glass to spot programs that could easily be trimmed to release the relative pittance it would take to make major and substantive improvements.

The February 27th Washington Post and the March 4th New York Times carried thoughtful editorials which so well point out that we have pinched pennies with the Judiciary far too long. If we do not act now, we may find ourselves in the whirlpool of yet another crisis.

I ask unanimous consent that these editorials be printed in the RECORD.

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

QUALITY OF JUSTICE

Chief Justice Burger's recent gloomy assessment of the state of the Federal judicial system, coming as it did in the wake of the great cover-up verdict, had a sad ironic quality. While the country was still warmed by the afterglow of its most successful law enforcement effort, the Chief Justice warned that it was forcing on the Federal judicial system—and thus on the quality of justice—a condition of acute, progressive deterioration.

Many of the problems catalogued by the Chief Justice are matters for continued, thoughtful consideration by law schools and the organized bar. They include such issues as raising the ethical standards of the profession, sharpening disciplinary procedures and increasing the courtroom competence of the young practitioners sent to court both by the Government and by legal defenders' offices. It is up to the bar and the legal education community to intensify their efforts to remedy these problems.

However, the question of quality of the Federal judiciary itself must be addressed immediately by the Congress. The problem is twofold. There are not enough Federal judges and those already on the bench are underpaid. The Chief Justice pointed out that the number of criminal cases filed in the Federal courts rose by 25 per cent during the last decade and the number of civil cases filed during that period rose by 55 per cent.

The Federal judges, upon whose shoulders this increasingly heavy burden falls and upon whose wisdom and industry the quality of justice largely depends, have not received a salary increase since 1969. Despite the facts that Congress has recently enacted legislation which is bound to increase the work load of the Federal judiciary and that the Judicial Conference of the United States has called upon the Congress to create 52 new judgeships and 13 circuit judgeships, no action was taken by Congress last year.

In justice, as in everything else, you get what you pay for. Right now, according to the Chief Justice, the budget of the Federal judiciary accounts for one-tenth of one per cent of the Federal budget. It is the obligation of Congress to get to work on increasing the number of Federal judges and increasing their compensation to levels commensurate with both the cost of living and the complexity of the tasks they perform.

HELP FOR THE FEDERAL COURTS

In a speech in Chicago Sunday, Chief Justice Warren Burger made a compelling case for immediate action by Congress to increase the number of federal judges, raise their pay, and provide more money for administrative support. Failure by Congress to do these things promptly, he suggested, could lead to a crisis in the federal courts once the speedy trial act comes into effect and might, in the long run, reduce the quality of federal justice. The situation in those courts is just as serious as the Chief Justice says it is, and this new Congress ought not to dally with it as the preceding Congress did.

The need for more federal judges is pretty much a chronic thing. The work load of the federal courts began expanding at a rapid pace right after World War II and has never slowed down. Although Congress created 70 new judgeships in 1970, the Judicial Conference made a good argument for 52 more in late 1972. A Senate subcommittee, after hearing the views of most of the chief judges around the country, recommended in 1973 that 29 more such judgeships be created. But nothing further happened. Part of the reason for the lack of interest in the subject on Capitol Hill, of course, is purely political. The Democratic Congress did not wish last year to provide another batch of judgeships for Richard Nixon to fill. It is, of course, not likely to be wild about the idea of creating these jobs for President Ford to fill either, but the courts cannot wait much longer. Certainly, they cannot wait until 1977 when a Democratic president might be in the White House.

As the Chief Justice pointed out, part of the reason the courts cannot wait is of the Congress' own making. The speedy trial act, passed last December, will begin to go into effect this July. That act sets time limits on the delay between arrest and trial in federal criminal cases. Although these limits are to be phased in over a three-year period beginning in 1976, the courts need additional judges and funds to prepare for them. Without the judges and the funds the Chief Justice is requesting, either the speedy trial act will be a disaster or the other work of the federal courts will become hopelessly bogged down. While we do not think Congress passed that act quite as casually as the Chief Justice suggested in his speech, we agree with him that Congress ought to give the courts the tools they need to do the job given them.

The Chief Justice's request for the long-delayed salary increases for judges is not new. He has made it before, and he may have to make it again. But that does not detract from the validity of his argument. Judges, like other top officeholders in the federal government, have not received salary increases since 1969. That is simply not fair, and it is beginning to take a toll in the quality of the federal judiciary. Several judges have resigned because their salary ($40,000 for district judges) is substantially below what they could earn in private practice. While it may be good politics for Congress to hold up federal pay increases during the current economic crisis, pinching these pennies in the federal courts is playing a dangerous game. The quality of justice depends heavily on the quality of judges—and that quality is on the way to impairment because Congress has been unwilling to pay for it.

FORMER FCC COMMISSIONER SUPPORTS FIRST AMENDMENT CLARIFICATION ACT OF 1975

Mr. PROXMIRE. Mr. President, Judge Lee Loevinger, formerly of the Minnesota Supreme Court and a Federal Communications Commissioner from 1963 to 1968, recently delivered an eloquent address defending the first amendment against the FCC's control over broadcasting.

Mr. Loevinger, who now practices law here in Washington, spoke on February 26 to the Broadcast Pioneers 15th annual Mike Award banquet honoring station WCCO at the Hotel Pierre in New York City.

His address is a clear, well-reasoned defense of the first amendment. And I am pleased and honored that in it he singled out my bill, The First Amendment Clarification Act of 1975, to support "wholeheartedly and unequivocally."

But even without that support, Mr. President, I would be more than happy to commend it to anyone who wants a concise and pointed explanation of what is wrong with governmental control of broadcasting.

Before asking that it be inserted in the RECORD, I would like to quote a few highlights of Judge Loevinger's cogent arguments against governmental regulation of programing.

The highlights follow:

To explain the manner and degree of FCC control of broadcast programming content would require a volume of detailed analysis. It is possible here only to suggest some of the constraints. There is the requirement for what the FCC considers "balanced" programming—which means a melange or mix satisfying the current majority of Commissioners on the basis of arbitrary categories. There is the prime time access rule, which specifies that certain types of programs not favored by the Commission cannot be broadcast at particular times of day while other types favored by the Commission can be. The Commission demands that programs be "responsive" to the needs (not the desires) of the community as initially determined by the broadcaster but ultimately adjudged by the Commission. The Commission openly favors local programming, news and so-called "public affairs" programs rather than sports or entertainment, and programming designed to appeal, in a decorous way, to children. The Commission enforces the equal time rule of Section 315, and insists upon compliance with its "Fairness Doctrine" by which it requires a presentation of contrasting viewpoints that meet the standards of the Commission and its staff, under threat of license forfeiture for failure to do so. This doctrine has been further codified and elaborated in rules relating to political editorials and personal attacks.

The Commission has administered these and other measures of control in a relatively 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 broadcaster can schedule a minute of programming without being aware that some bureaucrat's opinion of that programming may eventually influence the decision to permit or forbid him to continue broadcasting.

* * * * *

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.

Although I wish that all broadcasters were able and willing to present programming of better quality and higher character than most of that broadcast, the advocacy of full First Amendment freedom for broadcasting does not rest upon any judgment or assumption as to the quality or character of broadcasting.

* * * * *

We live in an age when morals change by the calendar and the eternal verities have a half-life of about one month. It may be, as some contend, that democracy and its attendant freedoms are impractical and unworkable in an era of high technology and mass society. It may be that our pretensions to free speech and civil rights are a mere rhetorical facade for an ever increasing government authority and a dwindling degree of freedom for the private citizen.

The other view, which I hold, is that democracy and its freedoms are more important than ever in a society whose mass and technology increasingly threaten the individual. If life is to be more than physical survival, if life is to have a quality we can call humane, then we must uncompromisingly maintain the principle of democratic freedoms. It is only in freedom that the human spirit can flourish.

Thus the principles that have made this nation the world's greatest bastion of freedom must apply equally to old and new technologies of public expression if they are to have contemporary relevance.

* * * * *

There are times and situations in which principle is more important than consensus or compromise. There are usually dozens of arguments for expediency, and there may be only one argument for principle. But when the one argument is that the principle is morally right, it outweighs all the dozens of arguments on the side of expediency.

Mr. President, I commend Judge Loevinger's entire speech to those either interested in keeping governmental regulation of broadcasting or to those who feel, as I do, that governmental control is unconstitutional.

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

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

REMARKS OF LEE LOEVINGER

In 1976 we celebrate the 200th anniversary of the American Revolution and this nation's independence. But the greater American revolution was not in 1776 with the declaration of national independence but 13 years later when the United States adopted the Constitution and shortly thereafter the Bill of Rights. These actions established a new form of government based upon moral principles elevating freedom to an unprecedented political value. Under these principles it became the supreme law of the land that speech and publication of all kinds should be free of governmental restraint.

The revolutionary nature of these principles is indicated by the fact that even today, 186 years later, no other country in the world has similarly made freedom of speech a basic political and legal rule.

Within this country there continue to be those who would, for one reason or another and in one guise or another, limit the constitutional principle of freedom of speech and press. The full scope and implications of the principle are still being developed. Social, economic and technological changes continually challenge the premises, the validity and the practicality of the free speech principle. The most important and dramatic conflict between the free speech principle and contemporary conditions and demands undoubtedly occurs in the field of broadcasting.

As Judge David Bazelon has pointed out, when radio first developed into broadcasting there were doubts whether the First Amendment applied to it at all. Broadcasting then held no legitimacy as press, radio was regarded as merely entertainment, and broadcasters viewed themselves as entertainers rather than journalists. (473 F2d 16, at 71–72) In 1928 the Federal Radio Commission said that it was unable to see that the guarantee of freedom of speech had anything to do with radio entertainment programs.

Since that time the Federal Radio Commission has developed into the Federal Communications Commission, a host of cases from the Supreme Court have developed and expanded the scope and meaning of the First Amendment, and the dialogue concerning government relation to broadcasting has become vastly more sophisticated—at least in vocabulary. Today the Commission, the Congress, and the advocates of innumerable groups within the public all loudly declare not only their dedication to the principle of free speech but their recognition that this principle encompasses broadcasting. Nevertheless, the actions of the Commission, the rulings of the courts, and the demands of those groups importuning the FCC all seem to be moving toward greater rather than less government control of broadcasting. When the FCC speaks of broadcasting, the voice is the voice of freedom but the hand is the fist of restraint.

To explain the manner and degree of FCC control of broadcast programming content would require a volume of detailed analysis. It is possible here only to suggest some of the constraints. There is the requirement for what the FCC considers "balanced" programming—which means a melange or mix satisfying the current majority of Commissioners on the basis of arbitrary categories. There is the prime time access rule, which specifies that certain types of programs not favored by the Commission cannot be broadcast at particular times of day while other types favored by the Commission can be. The Commission demands that programs be "responsive" to the needs (not the desires) of the community as initially determined by the broadcaster but ultimately adjudged by the Commission. The Commission openly favors local programming, news and so-called "public affairs" programs rather than sports or entertainment, and programming designed to appeal, in a decorous way, to children. The Commission enforces the equal time rule of Section 315, and insists upon compliance with its "Fairness Doctrine" by which it requires a presentation of contrasting viewpoints that meet the standards of the Commission and its staff, under threat of license forfeiture for failure to do so. This doctrine has been further codified and elaborated in rules relating to political editorials and personal attacks.

The Commission has administered these and other measures of control in a relatively 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 broadcaster can schedule a minute of programming without being aware that some government bureaucrat's opinion of that programming may eventually influence the decision to permit or forbid him to continue broadcasting.

The rationale for government control of broadcasting is varied and ambiguous, depending upon the framework of discussion. The reason principally advanced is the argument that the broadcast spectrum, is limited so that not all who wish can be heard. Consequently, it is said, it is necessary for government to choose and license those who will be heard and, therefore, government has the right or duty to supervise what is broadcast under such a license. It is also argued that the public owns the air waves—whatever that metaphor may mean—and the conclusion is then drawn that the government, representing the public, can control the use

that is made of the air waves, which is another way of saying that the power of licensing carries the power to control the content of the broadcast licensed. Some argue that everyone is entitled to access to the broadcasting media and that this right requires government enforcement. Many are dissatisfied with the quality of broadcasting and favor government control in the hope that this will make broadcasting more to their taste. Finally, it is argued that broadcasting is too important and influential to be left in private hands—an argument that has been convincing to other governments approximately to the degree that they deny democratic freedom in other realms.

Recently government control of broadcast programming has been increasingly challenged by thoughtful men dictated to the First Amendment principle of free speech. Senator Proxmire has introduced a bill in the 94th Congress, known as S. 2, to recognize and confirm the applicability of the First Amendment to broadcasting. This bill would repeal Section 315 of the Communications Act and would explicitly declare that the FCC has no jurisdiction to forbid or require the broadcasting of any viewpoint or to exercise any power, control, influence or review over the content of any broadcast program, except where such material is otherwise prohibited by law (which refers to recognized First Amendment exceptions, such as obscenity, lotteries, and clear and present danger of incitement to riot). A similar bill has been introduced by Senator Hruska.

As one who believes above all in the moral principles embodied in the Constitution and the Bill of Rights, and who has spent years participating in and observing the actual FCC operation in relation to broadcasting content, I believe wholeheartedly and unequivocally in the Proxmire Bill and declare that nothing less will meet the test of the First Amendment principle. 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.

Athough I wish that all broadcasters were able and willing to present programming of better quality and higher character than most of that broadcast, the advocacy of full First Amendment freedom for broadcasting does not rest upon any judgment or assumption as to the quality or character of broadcasting. I yield to no man, woman or person, in my distaste for most of television. I have said that television is the literature of the illiterate. I would add that it is the opiate of the elite. Radio is more numerous, more segmented and specialized, and thus more diverse. The universe of radio is consequently more encompassing than that of TV and less subject to attack. Yet much of broadcasting is awful, some is merely poor, a modest amount rises to the high level of mediocrity, and a modicum is above that.

This seems like a harsh judgment until one compares the other media forms. Tens of thousands of books are published annually, of which no more than one-tenth are even considered worthy of review. A few dozen make the best seller lists, and even fewer, usually not on the best seller lists, can be considered as making a contribution to literature, culture, or human knowledge. The great majority of books published each year are probably a net social loss in terms of resources required for publication compared to their contribution to society. A similar judgment is inescapable for plays and motion pictures. Of all the material published by newspapers certainly by far the major part is repetitive, and most of the rest is trivial, inconsequential or of interest to only a very few. Without reviewing all the forms of expression, it is apparent that in a free society merit or content is essentially irrelevant to the right of expression. If it were not so, there would be no right of expression, there would be only an all-embracing government bureaucracy telling us what we should see, read and speak.

Fortunately others are coming to this same realization. In 1972 Chief Judge Bazelon, of the U.S. Court of Appeals for the District of Columbia, said that ancient assumptions and crystallized rules have blinded all of us to the depth of the First Amendment issues involved in the Fairness Doctrine. (473 F2d 16, at 64)

The talk of public ownership or public trust as applied to broadcasting, Judge Bazelon stated, is merely a "conclusory label dangerously applied without reference to its history or derivation, and has no constitutional weight of its own." With respect to the argument as to the influence of broadcasting, Judge Bazelon said:

"There is no doubt about the unique impact of radio and television. But this fact alone does not justify governmental regulation. In fact, quite the contrary. We should recall that the printed press was the only medium of mass communication in the early days of the Republic—and yet this did not deter our predecessors from passing the First Amendment to prohibit abridgment of its freedom. If, as has been suggested, we are to focus on the newly acquired role of broadcasting as the 20th century version of the 18th century town meeting or political pamphlet, we must be all the more careful to preserve a 'free press' in the broadcast media. To argue that a more effective press requires a more regulated press flies in the face of what history has taught us about the values and purposes of protecting the individual's freedom of speech." (473 F2d 16, at 79)

Judge Bazelon concluded that "the time is over-ripe to take our blinders off and look further toward First Amendment goals than the next regulatory step which the FCC urges us to take in the name of fairness." (473 F2d 16, at 70) "There is no factual basis for continuing to distinguish the printed from the electronic press as the true news media." (473 F2d 16, at 73)

Although the majority of the Supreme Court has not yet come this far, in 1973 a majority, speaking through the Chief Justice, said with respect to broadcast regulation that "Congress appears to have concluded, however, that of these two choices—private or official censorship—Government censorship would be the most pervasive, the most self-serving, the most difficult to restrain and hence the one most to be avoided." CBS v. DNC, 36 Led 2d 772, at 785.

In the same case Justices Douglas and Stewart in separate concurring opinions stated that broadcasting stands in the same position under the First Amendment as newspapers and magazines and that the electronic press is as much protected from government control as the printed press. Justice Douglas said that:

"The Fairness Doctrine has no place in our First Amendment regime. It puts the head of the camel inside the tent and enables administration after administration to toy with TV or radio in order to serve its sordid or its benevolent ends. In 1973—as in other years—there is clamoring to make the TV and radio emit the messages that console certain groups. There are charges that these mass media are to slanted, too partisan, too hostile in their approach to candidates and the issues.

"The same cry of protest has gone up against the newspapers and magazines. When Senator Joseph McCarthy was at his prime, holding in his hand papers containing the names of 205 communists in the State Department . . . there were scarcely a dozen papers in this Nation that stood firm for the citizen's right to due process and to First Amendment protection. That, however, was no reason to put the saddle of the federal bureaucracy on the backs of publishers. Under our Bill of Rights people are entitled to have extreme ideas, silly ideas, partisan ideas.

"The same is true, I believe, of the TV and radio. At times they have a nauseating mediocrity. At other times they show the dazzling brilliance of a Leonard Bernstein; and they very often bring humanistic influences of far-away people into every home.

"Both TV and radio news broadcasts frequently tip the news one direction or another and even try to turn a public figure into a character of disrepute. Yet so do the newspapers and the magazines and other segments of the press. The standards of TV, radio, newspapers, or magazines—whether of excellence or mediocrity—are beyond the reach of government. Government—acting through courts—disciplines lawyers. Government makes criminal some acts of doctors and of engineers. But the First Amendment puts beyond the reach of government federal regulation of news agencies save only business or financial practices which do not involve First Amendment rights." (36 Led 2d 772, at 813–814)

In 1974 a unanimous Supreme Court held that the application of a "fairness doctrine" to newspapers would clearly abridge freedom of the press guaranteed by the First Amendment. Miami Herald v. Tornillo, 418 US 241. The arguments for application of a "fairness" doctrine, or right of reply to newspapers parallel the arguments for application of a similar principle to broadcasting. The reasoning of the court rejecting these arguments seems equally applicable to broadcasting. It was argued that government has an obligation to insure that a wide variety of views reach the public, and that, under modern conditions, newspapers are big business, organized in large chains, mainly non-competitive, and served by a few national news services. Entry into the market place of ideas served by the print media is almost impossible, the only effective way to insure fairness and accuracy is for the government to require accountability, and this is required by the First Amendment interest of the public in being informed.

The court responded to these arguments that "A responsible press is an undoubtedly desirable goal but press responsibility is not mandated by the Constitution and like many other virtues it cannot be legislated. * * * Faced with the penalties that would accrue to any newspaper that published news or commentary arguably within the reach of the right-of-access statute, editors might well conclude that the safe course is to avoid controversy. Therefore, under the operations of the Florida statute, political and electoral coverage would be blunted or reduced."

The court therefore concluded that:

"Even if a newspaper would face no additional costs to comply with a compulsory access law and would not be forced to forgo publication of news or opinion by the inclusion of a reply, the Florida statute fails to clear the barriers of the First Amendment because of its intrusion into the function of editors. A newspaper is more than a passive receptacle or conduit for news, comment, and advertising. The choice of material to go into a newspaper, and the decisions made as to limitations on the size and content of the paper, and treatment of public issues and public officials—whether fair or unfair—constitute the exercise of editorial control and judgment. It has yet to be demonstrated how governmental regulation of this crucial process can be exercised consistent with First Amendment guarantees of a free press

as they have envolved to this time." (418 US 241, at 258)

We live in an age when morals change by the calendar and the eternal verities have a half-life of about one month. It may be, as some contend, that democracy and its attendant freedoms are impractical and unworkable in an era of high technology and mass society. It may be that our pretensions to free speech and civil rights are a mere rhetorical facade for an ever increasing government authority and a dwindling degree of freedom for the private citizen.

The other view, which I hold, is that democracy and its freedoms are more important than ever in a society whose mass and technology increasingly threaten the individual. If life is to be more than physical survival, if life is to have a quality we can call humane, then we must uncompromisingly maintain the principle of democratic freedoms. It is only in freedom that the human spirit can flourish.

Thus the principles that have made this nation the world's greatest bastion of freedom must apply equally to old and new technologies of public expression if they are to have contemporary relevance.

Justice Douglas has said it in these words:

"What kind of First Amendment would best serve our needs as we approach the 21st century may be an open question. But the old fashioned First Amendment that we have is the Court's only guideline; and one hard and fast principle which it announced is that government shall keep its hands off the press. That principle has served us through days of calm and eras of strife and I would abide by it until a new First Amendment is adopted. That means, as I view it, that TV and radio, as well as the more conventional methods for disseminating news, are all included in the concept of 'press' as used in the First Amendment and therefore are entitled to live under the laissez faire regime which the First Amendment sanctions." (36 Led 2d 772, at 817)

The establishment of First Amendment freedom for broadcasters will not be an unmitigated blessing. It will expose them to private pressures and demands against which they may have some measure of protection today, and it will result in political and legal pressures for economic changes and, above all, for more and new forms of competition. Whatever the difficulties these possibilities may involve, I think that broadcasters, particularly those who assume the proud title of "pioneer", must be prepared to bear the risks. There are times and situations in which principle is more important then consensus or compromise. There are usually dozens of arguments for expediency, and there may be only one argument for principle. But when the one argument is that the principle is morally right, it outweighs all the dozens of arguments on the side of expediency.

An American soldier who was captured by the Vietcong and subjected to starvation, privation, torture and propaganda to make him speak out against his country recently wrote in the New York Times of what gave him the strength to exist and survive. He said:

"It was a matter of putting something on the line to back up one's belief in the ultimate good in his country. I questioned as never before: Was this country and Government worth what I was going through?

"The answer was clear. This country and our system of Government are the finest in the world today. With all the problems and injustices which could be pointed out we have the one element that makes us strong. The citizens of this nation have inherent rights and freedoms which allow them full participation in the system politic. * * *

"I came home having learned lessons that could have been taught no other way. Our system is not guaranteed forever. It must be fought for and participated in or it will fail." (New York Times, Feb. 12, 1975, p. 37)

It will be an extremely rough and difficult political fight to secure passage of the Proxmire Bill applying the First Amendment to broadcasting. There is no guarantee of early success and there is a certainty of difficult, bitter resistance and political injury in the fight. However, no broadcaster will be killed or tortured and the injury will be no worse than economic. Broadcasters cannot, in good conscience, avoid fighting politically for those principles that so many have preserved for them at the expense of their bodies and their lives. Any broadcaster who believes that broadcasting is more than a mere means of making money must fight for the Proxmire Bill. In fighting for principle the ultimate risk is small. You have nothing to lose but your wealth; you may preserve democracy and you will save your soul.

THE HANDGUN AMMUNITION CASE

Mr. McCLURE. Mr. President, while the national press writes and speaks as if guns perpetrated evil on their own, and devotes itself to hysterical pleas for legislation which would take guns from sportsmen while leaving them to criminals, the local papers often do better.

With their close to home perspective, they often articulate the attitudes of the people with greater accuracy than the national media, which tend to act as advocates for causes of their own design.

Some legislators may be intimidated by such emotional outpourings, but I was very happy to see that my colleagues from Wyoming have joined in cosponsoring legislation which would prevent the Consumer Product Safety Commission from interfering with our constitutional right to keep and bear arms. Between this Commission and the proposed CPA, there seems to be a determined effort to "protect" us right out of all our constitutional rights.

Mr. President, I ask unanimous consent that an editorial of February 15 from the Wyoming State Tribune be printed in the RECORD.

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

THE HANDGUN AMMUNITION CASE

The best thing that can be said about the Consumer Product Safety Commission's decision to "consider" a ban on pistol bullet ammunition is that it is asking the public for comments on the case. Otherwise, the commission has everything going against it.

The Consumer Product Safety Commission got a request from an organization last June which asked it to hold that pistol ammunition is a hazardous product and in effect, outlaw it. Such a product would be limited to possession of police, the military services, pistol clubs and licensed security guards.

The commission, it might be said in its favor, rejected the request made by the Committee for Handgun Control which has its headquarters in Chicago. It ruled reasonably that if it held that pistol ammunition was hazardous and should be restricted only to police, military, pistol clubs and security guards, then it in effect would be deciding that pistols were outlawed.

The Chicago organization took the commission into federal court and a judge ruled the commission had to consider the request. This has to be one of the more absurd and ridiculous court rulings in recent years because what it does is to place an administrative agency in a legislative responsibility.

Whether handguns are to be banned entirely or partially, or whether guns are to be registered or not, is a legislative function, not the responsibility of an agency of the executive department.

Why this decision by a U.S. district court wasn't appealed by the Consumer Product Saftey Commission isn't immediately clear; the commission bowed to the judge's ukase without demurrer, apparently, and now is asking the public to register its sentiments on the matter.

But even if the commission should receive an overwhelming amount of mail favoring a decision outlawing handgun ammunition, what would it do then? Proceed to hold that pistol bullets are "dangerous" products and should not be possessed by anyone other than those exempted? This still would be an unconstitutional abrogation of the powers of Congress; if such a ruling were issued, then the commission could conceivably outlaw cars, whiskey, knives, and almost any array of consumer items.

We don't think the commission should have given up so easily on that judge's decision; as a government agency it is perfectly able to take its case to the U.S. Court of Appeals or to the U.S. Supreme Court with no financial burden involved.

Both of Wyoming's senators, Cliff Hansen and Gale McGee, have announced they intend to use their legislative authority to do something about this outrageous decision by sponsoring legislation to prohibit the commission from restricting the sale of both firearms and ammunition.

Hopefully the anti-gun nuts in Congress will not mount an offensive against this legislation. Some consideration ought to also be given to the powers and latitude of the Consumer Product Safety Commission. And Senator McGee in particular perhaps should review his co-sponsorship of another consumer agency, a brand new one which would have even greater power over consumer matters, which currently has been re-introduced at this session after having been defeated last year.

This is the proposed U.S. Agency for Consumer Advocacy which would be given the broadest powers yet in consumer areas. (Besides the U.S. Consumer Product Safety Commission, the federal government already has an Office of Consumer Affairs in the Department of Health, Education and Welfare, but so imbued are some legislators and movers and shakers in the consumer field that they apparently feel these two agencies already on the scene are not enough. After viewing the current work of the Consumer Product Safety Commission, we would say there is at least one too many.)

The bill which creates this new Agency for Consumer Advocacy gives it virtually unlimited powers in its role "to protect and promote the interests of the people of the United States as consumers of goods and services which are made available to them through commerce or which affect commerce . . ."

In the holy name of protecting the American consumer, this Frankenstein monster of a bureaucracy can do almost anything.

What the public needs to be protected against more than anything is bureaucracy, and the courts in some cases, run amok.

GHANA CELEBRATES 18TH ANNIVERSARY OF INDEPENDENCE

Mr. HUGH SCOTT. Mr. President, Ghana is today celebrating the 18th anniversary of her independence, at a time when the whole world is beset by

inflation coupled with sharp increases in the prices of petroleum products. Nonetheless, Ghana is forging ahead with determination in her development program aimed at raising the standard of living of her people.

Three years ago the Government of Ghana addressed herself to the major task of making the country self-reliant to the highest possible degree within her resources. The government, therefore, placed emphasis on agricultural development as the general strategy to spearhead the country's economic development. The adoption of this policy was dictated by the actual conditions of the economy at that time, and Ghanaians were called upon to muster all available resources to produce the food needed by the nation. The program known as "Operation Feed Yourself" was regarded as an emergency operation aimed at reducing the country's crippling dependence on food imports. The years 1972–74 were, therefore, declared to be "Agricultural War Years," devoted to the increased production of selected crops and livestock. The basic policy under the program is the rapid and orderly development of agriculture toward self-sufficiency in food and raw materials and the diversification of agricultural exports.

Production targets have been exceeded, and Ghana has become self-sufficient in maize—the staple food of the majority—which used to be imported in large quantities. Rice production has reached 70 percent of the national need and Ghana hopes to become self-sufficient in rice this year.

The success story of the economic recovery during the past 3 years will long be remembered. The strict discipline injected into the economy by the government since coming into office has paid off so well that the country has been able to record a balance-of-trade surplus for the first time in the past 2 successive years.

To improve the quality of life of the people, the government has introduced plans for accelerated improvement in housing, health, and education. A crash program of low-cost houses for the low-income group is being pursued vigorously and work is in progress to complete, this year alone, some 5,000 houses started under the program.

A new "Health-on-Wheels" program, aimed at providing more adequate medical services for the rural areas through mobile clinics, has also been instituted.

The government has recently launched a 5-year development plan aimed at effecting a structural transformation of the country's economy and promoting full and efficient use of all of the Nation's resources.

The Government of Ghana has always encouraged foreign participation in its economy, and during the past year many foreign companies, including U.S. businesses, took advantage of a wide range of fiscal and tax incentives and good infrastructure to invest in Ghana. The country continued to maintain very fruitful partnerships with a number of major U.S. companies.

To give practical expression to its relations with its neighbors, Ghana is exporting electrical power to Togo and Dahomey and continues to pursue a policy of friendship and cooperation with all countries.

Ghana is determined to succeed, and with hard work and the sympathetic cooperation of her friends, success is not far off.

HELP FOR THE NEEDY

Mr. McCLURE. Mr. President, the generosity of the American people is well known. Yet, each new story telling of those among us who made a personal commitment to improve the lot of the needy continues to inspire.

I recently learned about Dr. and Mrs. Val Franklin, of Salmon, Idaho, who, in December, embarked on their second annual pilgrimage to Mexico, where they distribute, among other items, eyeglasses to the destitute. The Franklins' story was told in a recent edition of the Salmon Record-Herald and I would like to share it with my colleagues, and I ask unanimous consent to have the article printed in the RECORD.

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

GLASS FRAMES, LENSES NEEDED—FRANKLINS PLAN TRIP TO ASSIST DESTITUTE

Dr. and Mrs. Val Franklin of Salmon are preparing for their second annual visit to Mexico in a personal endeavor to assist destitute Mexicans of all ages.

The main goal is to provide glasses to those with sight problems.

Dr. Franklin, an optometrist, and Mrs. Franklin traveled some seven thousand miles last winter to visit out-of-the-way villages from Guadalajara to beyond Mexico City.

They now are collecting glass frames and lenses and have appealed to anyone having old glasses to turn them in at their office on Main Street.

Also being sought are children's shoes which they say are needed for youngsters to prevent them from picking up diseases through the feet.

"We feel the problem with children are diseases because sanitation is so bad," Mrs. Franklin said. "Half their problem is contact with filth on the ground."

The Franklins, who will leave in January on their "mission," also are collecting soap and disinfectants, clothing, food, reading material, school supplies.

They plan to spend two months distributing the items to the needy they come across during their tour. They plan to visit the same villages as a "follow-up" of their work last year.

Mrs. Franklin said they are planning to take their supplies south in a large motor home.

She said that the poverty they found in the areas they visited last year was "just terrible." And the people lacked the transportation and financial means to travel to where they could have optical work done.

"They are very, very poor and can't afford it. They beat the brush to find enough food to eat," Mrs. Franklin said.

"We are not medical people so we can't give antibiotics or prescribe, but we can teach them how to disinfect and clean up. And we can deal with their eyes."

The Franklins on reaching a village put up a sign telling the people they will work with their eyes and that it is a public service.

"We try to put colored glasses on those so terribly blinded by the sun," Mrs. Franklin said.

They plan to take along the old frames and lenses they have accumulated but want all the glasses they can get as well as sun glasses.

Last year they visited "hundreds upon hundreds" of people.

"The Mexican government was really receptive to our idea and has treated us royally. We have a letter of permission to assist the poor," Mrs. Franklin said.

"We have purchased a lot of pens and pencils to take with us and some of our friends are making children's clothing. We have been given new and used clothing. The local motels and hotels have been saving the left-over soap bars from the guest rooms and we now have some 500 pounds of soap to take with us."

Mrs. Franklin noted their program is a personal one and not connected with any church.

"We are going again on our own. Last year we were gone six weeks but this year we hope to spend two months. Many people down there are living in paper boxes and packing cartons and huddle beneath with the rain drenching through on top of them.

"There are lots of villages in the high country we couldn't get to because of lack of roads.

"We would stop in what appeared to be an isolated spot to eat our lunch only to find we were soon surrounded by hungry faces and in the end we would give them our food."

The Franklins, who both speak Spanish, got the idea of trying to be of some help from Mrs. Franklin's sister and brother-in-law, Mr. and Mrs. David Watts.

"He was an evangelist on the Gulf of Mexico and he told us what he had seen and how great the need so we decided to go down and look around," Mrs. Franklin said.

"We don't call ourselves missionaries, but those we help call us missionaries. It is a pity we can't help more of them. During our visit last year we saw upwards of 80 in a day."

SENATE RESOLUTION 94—PUBLIC LAW 480 AID TO CAMBODIA

Mr. HATFIELD. Mr. President, since Senate Resolution 94 was submitted on Monday, the State Department has announced an increase in the rice being airlifted into Cambodia by establishing a title II program of 20,000 tons of rice. This will mean that an additional 100 to 150 tons of rice will be delivered to Phnom Penh each day, and that this rice will be distributed through a title II program. I commend the State Department for this action; it is a step in the right direction.

More, however, can and must be done. Our food efforts directed toward humanitarian relief must be increased to the maximum amount during the next few weeks. Since it takes 90 days from the time food is committed by our Government under the Public Law 480 program until it actually arrives in Phnom Penh, the critical amounts of food needed for immediate relief must be taken from what is already in the pipeline, and expedited to those most in need. That is the purpose and general goal of this resolution.

There may be questions as to the quantity of food and other humanitarian supplies that can be effectively utilized by the voluntary agencies in Cambodia. But there is no question that the magnitude

of need, and the capability of the voluntary agencies to handle food relief supplies, far exceeds their present efforts.

Food commodities going to Cambodia at this time are made available first to those in the army, and then to Government officials, and then to the market, where prices prohibit all but the rich from buying amounts adequate for their nutritional needs.

Those who need our food aid the most are receiving the least. This resolution would change the present pattern of distribution by directing more aid through the voluntary agencies operating in Phnom Penh. With the additional title II aid announced by the State Department, the resolution would have the effect of increasing title II aid to 325 tons a day, leaving an equal amount for distribution through Government channels.

It may be that this amount will exceed the capability of the voluntary agencies to distribute it. No one really knows what their capability is in this instance. But should it be exceeded, I am sure they will relinquish the surplus for redistribution through Government channels or for the creation of stockpiles which will be needed in the future regardless of the political situation in Cambodia. In any event, the purpose of this resolution is to distribute as much food as possible to the hungry in Phnom Penh through a Public Law 480 title II program.

UNEMPLOYMENT AND THE PRESIDENT'S STATEMENT

Mr. JAVITS. Mr. President, yesterday, the White House Press Office announced that President Ford will request $1.6 billion in supplemental funds for public service employment opportunities under title VI of the Comprehensive Employment and Training Act—CETA—and $412 million under that act for summer jobs for poor youth.

This is a most welcome commitment for fiscal 1975 and demonstrates an understanding by the President of the urgent needs of our people in this unemployment crisis. This is a real victory for human relations.

PUBLIC SERVICE JOBS

Together with the $875 million already appropriated for public service jobs under title VI of the Comprehensive Employment and Training Act, the $1.6 billion which the President is now requesting will provide an aggregate total of $2.5 billion for fiscal year 1975—the full amount authorized by the Congress for fiscal year 1975 under title VI.

The statement by the Press Secretary indicates that the President's proposal will provide funding for 310,000 public service jobs through fiscal year 1976.

The Department of Labor has advised me that the 310,000 estimate includes jobs that may be provided from the $2.5 billion aggregate appropriation under title VI for fiscal year 1976 and appropriations under title II of the Act—for which the administration has already requested $400 million for fiscal year 1976—under the "such sums" authorization for that title now contained in CETA.

For the same period—through fiscal year 1976—Senator WILLIAMS and I have proposed that standby authority be available to make possible a level of 1 million public service jobs.

To that end, on February 7, joined by 16 of our colleagues, we introduced S. 609, the Emergency Public Service Employment Extension Act of 1975, a bill to extend for 1 year, fiscal year 1976, the authorization of appropriations for the emergency job program under title VI.

While the President's plan would therefore spread the use of requested fiscal year 1975 supplemental funds through fiscal year 1976—rather than seek a new authorization of appropriations for fiscal year 1976, as we have proposed—the supplemental request itself is most welcome.

SUMMER JOBS FOR YOUTH

Mr. President, the $412 million requested by the President for summer jobs for youth—which will provide approximately 760,000 summer jobs for youth—is a significant—even if not yet adequate—response by the President to a letter which I, joined by 19 other Senators, transmitted to the White House on February 28. Joining with me were Senators BEALL, BROOKE, CASE, CRANSTON, HART, HATHAWAY, HUMPHREY, JACKSON, KENNEDY, McGOVERN, MUSKIE, NELSON, PELL, RANDOLPH, RIBICOFF, STAFFORD, TUNNEY, and WILLIAMS.

In that letter, we requested that the President submit a revised budget request for fiscal year 1975 for an aggregate of $680,211,844 to meet the urgent needs for 1,147,847 summer youth jobs and related transportation and recreational activities for this summer, as documented in surveys conducted by the National League of Cities, and the National Recreation and Park Association.

The President's request, while substantial and commendable, is still 387,847 opportunities short of the needs in the summer youth job program, and will not meet at all the needs for transportation and recreational opportunities which the cities have documented.

The President anticipates that some of these needs will be met by State and local governmental prime sponsors from general funds under CETA title I for manpower training.

However, as we noted in our letter to the President:

. . . because of the very substantial needs for comprehensive programs for adults and others under title I—stemming from the crisis unemployment situation—it is clear that title I cannot be regarded as an adequate source to meet to any significant extent the aggregate needs for summer youth jobs and transportation that we have documented. Already, preliminary estimates from the Department of Labor suggest that only a small number of prime sponsors have been able to plan for a summer youth job program, even at last year's level—which will clearly be inadequate.

Accordingly, given the great overall needs for sufficient resources to deal with the problem of unemployment, I shall continue to seek—as I did in my testimony before the Appropriations Committee, the full amount documented to make sure that 1.1 million jobs are provided, as well as full funding for recreation and transportation. As we noted in our letter, almost three times that many youth, or 3.1 million, will be out looking for work and any funds also allocated by the States, cities, and counties from title I can help further to bridge the gap.

I am encouraged by the President's action yesterday that additional funds can be sought for the very badly needed summer job program and full appropriations will be sought under the existing authorization for the public service jobs program.

Mr. President, I ask unanimous consent that there be printed in the RECORD a copy of our letter to the President of February 28, together with materials documenting the needs of the cities, along with a copy of the President's statement, and an article entitled "President Seeks $2 Billion More for Public Jobs," which appeared in today's New York Times, as well as the basic text of my testimony before the Subcommittee on Labor-HEW Appropriations of the Senate Appropriations Committee, which includes also requests for supplemental funds under the Economic Opportunity Act of 1964.

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

U.S. SENATE,
COMMITTEE ON LABOR AND
PUBLIC WELFARE,
Washington, D.C., February 28, 1975.

Hon. GERALD R. FORD,
President, The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We urge you to submit revised budget requests for fiscal year 1975, aggregating $680,211,844, to meet urgent needs for 1,147,847 summer youth jobs and related transportation and recreational activities for this summer. Last summer, an aggregate of $397.0 million was made available for these purposes which included approximately 709,200 nine-week jobs.

Our request consists of the following elements:

First, an aggregate of $649,681,402 for the provision of 1,147,847 summer jobs for economically disadvantaged youth 14 to 21 years of age, as authorized under section 304(a)(3) of the Comprehensive Employment and Training Act of 1973. Each job would provide a nine-week opportunity of 26 hours a week at the minimum wage of $2.10 an hour. The 1,147,847 jobs consist of 458,463 in the Nation's 50 largest cities, and 689,384 jobs in smaller cities and other areas. Last summer, $380.0 million was made available for approximately 709,200 nine-week jobs.

These needs are documented on a city-by-city basis in the enclosed letter dated January 29, from Alan E. Pritchard, Executive Vice President of the National League of Cities, in response to a request made by Senator Javits.

Second, $4,530,442 under section 304(a)(3) of the Comprehensive Employment and Training Act of 1973 to provide transportation to youth to enable them to participate in the summer youth job program. Last summer, approximately $1.7 million was made available.

This request is set forth in the enclosed letter dated February 6, from Mr. Pritchard.

Third, $26,000,000 to provide recreational opportunities to poor youth, six to 13 years of age, under the Summer Youth Recreation program authorized by section 222(a)(13) of the Economic Opportunity Act of 1964, as amended by P.L. 93-644, which became law

on January 4. $15.3 million was provided last summer.

This request is set forth in the enclosed letter dated February 25, from Dwight F. Rettie, Executive Director of the National Recreation and Park Association.

The Administration has not submitted any specific budget requests for any of these elements.

We note that summer youth job programs are among the eligible activities for which state and local governmental prime sponsors may use funds allocated to them under title I of CETA, "Comprehensive Manpower Services".

However, because of the very substantial needs for comprehensive programs for adults and others under title I—stemming from the crisis unemployment situation—it is clear that title I cannot be regarded as an adequate source to meet to any significant extent the aggregate needs for summer youth jobs and transportation that we have documented. Already, preliminary estimates from the Department of Labor suggest that only a small number of prime sponsors have been able to plan for a summer youth program, even at last year's level—which will clearly be inadequate.

While the Nation as a whole continues in a severe recession with unemployment at 8.2 percent in January and 7.5 million unemployed—and with the Administration's projections that unemployment will average 8.1 percent throughout this calendar year—poor youth, which have unemployment levels of 30 to 40 percent even in better times, are expected to suffer rates of 50 percent and more this summer. The National League of Cities, which has projected such a rate, indicates that it expects more than 3.1 million poor youth to be looking for jobs this summer.

We urge, in light of the serious emergency situation for the coming summer, that you send to the Congress a revised budgetary request for a special youth job program and related transportation and recreation, to meet the aggregate needs which we have documented.

Sincerely,

Jacob K. Javits, Alan Cranston, Jennings Randolph, George McGovern, Hubert H. Humphrey, Walter F. Mondale, Clifford P. Case, Edward M. Kennedy, Claiborne Pell, Henry M. Jackson, Harrison A. Williams, Jr., Robert T. Stafford, John V. Tunney, Edward W. Brooke, Abraham Ribicoff, J. Glenn Beall, Philip A. Hart, William D. Hathaway, Edmund S. Muskie, Gaylord Nelson.

NATIONAL LEAGUE OF CITIES,
January 29, 1975.

Hon. JACOB K. JAVITS,
U.S. Senate, Washington, D.C.

DEAR SENATOR JAVITS: In accordance with your request and as in the past, we have surveyed the nation's cities to determine the needs for a summer youth employment program this year.

The information we have received from the 50 largest cities shows that the total number of slots these cities could effectively use this summer is 458,463. On the basis of our contacts with a sample of smaller cities, we estimate that their needs for summer jobs total 689,384. Combining these figures, the present real need for 1975 is 1,147,847 slots nationwide.

As you are aware, rapidly rising unemployment rates and deteriorating economic conditions are having a severe impact on joblessness among youth. With projected increases in the number of disadvantaged youth and alarming numbers of lay-offs in both the private and public sectors, an unemployment rate of 50% or more may be anticipated among disadvantaged youth this summer.

Congress has recognized the crisis of unemployment among adults through the Emergency Jobs and Special Unemployment Assistance Act of 1974, and it is essential that it address this separate crisis of unemployment among youth.

As summer job prospects for youth in the private sector become increasingly dim, it is clear that job creation in the public sector must be greatly expanded to fill this void. In addition, local government lay-offs are rapidly expanding and substantial efforts made by cities to hire youths during the summer months with local funds will be severely curtailed. In facing dramatically increased needs and evaporating job opportunities, your leadership is again urgently requested in securing additional funds for a summer employment program at the earliest possible date. Adequate time to plan and implement summer youth programs is critical to the operation of an effective national effort.

While it is clear from the survey that those eligible for a summer youth employment program far exceed the capacity of cities to employ these youngsters effectively, it is urgent that the Congress also address the need for additional funds for a recreation program to provide disadvantaged youngsters with some form of constructive activity during the summer months. We are currently in the process of surveying city needs for recreation programs and should have this information to you shortly.

We would appreciate your assistance again this year in assuring adequate funding for a summer jobs program.

Sincerely,

ALLEN E. PRITCHARD, Jr.,
Executive Vice President.

SAMPLING OF CITIES OTHER THAN 50 LARGEST

City	1974 Actual		1975		
	Funding[1]	Slots[2]	Number eligible	Effectively employ	Funding need[3]
Region I:					
Bridgeport, Conn.	$1,074,314	2,008	4,500	3,000	$1,698,000
Cambridge, Mass.	616,566	1,152	1,200	1,000	566,000
Lowell, Mass.	385,052	719	1,600	1,000	566,000
Worcester, Mass.	348,291	651	1,700	1,200	679,200
Region II:					
Elizabeth, N.J.	173,228	322	1,500	375	212,250
Albany, N.Y.	401,086	749	5,000	5,000	2,630,000
Yonkers, N.Y.	178,286	333	900	600	339,600
Carolina, P.R.	498,180	931	6,000	4,000	2,264,000
San Juan, P.R.	1,166,329	2,180	12,296	3,117	1,764,222
Region III:					
Erie, Pa.	185,745	347	2,500	650	367,900
Hampton and Newport News, Va.	557,863	1,042	2,000	1,300	735,800
Region IV:					
Huntsville, Ala.	264,980	495	2,000	1,200	679,200
Montgomery, Ala.	658,920	1,231	1,800	1,800	1,018,800
Savannah, Ga.	297,401	555	2,500	1,050	594,300
Lexington, Ky.	502,790	939	3,000	1,200	679,200
Jackson, Miss.	551,117	1,030	3,000	1,200	679,200
Durham, N.C.	449,046	839	1,800	839	474,874
Greensboro, N.C.	297,574	556	1,500	1,000	566,000
Chattanooga, Tenn.	548,910	1,026	2,175	1,975	1,117,850
Knoxville, Tenn.	712,386	1,331	4,500	2,000	1,132,000
Region V:					
Peoria, Ill.	260,742	487	2,000	650	367,900
Evansville, Ind.	745,308	1,393	3,040	1,500	849,000
Fort Wayne, Ind.	584,414	1,092	2,000	2,000	1,132,000
Gary, Ind.	2,713,313	5,071	7,000	6,500	3,679,000
South Bend, Ind.	$522,918	977	2,000	1,101	$523,166
Dearborn, Mich.	36,540	68	120	120	67,920
Duluth, Minn.	143,135	267	4,000	2,000	1,132,000
Akron, Ohio	772,002	1,442	2,300	1,800	1,018,800
Canton, Ohio	317,121	592	700	667	377,522
Youngstown, Ohio	1,048,872	1,960	10,000	6,000	3,396,000
Region VI:					
Little Rock, Ark.	768,039	1,435	2,200	1,481	838,246
Shreveport, La.	314,340	587	4,035	1,200	679,200
Albuquerque, N. Mex.	475,776	889	10,500	2,500	1,415,000
Region VII:					
Cedar Rapids, Iowa	77,053	144	1,400	300	169,800
Des Moines, Iowa	471,468	881	4,500	1,200	679,200
Kansas City, Kans.	391,248	731	1,600	1,142	646,372
Wichita, Kans.	525,768	982	2,000	1,300	735,400
Springfield, Mo.	114,589	214	300	300	169,800
Region VIII: Salt Lake City, Utah	285,128	532	2,000	700	396,200
Region IX:					
Tucson, Ariz.	814,416	1,522	4,500	3,000	1,698,000
Glendale, Calif.	71,155	133	2,000	200	113,200
Region X:					
Spokane, Wash.	318,724	595	3,404	600	339,600
Tacoma, Wash.	641,021	1,198	2,500	2,000	1,132,000
50 largest total	138,151,082	258,202	1,268,972	458,463	259,490,058
Balance of cities	241,848,918	450,998	1,909,593	689,384	390,191,344
Total	380,000,000	709,200	3,178,565	1,147,847	649,681,402

SUMMER YOUTH EMPLOYMENT PROGRAM

Region I: Boston	$2,480,867	4,637	18,000	18,000	$10,188,000
Region II:					
Buffalo	1,275,620	2,384	40,000	10,000	5,660,000
Newark	3,442,799	6,435	25,900	11,000	6,226,000
New York	24,473,511	45,744	426,000	80,000	45,280,000
Rochester	637,558	1,191	6,000	2,000	1,132,000
Region III:					
Baltimore	4,183,526	7,819	17,600	12,000	6,792,900
Norfolk	1,535,979	2,870	11,680	3,500	1,981,000
Philadelphia	4,315,810	8,066	52,792	22,000	12,452,000
Pittsburgh	2,568,647	4,801	7,000	7,000	3,962,000
Washington, D.C.	6,563,092	12,267	25,000	18,000	10,188,000
Region IV:					
Atlanta	$1,489,979	2,785	10,000	5,388	$3,049,608
Birmingham	1,123,440	2,099	7,700	2,774	1,570,084
Jacksonville	844,711	1,578	20,000	2,500	1,415,000
Louisville	1,210,223	2,262	15,000	4,000	2,264,000
Memphis	1,445,064	2,701	12,250	2,716	1,537,256
Miami	2,354,311	4,400	6,500	4,400	2,490,400
Nashville	738,378	1,380	4,000	2,500	1,415,000
Tampa	1,192,915	2,229	7,000	6,515	3,687,490
Region V:					
Chicago	19,209,563	35,905	85,000	50,000	28,300,000
Cincinnati	1,533,527	2,866	40,000	5,000	2,830,000

SUMMER YOUTH EMPLOYMENT PROGRAM—Continued

City	1974 Actual		1975		
	Funding[1]	Slots[2]	Number eligible	Effectively employ	Funding need[3]
Region V—Continued					
Cleveland	$4,919,923	9,196	24,200	18,000	$10,188,000
Columbus	899,175	1,680	2,500	2,500	1,415,000
Detroit	5,095,758	9,524	40,000	23,000	13,018,000
Indianapolis	1,056,816	1,975	12,000	4,500	2,547,000
Milwaukee	1,319,978	2,467	6,000	3,713	2,101,558
Minneapolis	1,104,440	2,064	6,000	3,500	1,981,000
St. Paul	431,679	806	3,200	3,200	1,811,200
Toledo	673,997	1,259	2,000	1,400	792,400
Region VI:					
Dallas	1,071,619	1,902	45,000	4,000	2,264,000
El Paso	546,547	1,021	6,000	4,672	2,644,352
Fort Worth	459,190	858	2,500	1,600	905,600
Houston	2,126,840	3,975	12,000	4,000	2,264,000
New Orleans	1,607,513	3,004	10,000	10,000	5,660,000
Oklahoma City	557,086	1,041	3,000	2,400	1,358,400
San Antonio	2,856,730	5,339	10,000	5,500	3,113,000
Tulsa	553,663	1,034	2,000	1,300	735,800
Region VII:					
Kansas City, Mo	$1,835,348	3,430	13,000	5,000	$2,830,000
Omaha	1,069,481	1,999	2,500	2,000	1,132,000
St. Louis	2,810,441	5,253	9,500	7,500	4,245,000
Region VIII: Denver	1,578,466	2,950	9,280	4,000	2,264,000
Region IX:					
Honolulu	566,788	1,807	3,500	2,500	1,415,000
Long Beach	764,769	1,429	7,500	2,500	1,415,000
Los Angeles	6,502,818	12,502	75,000	30,000	16,980,000
Oakland	1,705,211	3,187	10,000	5,800	3,311,100
Phoenix	2,146,338	4,011	60,000	9,000	5,094,000
San Diego	2,017,157	3,770	25,000	6,000	3,396,000
San Francisco	2,167,803	4,051	8,000	8,000	4,528,000
San Jose	1,178,891	2,203	4,000	3,535	2,000,810
Region X:					
Portland	1,024,404	1,914	5,000	5,000	2,830,000
Seattle	4,136,643	7,732	13,000	5,000	2,830,000

[1] Department of Labor figures.
[2] Figures based on consortia (where applicable) dollar allocations averaging $535 per slot.
[3] Figures based on a cost of $500 per slot; 26 hr per week at $2.50 per hour for 8 weeks.

FEBRUARY 25, 1975.

Senator JACOB JAVITS,
326 Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: We are pleased to respond to your request for information regarding dollar needs for operation of the 1975 summer Recreation Support Program (RSP), authorized by the "Headstart, Economic Opportunity and Community Partnership Act of 1974." The National Recreation and Park Association has surveyed the Comprehensive Employment and Training Act "Prime Sponsors," designated in the program's authorization as RSP sponsoring agencies. We specifically requested data on the amount of money needed to run the summer recreation program in the summer of 1975.

The Prime Sponsors were asked to provide NRPA with the dollar figure they would like to receive and could effectively spend in 1975, given staffing, facility and planning limitations. NRPA also asked how much money recipient communities received in 1973 and 1974. This information is basic to ascertaining 1975 funding levels, since the program's authorization contains a hold-harmless clause which insures that no community will receive fewer RSP funds in 1975 than received in the summers of 1973 or 1974.

Though the complete survey results are not yet in, we project the communities will express a need in the range of $30–$40 million. However, given the past levels of funding and the present directives for fiscal conservatism, we feel that a $26 million appropriation level will fund a meaningful Recreation Support Program in 1975.

Sincerely,

DWIGHT F. RETTIE,
Executive Director.

PRESIDENT SEEKS $2-BILLION MORE FOR PUBLIC JOBS

(By John Herbers)

WASHINGTON, March 5.—President Ford, taking another step to alleviate high unemployment, called today for the expenditure of more than $2-billion above his budget for public service jobs.

A statement issued by the White House press office said that Mr. Ford had decided to seek supplemental funding of $412-million for 760,000 additional summer jobs for youths and $1.625-billion for extending some 310,000 public service jobs for six months.

The President's action, however, fell short of the demands many members of Congress have been making for emergency employment and is not considered likely to have a major impact on high unemployment.

EARLIER STEPS TAKEN

Earlier, President Ford recommended a $16-billion income tax rebate to individuals and corporations and announced he would release up to $2-billion in highway construction funds to spur the economy. He is expected to take additional steps if unemployment is at an unusually high level in the months ahead.

Meanwhile, bowing to Republican pressure, the House Democratic leadership scheduled action next Tuesday on the vote to override President Ford's veto of the curb on oil import fees, after initially saying the vote would be postponed for 60 days. (Page 26.)

The President made his decision after a meeting yesterday with his economic advisers and after House Democrats announced they would seek an additional $5.9-billion for more public service jobs and public works projects.

In addition to the statement about the added job funds, the White House also announced that President Ford will hold a news conference, which will be nationally televised, at 7:30 P.M. tomorrow.

Mr. Ford's recommendation for $1.625-billion would not add new public service jobs. But it would keep some 310,000 persons, who are employed under legislation now in effect, on the payroll for six months past the cutoff date of next Jan. 1. Ron Nessen, the White House press secretary, and Paul O'Neill, deputy director of the Office of Management and Budget, said that if the additional funds were not provided, the states, cities and other agencies that administer the program would have to start phasing out their employment projects next July 1.

The $1.625-billion thus would supplement the $2.5-billion that is in the President's budget for public service jobs and manpower programs.

SUMMER YOUTH JOBS

The summer youth employment would come under separate legislation, the Comprehensive Employment and Training Act, enacted in December, 1973, as an additional hedge against unemployment.

The White House statement said the state and local governments, which administer the funds for several purposes, would not provide as much money this year as they did last year for summer youth work, apparently because of the high number of adults who need jobs. Mr. O'Neill said that although exact figures were not available it appeared that the $380-million spent for youth jobs last summer would be cut in half this year.

"Therefore, the President has decided to seek supplemental funding for specific summer youth programs this year in the amount of $412-million," the White House statement said. "This will insure an additional 76,000 summer youth job opportunities on top of the allocations made by state and local sponsors from [Federal] funds already provided."

On Feb. 28, Senator Jacob K. Javits, Republican of New York, and 19 other Senators of both parties wrote President Ford urging him to request $680-million in new funds to provide 1.1 million summer youth jobs.

SENATORS' VIEW EXPRESSED

"While the nation as a whole continues in a severe recession with employment at 8.2 per cent in January and 7.5 million unemployed, and with the Administration's projections that unemployment will average 8.1 per cent throughout this calendar year," the Senators wrote, "poor youth, which have unemployment levels of 30 to 40 per cent even in better times, are expected to suffer rates of 50 per cent and more this summer. The National League of Cities, which has projected such a rate, indicates that it expects more than 3.1 million poor youth to be looking for jobs this summer."

Senator Javits, advised of President Ford's actions, said that it was a "real victory for human relations" but still fell short of the need.

He said he would continue to work for the full amount "and I am encouraged by the President's action today that additional funding can be obtained for this badly needed program."

President Ford was also reported in the statement to be concerned about the possibility that unemployed workers would exhaust their unemployment compensation benefits and asked that a staff study of the problem be made for his prompt review.

There was no indication as to how the President would come to terms with the move by House Democrats to appropriate $5.9-billion over the executive budget for public service jobs, public works projects and other programs that would increase employment. The idea behind the move sponsored by Speaker Carl Albert and other leaders is to provide 900,000 additional jobs.

TESTIMONY OF SENATOR JAVITS BEFORE THE SUBCOMMITTEE ON LABOR-HEW APPROPRIATIONS

Mr. Chairman, I appreciate this opportunity to appear before you today in connection with the second supplemental appropriations bill, which will soon be coming to the Senate from the House.

I am here to urge that you include in that bill increased funding for programs under the Comprehensive Employment and Training Act of 1973 (as amended by the Emergency Jobs and Unemployment Assistance Act of 1974) and the Economic Opportunity Act of 1964—the key legislative authorities for programs to assist the poor, the unemployed and the underemployed—those that are particularly in the grip of the present high rate of unemployment, as well as a high rate of inflation.

The national rate of 8.2 percent unemployment with 7.5 million unemployed in January is bad enough, but in the depressed city and rural poverty pockets, rates of 50 percent and more are not uncommon among minority group youth.

In terms of inflation, as President Ford stated in his economic address to the Congress on October 8, 1974:

. . . "low-income and middle-income Americans have been hardest hit by inflation. Their budgets are most vulnerable because a larger part of their income goes for the highly inflated costs of food, fuel, and medical care."

This very dismal situation was brought home to me again just yesterday at hearings of the Committee on Labor and Public Welfare in New York City, chaired by Senator Williams, Chairman of the Committee, concerning unemployment and a number of measures we have proposed to deal with it.

The unemployment rate in New York City for January was a shocking 10.6 percent (compared with 8.5 percent in December), with the entire State of New York at a rate of 9.3 percent (compared with 7.6 percent in December). In Buffalo, the rate was 13.4 percent (compared with 10.3 percent in December).

We heard from a number of public officials, labor unions, and the community groups, as well as unemployed persons themselves, and I can tell you that the situation is absolutely catastrophic.

Clearly, we are no longer only in a "war against poverty"—we are in a "war against depression".

To deal with this situation, I urge the following actions by the Appropriations Committee.

JOBS AND RELATED PROGRAMS

First, joined by 19 Senators—who wrote the President and the Committee on February 28—an aggregate of $680,211,844 to meet the urgent needs for 1,147,847 summer youth jobs and related transportation and recreational activities for this summer. Last summer, an aggregate of $397.0 million was made available for these purposes which included approximately 709,200 nine-week jobs. There is no specific budget request for these items.

Co-signatories of the letter to the President include Senators Beall, Brooke, Case, Cranston, Hart, Hathaway, Humphrey, Jackson, Kennedy, McGovern, Mondale, Muskie, Nelson, Pell, Randolph, Ribicoff, Stafford, Tunney, and Williams.

This request consists of the following elements:

An aggregate of $639,681,402 for the provision of 1,147,847 summer jobs for economically disadvantaged youth 14 to 21 years of age as authorized under section 304(a)(3) of the Comprehensive Employment and Training Act of 1973. Each job would provide a nine-week opportunity of 26 hours a week at the minimum wage of $2.10 an hour. The 1,147,847 jobs consist of 458,463 jobs in the Nation's 50 largest cities, and 689,384 jobs in smaller cities and other areas—which the cities indicate they can use effectively. Last summer, $380.0 million under this heading was made available for approximately 709,200 nine-week jobs.

These needs—which can still meet only one-third of the total target group of 3.1 million youth—are documented on a city-by-city basis in a letter dated January 29, 1975, from Alan E. Pritchard, Executive Vice President of the National League of Cities, in response to a request I made.

$1,530,442 under section 304(a)(3) of the Comprehensive Employment and Training Act of 1973 to provide transportation to youth to enable them to participate in the summer youth job program. Last summer, approximately $1.7 million was made available.

This request is set forth in a letter dated February 6, from Mr. Pritchard.

$26,000,000 to provide recreational opportunities to poor youth, six to 13 years of age, under the Summer Youth Recreation program authorized by section 222(a)(13) of the Economic Opportunity Act of 1964, as amended by P.L. 93-644, the Headstart, Economic Opportunity and Community Partnership Act of 1974, which became law on January 4. $15.3 million was provided last summer.

This request is set forth in a letter dated February 25, from Dwight F. Rettie, Executive Director of the National Recreation and Park Association.

I ask that these documenting letters be made a part of the hearing record, along with copies of our letters to the President and to this Committee.

We note that summer youth job programs are among the eligible activities for which state and local government prime sponsors may use funds allocated to them under title I of CETA, "Comprehensive Manpower Services".

However, because of the very substantial needs for comprehensive programs for adults and others under title I—stemming from the crisis unemployment situation—it is clear that title I cannot be regarded as an adequate source to meet to any significant extent the aggregate needs for summer youth jobs and transportation that have been documented. Already, preliminary estimates from the Department of Labor suggest that only a small number of prime sponsors have been able to plan for a summer youth job program at last year's level—which will clearly be inadequate.

The Department of Labor is currently canvassing prime sponsors to obtain an estimate of what has actually been committed and I shall work with the Committee to provide that information.

Second, I am pleased to join with Senators Kennedy and Cranston, who appeared before this Subcommittee on Thursday, February 27, in their request for an additional $1.6 billion for title VI of the Comprehensive Employment and Training Act, as added by title I of the Emergency Jobs and Unemployment Assistance Act of 1974. $2.5 billion was authorized for fiscal year 1975 for that title; of that amount, $875.0 million has been appropriated.

It is true that not all of the $875.0 million already appropriated has been utilized at this moment by State and local governmental prime sponsors under the Act, but our indications are that they are well underway and will be in a position to utilize these additional funds we request. By providing the appropriations now, the Department will be able to plan for appropriate allocations in the coming months.

Under the Act, funds appropriated this fiscal year can be obligated until December 31, 1975, and projects can continue twelve months from their commencement, so that the funds need not be made available prematurely.

The sponsors of this request estimate that the additional $1.6 billion would provide approximately 216,000 jobs at an approximate rate of $7,500 per job per year.

This is a very important requirement to deal with the situation in the coming months. Over the longer term, Senator Williams and I, joined by 14 of our colleagues, have introduced S. 609, the "Emergency Public Service Employment Extension Act of 1975", a bill to extend for one year the authorization for the emergency job programs under title VI of CETA, with the objective of an aggregate of 1 million public service jobs if needed.

ANTIPOVERTY PROGRAMS

I appear before you in support of funds for the programs conducted under the Economic Opportunity Act of 1964 as amended by the Headstart Economic Opportunity and Community Partnership Act of 1974, basically at the levels recommended by the Committee on Labor and Public Welfare in reporting the bill.

These levels aggregate $1,520,000,000 or $563,700,000 above the Administration's request for fiscal year 1975, which is $993,800,000.

I ask unanimous consent that a chart detailing these elements be included in the hearing record.

Two of these elements I believe deserve special emphasis:

First, I wish to advise the Committee of an overall need of $141.6 million in actual and projected applications before the Community Services Administration for the Emergency Energy Conservation Services program under section 222(a)(12) of the Economic Opportunity Act, which I authored. There is no budget request for this authority.

In this request—which actually will be less than this total amount as I shall explain—I am joined by 18 Senators, who joined with me in a letter on this matter to the President on February 20, and a letter to the Committee on February 28. Joining with me were Senators Brooke, Case, Cranston, Hathaway, Humphrey, Jackson, Kennedy, McGovern, Mathias, Mondale, Muskie, Nelson, Pell, Randolph, Ribicoff, Schweiker, Stafford, and Williams.

Section 222(a)(12), which was added to law this January 4, is designed to reduce the impact of high energy costs on low-income individuals and families, including the elderly and the near poor. It authorizes the Director of the Community Services Administration, the successor to the Office of Economic Opportunity, to establish winterization programs and provide other supportive assistance, such as emergency loans and grants, special fuel voucher or stamp programs, as well as transportation, nutrition and health services in emergency cases.

The Administration has proposed some steps to meet these problems through its inclusion of a winterization assistance program in title XI of its proposed "Energy Independence Act of 1975", for which title the Administration has requested $9 million in fiscal year 1975, to be utilized by the Federal Energy Administration through grants to the states.

However, to meet the problem effectively in this fiscal year will require, immediate utilization of the existing authority, section 222(a)(12) at a level of funding substantially above what the Administration has proposed.

Already, the Community Services Administration and its agencies are currently expending approximately $25 million on energy related programs from local-initiative and other general appropriations, following the pattern of "Project Fuel" in the State of Maine, which was commenced by the Office of Economic Opportunity.

It seems clearly advisable to expand those efforts under section 222(a)(12)—which represent an approach closer to the poor—rather than to await new and duplicative authority.

The $141.6 million is based upon a letter dated February 12, from the Director of the Community Services Administration, Bert A. Gallegos, in response to a request I made, which advises that there are now pending unsolicited and unmet applications for programs under section 222(a)(12) totalling $88.1 million and that an additional $53.3 million in new proposals are being developed, for an aggregate of $141.6 million.

It is my understanding that Mr. Gallegos will appear here today and perhaps he will now have information to provide the Committee on the amount that can be effectively used.

At the very least, the Committee might consider making available in this appropriation the "undisputed" amount as between the Administration and ourselves which—putting aside minor time factors—would be $64.0 million.

That is derived by taking the Administration's requests for this fiscal year of $9.0 million and adding thereto its request for fiscal year 1976 of $55.0 million on the basis that it may be in the best interest of planning to make the total available now and let it go to work so that the poor will not be

caught in the squeeze again next winter. Then the matter could be reviewed again in connection with the regular fiscal year 1976 appropriations.

Second, as a part of my overall requests under the Economic Opportunity Act of 1964, I request $85.0 million for Community Economic Development under title VII of the Act. This is $47.0 million above the budget request of $38.0 million.

This program utilizes a very gifted concept of community economic development corporations in a multi-faceted attack on poverty, based upon a "special impact" program which was started by the late Senator Robert Kennedy and I in Bedford-Stuyvesant, New York. Currently, there are approximately 36 CDC's.

Action for Community Economic Development and independent organization advises on the basis of a survey I have requested that an aggregate of $85 million is necessary for this fiscal year.

I ask unanimous consent that a letter documenting these needs in terms of the eight urban and thirteen rural projects that are under consideration for refunding during this fiscal year, as well as supportive activities, be printed in the Record.

Mr. Chairman, I am grateful for this opportunity and will appreciate any consideration that you can give these requests.

STATEMENT BY THE WHITE HOUSE PRESS SECRETARY

The President met yesterday with his senior Economic and Energy advisers. They reviewed with the President general economic subjects and discussed programs proposed and in place to deal with our current economic conditions.

At the conclusion of that meeting, the President made the following observations and decisions. First he noted that the Budget he transmitted to the Congress last month included $32 billion for aid to the unemployed during FY–75 and FY–76. The President noted that $5 billion of that aid depended on congressional action and he asked the staff to work with the appropriate committees of Congress to see that the money needed is available in time to meet benefit payments as they come due.

The President also observed that his budget recommendations provided funding for 310,000 Public Service Jobs through this calendar year. He has decided now that it would be appropriate and desirable to provide the funds necessary to continue these jobs another six months through July first of 1976. Therefore, he has decided to recommend to Congress that they provide supplemental funding totaling $1.625 billion to carry out that purpoes in additon to the $2.5 billion already contained in the Budget for public service jobs and other manpower programs.

Under the provisions of the Comprehensive Employment and Training Act (CETA) enacted in December, 1973, the state and local governments make decisions as to the allocation of manpower funds between institutional, on-the-job training, summer youth employment and other purposes. The President was advised that preliminary plans indicate that state and local governments are not allocating sufficient funds to meet this summer's needs for job opportunities for youth. Therefore, the President has decided to seek supplemental funding for specific summer youth programs this year in the amount of $412 million. This will insure an additional 760,000 summer youth job opportunities on top of the allocations made by State and local sponsors from CETA funds already provided.

Finally, the President indicated a concern about the possibility of unemployed workers exhausting their unemployment compensation benefits. The President asked that a study of this problem be completed promptly for his review.

NATIONAL ENERGY POLICY

Mr. TOWER. Mr. President, there are many factors which must be considered carefully when formulating national energy policy. Each decision made by the Congress today in the energy field will have substantial impact on the economic development of the Nation today and well into the future. It is axiomatic that valid conclusions can only be made upon the basis of reliable information. Unfortunately, misconceptions and misunderstandings about the oil and gas industry have led many to reach unsupported conclusions about energy policy and the proper role of private industry in meeting the Nation's energy needs.

Among the many unfounded conceptions about the oil industry, is the impression that the industry enjoys unconscionable rates of return on investment. This simply is not a true picture of this industry which takes the inordinately high business risks of oil and gas exploration necessary to find and develop new energy supplies.

In the period between 1954 and 1973 U.S. oil companies earned an average 10 percent return on investment. In the same 20-year period all manufacturing companies in the United States earned an average 11 percent on investment. These figures, which are supplied by the Independent Petroleum Association of America as part of its effort to present the facts on the oil industry, clearly indicate that oil companies do not enjoy unreasonable rates of return in comparison with industry in general.

With the exception of Royal Dutch/Shell and British Petroleum, which are expected to report earnings later this month, 19 major integrated oil companies recently reported 1974 earnings which once again are in line with returns earned by other industries. It is the opinion of Morgan Stanley & Co. that 1974 may remain the high watermark of oil industry earnings for some years to come. As Morgan Stanley notes:

The fourth quarter of 1974 gave evidence that earnings are in the process of decline.

Mr. President, I ask unanimous consent that aggregate financial information on 19 major integrated companies, as reported by Morgan Stanley & Co., Inc., in its February 24, 1975, energy notes, be printed in the RECORD, so that the facts on integrated oil company rates of return may be available to Congress and to the Public.

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

ENERGY NOTES: 1974, THE YEAR OF "OBSCENITY"

SUMMARY

With the exception of Royal Dutch/Shell and British Petroleum, both of which are expected to report on March 13, all of the major integrated oil companies have issued preliminar[illegible] 1974 earnings statements. Aggregate results for nineteen of the twenty-one companies we normally monitor were:

[Dollars in millions]

	Full year			Fourth quarter		
	1973	1974	Percent change	1973	1974	Percent change
Gross revenues	$106,404	$181,653	70.7	$31,552	$49,354	56.4
Net income	8,058	12,273	52.3	2,848	2,480	(12.9)

The year will pass into the record books as one of "obscene" profits. But as the fourth quarter gave evidence, earnings are in the process of declining. With worldwide surpluses exerting tremendous pressure on downstream realizations, the likely elimination of an equity position in many of the oil-producing countries, and probable congressional legislation aimed at eliminating percentage depletion and taxing "windfall" producing profits, 1974 is likely to remain a high watermark for earnings for some years to come.

Individual profits of some of the majors for both the year and the fourth quarter are discussed briefly and shown in the following tables.

INTERNATIONALS

Exxon

Exxon evidently did not have to compare its fourth-quarter 1974 results against levels which were inflated by inventory gains as for other companies at the end of 1973. Additionally, unusual year-end adjustments resulted in a net gain of $0.32 per share. Earnings in the first and second quarters of 1974 were $0.36 and $0.31 per share higher, respectively, than would have been achieved without inventory profits. First-half 1974 earnings were also increased $0.05 per share by changes in currency exchange rates.

[Dollars in millions except EPS]

	Full-year earnings							4th-quarter earnings						
	1973			1974				1973			1974			
	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change
Oil and gas:														
United States	$830	$3.70	33.9	$1,027	$4.59	32.7	24.1	$224	$1.00	28.5	$246	$1.10	28.6	10.0
Other Western Hemisphere	482	2.15	19.7	435	1.94	13.8	(9.8)	159	.71	20.2	141	.63	16.4	(11.3)
Eastern Hemisphere	988	4.41	40.5	1,178	5.26	37.6	19.3	342	1.53	43.6	317	1.42	37.0	(5.9)
Chemical:														
United States	66	.29	2.7	146	.65	4.6	124.1	23	.10	2.8	34	.15	3.9	50.0
Foreign	136	.61	5.6	314	1.40	10.0	129.5	50	.22	6.3	75	.33	8.6	50.0
Other	(59)	(.26)	(2.4)	40	.18	1.3		(11)	(.05)	(1.4)	47	.21	5.5	
Total	2,443	10.90	100.0	3,140	14.03	100.0	28.7	787	3.51	100.0	860	3.84	100.0	9.4

Gulf Oil

Bob R. Dorsey, Gulf's Chairman, stated: "It is safe to say that we have crossed the profit peak and will be living with lower earnings, perhaps substantially lower earnings, for the next few years." Gulf estimated the Federal crude allocation program cost it $110-million ($0.56 per share), while repeal of percentage depletion could cost it $125-million ($0.64 per share) in 1975.

[Dollars in millions except EPS]

	Full-year earnings							4th-quarter earnings						
	1973			1974				1973			1974			
	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change
Oil and gas:														
United States	$364	$1.85	45.6	$420	$2.16	39.4	16.7	$29	$0.15	12.7	$92	$0.47	50.0	213.3
Foreign	560	2.84	70.0	594	3.05	55.7	7.4	267	1.36	115.3	84	.42	44.6	(69.1)
Chemical:														
United States	10	.05	1.2	96	.49	9.0	880.0	6	.03	2.5	31	16	17.0	433.3
Foreign	17	.08	2.0	80	.41	7.5	412.5	3	.02	1.7	9	.05	5.3	150.0
Nuclear	(133)	(.68)	(16.6)	(97)	(.50)	(9.1)	(26.5)	(55)	(.28)	(23.7)	(6)	(.03)	(3.2)	(89.3)
Minerals	(8)	(.04)	(1.0)	(22)	(.11)	(2.0)	175.0	(8)	(.04)	(3.4)	(18)	(.09)	(9.5)	125.0
Other	(10)	(.05)	(1.2)	(6)	(.04)	(.5)	(40.0)	(12)	(.06)	(5.1)	(7)	(.04)	(4.2)	(33.3)
Total	800	4.06	100.0	1,065	5.47	100.0	34.7	230	1.18	100.0	185	.94	100.0	20.3

Mobil

Mobil's fourth-quarter earnings were reduced $58-million ($0.57 per share) by dollar conversions and $23-million ($0.23 per share) by the cancellation of the Paulsboro refinery expansion. Foreign inventory profits added $325-million ($3.19 per share) to full-year earnings. The negative effect of dollar conversions is estimated at $80-million ($0.79 per share). Translation of the dollar had the effect of increasing 1973 earnings by $150-million, or $1.47 per share. Netting out the extraordinary gains and losses in 1974 would have produced earnings of $8.04 per share.

[Dollars in millions except EPS]

	Full-year earnings							4th-quarter earnings						
	1973			1974				1973			1974			
	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change
Oil and gas:														
United States	$258	$2.54	30.5	$287	$2.82	27.6	11.0	$71	$0.70	25.6	$57	$0.57	42.5	(18.6)
Foreign	558	5.48	65.7	654	6.42	62.9	17.2	189	1.86	68.2	40	.39	29.1	(79.0)
Chemical	36	.35	4.2	111	1.09	10.7	211.4	14	.14	5.1	138	.37	27.6	164.2
Other	(3)	(.03)	(.4)	(12)	(.12)	(1.2)	(300.0)	4	.03	1.1	1	.01	.8	
Total	849	8.34	100.0	1,040	10.21	100.0	22.4	278	2.73	100.0	136	1.34	100.0	(50.9)

Texas

The company estimated its foreign inventory profit at $259-million ($0.95 per share). On the other hand, operating earnings decreased $29-million ($0.11 per share) because of losses in foreign currencies. Earnings in the fourth quarter and the year were also charged with a reserve of $28.2-million ($0.10 per share) relating to possible nationalization by Libya and nonrecovery of a currently nonprofitable investment in Colombia. Earnings would have been $5.10 per share in the absence of these items.

[Dollars in millions except EPS]

	Full-year earnings							4th-quarter earnings						
	1973			1974				1973			1974			
	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change
Oil and gas:														
United States	$426.9	$1.61	33.9	$390.2	$1.44	24.7	(10.6)	$86.8	$0.32	19.3	$86.5	$0.32	27.2	
Foreign	832.0	3.06	64.4	1,090.8	4.01	68.7	31.0	359.9	1.32	79.5	216.2	.80	57.8	(39.4)
Chemical:														
United States	17.0	.06	1.3	63.2	.23	3.9	283.3	5.3	.02	1.2	14.3	.05	4.2	150.0
Foreign	6.5	.02	.4	42.2	.16	2.7	300.0	1.5			2.7	.01	.8	
Total	1,292.4	4.75	100.0	1,586.4	5.84	100.0	22.9	453.5	1.66	100.0	319.7	1.18	100.0	(28.9)

Texaco adopted LIFO accounting for its U.S. inventories in 1974. This had the effect of reducing per share earnings previously reported approximately as follows:

	Reported	Restated
1st quarter	$2.17	$1.92
2d quarter	1.69	1.35
3d quarter	1.40	1.39
4th quarter	1.18	1.18

It is interesting to note currently indicated dividend payouts for these four companies against their U.S. oil, gas, and chemical earnings:

Company	Indicated dividend	U.S. earnings [1]	Percent payout
Exxon	$5.30	$5.24	101.1
Gulf	1.70	2.65	64.2
Mobil	3.40	3.91	87.0
Texaco	2.10	1.69	124.3

[1] Gulf excludes nuclear, mineral, and other losses; Mobil includes foreign chemical profits

Furthermore, U.S. oil and gas earnings dropped from 35% of total profits of the four in 1973 to only 31% in 1974 and accounted for a mere 17% of the gain in net income. By contrast, chemicals accounted for 39% of the increment, rising from 5.3% to 12.5% of aggregate income. Foreign oil and gas profits dropped somewhat from 63% of the total to 58%, but contributed 37% of the gain.

DOMESTICS

Atlantic Richfield

Fourth-quarter net income was affected by $21.7-million ($0.38 per share) resulting from the company's write-off of its withdrawal from the tar sands venture. Because of the manner in which Arco reports its divisional earnings, the figures should be regarded as approximations.

[Dollars in millions except EPS]

	Full-year earnings							4th-quarter earnings						
	1973			1974				1973			1974			
	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change
Oil and gas:														
United States	$360.8	$6.36	74.2	$477.4	$8.41	65.4	32.2	$124.6	$2.18	77.8	$138.7	$2.44	91.7	11.9
Foreign	82.6	1.46	17.0	129.1	2.27	17.7	56.3	25.9	.45	16.1	(17.9)	(.31)	(11.6)	
Chemical	27.7	.49	5.7	123.0	2.17	25.9	344.0	9.6	.17	6.1	30.4	.53	19.9	216.7
Corporate	15.2	.26	3.1	NA										
Subtotal	486.3	8.57	100.0	729.5	12.85	100.0	50.0	160.1	2.80	100.0	151.2	2.66	100.0	(6.2)
Expense items	216.1	3.81		254.9	4.49		18.0	68.4	1.19		54.3	.95		(20.6)
Total	270.2	4.76		474.6	8.36		75.6	91.7	1.61		96.9	1.71		6.2

Continental Oil

Earnings for the year were reduced by $71-million, or $1.40 per share to reflect adoption of LIFO. Net income for 1973, which reflected FIFO accounting, was approximately $50-million, or $0.99 per share, higher than if LIFO had been in effect. Of this, $40-million, or $0.79 per share, was in the fourth quarter of 1973. Consolidation Coal's earnings were impaired by $15-million, or $0.30 per share, as a result of the miners' strike. Based on fourth-quarter production of 9-million tons, earnings per ton were $2.13 before corporate overhead compared with $0.93 per ton for the full year. Results for the quarter also included a $7.4-million gain ($0.15 per share) from the sale of property compared with a write-off of $6.7-million ($0.13 per share) in 1973.

[Dollars in millions except EPS]

	Full-year earnings							4th-quarter earnings						
	1973			1974				1973			1974			
	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change
Oil and gas:														
United States	$131.7	$2.61	54.2	$220.8	$4.36	67.4	67.0	$31.3	$0.62	35.0	$54.0	$1.07	87.7	72.6
Canada	20.0	.40	8.3	30.3	.60	9.3	50.0	6.1	.12	6.8	6.8	.13	10.7	8.3
Other	(2.0)	(.04)	(.8)	(3.8)	(.07)	(1.1)		(1.0)	(.02)	(1.1)	(2.4)	(.05)	(4.1)	
Total Western Hemisphere	149.7	2.97	61.7	247.3	4.89	75.6	64.6	36.4	.72	40.7	58.4	1.15	94.3	59.7
Eastern Hemisphere	139.0	2.75	57.2	22.0	.43	6.6	(84.4)	74.1	1.47	83.0	(7.1)	(.14)	(11.5)	
Total oil and gas	288.7	5.72	118.9	269.3	5.32	82.2	(7.0)	110.5	2.19	123.7	51.3	1.01	82.8	(53.9)
Consolidation coal	(12.8)	(.25)	(5.2)	43.8	.87	13.4		(12.2)	(.24)	(13.6)	19.2	.38	31.1	
Conoco chemicals	20.9	.41	8.5	67.7	1.33	20.6	224.4	5.4	.11	6.2	14.2	.28	23.0	164.5
Minerals	(6.1)	(.12)	(2.5)	(9.0)	(.18)	(2.8)		(1.9)	(.04)	(2.2)	(4.4)	(.09)	(7.4)	
Corporate	(48.0)	(.95)	(19.7)	(44.2)	(.87)	(13.4)		(12.5)	(.25)	(14.1)	(18.5)	(.36)	(29.5)	
Total	242.7	4.81	100.0	327.6	6.47	100.0	34.5	89.3	1.77	100.0	61.8	1.22	100.0	(31.1)

Getty Oil

Getty reported consolidated net income for 1974 of $281-million, or $15.00 per share, compared with $135-million (before an extraordinary gain of $7.2-million), or $7.15 per share in 1973. Net income was reduced $67.2-million ($3.61 per share) by cost accruals against the company's foreign operations and amounts in dispute with Phillips over prices paid for uncontrolled oil. A charge of $24.2-million ($1.30 per share) was made to net to reflect the company's equity share of losses by its 48.7%-owned affiliate, Mitsubishi Oil. The total of these charges in the fourth quarter, when the company reported earnings of $3.13 per share versus $2.78, was approximately $20.4-million, or $1.10 per share. Gettys' remaining net equity interest in Mitsubishi was $6-million at December 31. As we understand it, this would be the current limit to Getty's direct exposure to further losses at Mitsubishi. The oil-spill damage resulting from the rupture of a storage tank at the company's Migushima refinery is estimated at in excess of $30-million, and in all likelihood Getty's equity investment will be reduced to zero in the first quarter. It may be noted that Getty's cash flow in 1974 was $468-million, or $30.47 per share.

Standard Oil of Indiana

The figures below indicate a loss of $9.5-million in Canada in the fourth quarter. In point of fact, quarterly earnings will be restated to take account of Canadian tax adjustments, and the correct figure attributable to Canadian operations in the fourth quarter is approximately a deficit of $2.3-million. It is also noted that 1973 Canadian earnings were restated to reflect a capital employed adjustment. The major surprise in the fourth quarter, however, was the sharp contraction in chemical profits. It is indicated that this occurred largely as a result of a sudden drop in demand for terephthalic acid and DMT around mid-November. The end uses for these products are in the home furnishings, apparel, and automobile industries. Since the company's chemical earnings had been averaging over $10-million per month, we surmise that December operations were substantially in the red. Gauging the end of the inventory adjustment for these products is extremely difficult, but hopefully it will occur by midyear. It may also be recalled that Indiana's first-half overseas petroleum operations were $58-million more (about $0.40 per share) than would have been reported under LIFO accounting.

[Dollars in millions except EPS]

	Full-year earnings							4th-quarter earnings						
	1973			1974				1973			1974			
	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change
Oil and gas:														
United States	$387.8	$2.69	76.0	$638.1	$4.36	65.8	62.1	$102.3	$0.71	84.5	$154.3	$1.04	88.1	46.5
Canada	35.1	.24	6.8	34.2	.23	3.5	(4.2)	3.9	.03	3.6	(9.5)	(.06)	(5.0)	----
Overseas	43.5	.30	8.5	209.1	1.43	21.6	376.7	9.9	.07	8.3	34.1	.23	19.5	228.6
Chemical	48.3	.33	9.3	98.8	.68	10.2	106.1	6.3	.04	4.8	1.5	.01	.8	----
Other	(3.5)	(.02)	(.6)	(10.0)	(.07)	(1.9)	(25.0)	(1.0)	(.01)	(1.2)	(5.7)	(.04)	(3.4)	----
Total	511.2	3.54	100.0	970.2	6.63	100.0	87.3	121.5	.84	100.0	174.8	1.18	100.0	40.5

Standard Oil of Ohio

Sohio provides a breakdown of its earnings before interest expense and income taxes on percentage terms. The following figures attempt to reconcile this breakdown with the earnings statement and must accordingly be regarded as providing only a rough approximation of the divisional breakdown.

The improvement in Sohio's domestic petroleum operations that was noted in the third quarter gave way to an imputed loss in these operations in the fourth quarter. This was largely occasioned by loss of production and maintenance at the company's Marcus Hook refinery and other requirements in the Ohio refineries. Expenses attributed to this program increased $12-million over 1973 and crude runs were reduced 56,000 b/d. On the other hand, the fourth quarter was notably aided by a royalty payment of $18.2-million versus only $1.5-million in the similar 1973 period.

[Dollars in millions except EPS]

	Full-year earnings							4th-quarter earnings						
	1973			1974				1973			1974			
	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change
Domestic petroleum	$45.6	$1.24	37.9	$34.7	$0.95	18.1	(23.4)	$1.6	$0.04	9.8	($4.9)	($0.13)	(9.2)	----
Foreign petroleum	14.4	.39	11.9	38.6	1.05	20.0	169.2	3.9	.11	26.8	18.8	.51	36.2	363.6
Coal	12.0	.33	10.0	30.9	.84	15.9	154.5	3.6	.09	22.0	8.3	.23	16.3	155.6
Chemicals and plastics	22.8	.62	19.0	48.3	1.32	25.0	112.9	3.9	.11	26.8	12.9	.35	24.8	218.2
Royalties	25.2	.69	21.2	40.5	1.11	21.0	60.9	1.5	.06	14.6	18.2	.50	35.5	733.3
Other											(1.7)	(.05)	(3.6)	----
Earnings before interest, etc.	120.0	3.27	100.0	193.0	5.27	100.0	61.2	15.1	.41	100.0	51.6	1.41	100.0	243.9
Net interest expense	11.8	.32	----	7.0	.19	----	(40.6)	2.5	.07	----	2.5	.07	----	----
Income taxes	34.0	.93	----	60.0	1.64	----	76.3	1.0	.03	----	20.5	.56	----	167.7
Total	74.2	2.02	----	126.0	3.44	----	70.3	11.6	.31	----	28.6	.78	----	151.6

1975 EARNINGS ESTIMATES

The assumptions underlying our 1975 earnings estimates were detailed in the *Energy Outlook* dated December 27, 1974. Slippage in chemical income noted during the fourth quarter, however, has caused us to revise several earnings estimates downward. The exact form of oil tax legislation in the United States remains an unknown. Our initial assumption was that the final 1975 bill would closely approximate the one that cleared the House Ways & Means Committee late in 1974. We note that the windfall profit tax proposed by the Administration would have an almost identical effect as the Ways and Means bill. In both cases, the industry would be burdened with around $3-billion of additional U.S. taxes which would amount to a cut in the producing profit of roughly $1.00 per barrel. Our revised 1975 estimates appear below:

1974 EARNINGS AND 1974 ESTIMATES

	1974A	1975E	Percent change
Ashland	$3.83	$4.50	17.5
Atlantic Richfield	8.36	6.50	(22.2)
British Petroleum	3.60E	1.50	(58.3)
Cities Service	7.58	7.00	(7.7)
Continental	6.47	6.50	----
Exxon	14.03	10.00	(28.7)
Getty	15.00	12.00	(20.0)
Gulf	5.47	4.40	(23.2)
Derr-McGee	4.64	4.90	5.6
Louisiana Land	2.98	2.30	(22.8)
Marathon	5.70	4.30	(24.6)
Mobil	10.21	7.75	(24.1)
Phillips	5.66	4.90	(13.4)
Royal Dutch	11.00E	6.35	(42.3)
Shell	9.21	8.30	(9.9)
Standard Oil (California)	5.71	5.25	(8.1)
Standard Oil (Indiana)	6.63	5.00	(24.6)
Standard Oil (Ohio)	3.44	3.60	4.5
Sun	8.31	7.40	(11.0)
Texaco	5.84	4.75	(18.7)
Union	7.03	6.25	(11.1)

CAPITAL EXPENDITURES

A number of companies have announced their planned capital and exploratory expenditures for 1975. Among these are:

	1974A	1975E
Exxon	$3,610	$4,000
Gulf	1,700	1,800
Texaco	2,000	1,800
Arco	1,800	2,000
Conoco	759	935
Getty	450	687
Marathon	175	300
Phillips	637	1,200
Shell	929	1,000+
Standard Oil (Indiana)	1,800	2,060
Union	685	750

A recent survey by the Oil & Gas Journal indicated the industry had budgeted $26.2-billion for capital spending in the U.S. alone during 1975, an increase of 24.1% over 1974. The Journal's breakout of spending by area is of interest:

INDUSTRY CAPITAL EXPENDITURES

[Dollar amounts in millions]

	Actual, 1973	Estimated, 1974	Budgeted, 1975	Percent change 1975–74
Exploration and production:				
Drilling exploration	$6,660.8	$7,657.0	$8,034.0	4.9
Production	1,734.8	2,005.9	2,104.0	4.9
OCS lease bonus	3,082.0	5,024.0	5,000.0	.5
Total	11,477.6	14,686.5	15,138.1	3.1
Others:				
Refining	1,103.8	1,974.7	3,127.8	58.4
Petrochemicals	269.1	816.3	1,643.1	101.3
Marketing	914.5	780.7	1,106.0	41.7
Natural gas pipelines	600.0	541.0	988.0	82.6
Crude product pipelines	150.0	1,096.0	2,318.0	111.5
Other transportation	152.9	178.7	240.4	34.5
Miscellaneous	646.9	1,073.3	1,684.0	56.9
Grand total	15,314.8	21,147.2	26,245.4	24.1

In the exploration/production category planned expenditures for lease bonuses appear very much on the high side in view of apparent environmentalists' opposition to lease sales anywhere except on the Gulf Coast. Aside from questionable geologic prospects, the fact that the February 4 lease sale off Texas drew only $300-million in high bids, compared with more than $1-billion at individual 1972–1974 sales, may hopefully indicate a more realistic view on the part of industry toward costly front-end load bonuses. It may be noted that these bonuses alone accounted for 43% and 49% of capitalized expenditures for exploration/production in 1972 and 1973, respectively. It would also appear that the amount allocated for refining/marketing is on the high side and that reduced consumption could bring about significant cancellations or deferrals in this category. Finally, the planned doubling in petrochemical expenditures would undoubtedly be reduced if a reversal in recent demand trends is not foreseen. In short, we regard these as "soft" budgets in most areas except for transportation (the Trans-Alaska Pipeline) and exploration/production. A number of companies have already warned that enactment of punitive tax legislation would result in a reconsideration of investment plans, and Texaco has in fact already reduced its originally contemplated $2.1-billion 1975 budget by $300-million. While more announcements of

this nature may be forthcoming, we believe they will be related more to ventures whose needs are more questionable than exploration/production and, hence, will not have a negative impact on the business prospects for the petroleum service industry.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The PRESIDING OFFICER. The Chair now lays before the Senate the unfinished business which the clerk will state.

The legislative clerk read as follows:

S. Res. 4 to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The Senate resumed the consideration of the resolution.

ORDER FOR AMENDMENTS TO S. RES. 4 TO BE CONSIDERED AS HAVING MET THE REQUIREMENTS OF RULE XXII

Mr. ROBERT C. BYRD. Mr. President, I would like to ask the distinguished Senator from Alabama, without losing my right to the floor, whether or not he would object to a unanimous-consent request that all amendments at the desk at the time the vote is taken on cloture tomorrow be considered as having met the reading requirements under the rule.

Mr. ALLEN. I appreciate the Senator making that inquiry. If the Senator will recall, last evening the Senator from Alabama requested that that request be made, and he is delighted that the Senator from West Virginia now wishes to make the request. Certainly I hope that he will make the request.

Mr. ROBERT C. BYRD. I make that unanimous-consent request.

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

ORDER RECOGNIZING SENATOR ROBERT C. BYRD NOT LATER THAN 7 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, may I ask the distinguished Senator from Alabama if he would object to a request that I be recognized not later than 7 p.m. today.

Mr. ALLEN. I have no objection to the Senator being recognized right now.

Mr. ROBERT C. BYRD. That is not my question, may I say most respectfully.

Would the Senator object to my request that I be recognized not later than 7 p.m. today?

Mr. ALLEN. Certainly I have no objection to that.

Mr. ROBERT C. BYRD. Mr President, I ask unanimous consent that I be recognized——

Mr ALLEN. At any time of the Senator's choosing; is that his request?

Mr. ROBERT C. BYRD. Not later than 7 p.m. today.

Mr. ALLEN. I have no objection.

Mr. ROBERT C. BYRD. Very well. I thank the Senator.

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

Mr. ALLEN. Mr. President, a little later on the Senator from Alabama is going to offer an amendment. At the present time he believes, if he is not mistaken, that the pending business is Senate Resolution 4, as amended by the Byrd substitute, with leave to amend the Byrd substitute as if it were the original text.

The Senator from Alabama has had unfortunate experiences in the Senate in offering motions and amendments, and then not being allowed to discuss his own submission; others would be recognized to make tab'ing motions to prevent the Senator from Alabama from even discussing the contents of his amendments or motions.

But, at the present time, the Senator will not offer his amendment and will confine his discussion for the time being to the pending business, which is the so-called Byrd substitute to Senate Resolution 4.

Senate Resolution 4 is before the Senate. A cloture motion has been filed that will be voted on tomorrow 1 hour and 15 minutes after the Senate comes in. The Senator, of course, does not know when we will come in, probably somewhat earlier than usual.

The amendment the Senator from Alabama is going to offer has to do with the bona fides of the proponents of the rules change in allowing by unanimous consent on yesterday a vote on the point of order that had died the preceding day. So their agreement to have a vote impressed the Senator from Alabama as being somewhat cynical because there was no life in the point of order. It had died when the distinguished Senator from West Virginia adjourned the Senate on March 3. Had that point of order been allowed to have been acted on on March 3, there might have been some little point in the claim that the Senate had reversed the precedent that had been set.

Of course, Mr. President, that cynical placing of the point of order before the Senate when there was nothing to which it was directed was a complete nullity, and those Senators who have been deluded, shall I say, into accepting the so-called compromise on the assurance that that precedent of the Vice President would be reversed, should reassess their position, because nothing has been reversed. Besides, if it had been reversed, when another one of the steamroller tactics is used 2 years from now, there would be nothing to prevent the Vice President from saying piously:

I'm going to submit this to the Senate on the basis of a motion to table a point of order.

So no matter what reversals have taken place they have not reversed the Vice President. He sees an opportunity here to reestablish his ultraliberal credentials and, obviously, he is going to do everything he can to ram this rule change and subsequent modification through the U.S. Senate.

So that was certainly a hypocritical, cynical effort that was made on yesterday when they voted on the point of order that was not even before the Senate, and the issue to which it had been directed was already dead. But some Senators went off on that tangent.

Mr. President, the reason the Senator from Alabama would not accept this so-called compromise was that the effort to change the rule was based on the theory that might makes right; that the rules could be flouted, and with the ruling of a cooperative Vice President they could make their actions stick.

And then when they showed how the Vice President was determined to ram this thing through, and the tactics that were used became so odoriferous, they backed off, saying in effect, "We have proved we can get anything we want with a determined majority and a cooperative Vice President, therefore, better accept our terms and we will go through the sham of having a cloture vote, but better vote cloture because if not, we will come right back with our majority cloture."

So the Senator from Alabama does not respond to those sort of tactics.

It is interesting to note, Mr. President, that after this mini revolt that took place here in the Senate protesting the Vice President's tactics and the gag rule Senators' tactics, that the original sponsors of this gag rule effort silently stole away, or slunk away, and nothing further was heard from them from that time down to the present time.

Whereas the Senator from Alabama, prior to that time, had been offering motions and amendments from time to time and these sponsors of the gag rule would jump up and get recognized to move to table his efforts to shut off debate, we did not hear from them anymore; they turned it over to the leadership to use their prestige to ram this thing through.

I have likened this effort and this withdrawal from sponsorship of this effort to a situation involving a small restaurant or filling station that one might see on the side of the road as one drives along.

I might digress a moment to say that for a couple of days an effort was made to wash their hands of Senate Resolution 4. They tried to get up Resolution 93, to file cloture on it, that so-called compromise.

I never saw a group of sponors of legislation so anxious to drop it, as if it were a hot potato. They tried to push Senate Resolution 93 out in front, but they never were able to get a cloture motion filed on it, so they gritted their teeth and went ahead with Senate Resolution 4.

But as I say, the abandonment of the sponsorship of Senate Resolution 4 by its original sponsors and their turning it over to the leadership was as it is when one drives down the highway and sees a filling station, or a cafe, or a restaurant, off on the side of the road, and it has in hand-printed letters there in front of the store, or on the wall, "Under new management."

One is immediately put on the defensive. We know there was something wrong with the old management, the old policies of the management, the way they operated things, what went on in that establishment, and the new management is trying to wash its hands of the owner of the old management, but

it makes one a little suspicious of the actions of the new management, as well.

But here we have a similiar situation. The sponsors of Senate Resolution 4 slink away and are not heard from any more, and they push the leadership out in front and put a tag on Senate Resolution 4 and say, "This resolution is now under new management."

Well, it has not had the effect of sanitizing Senate Resolution 4 and the tactics that were used in trying to ram it through the Senate.

But the compromise has now been added to Senate Resolution 4; that is, the resolution, with leave to amend.

What change has been wrought?

Well, the original gag rule resolution provided that three-fifths of the Senators could cut off debate.

The Senator from Alabama says this whole cloture vote on yesterday, the whole use of the cloture procedure, was a mockery because they knew if cloture were not adopted they would come forward with the steamroller majority vote cloture.

The Senator from Alabama tried to close some of the doors there and asked the Presiding Officer right before the cloture vote how many votes it would take to carry the question that was going to be put in just a few minutes.

Well, he said:

If they are under rule XXII, it would take two-thirds.

I said:

Well, I am not asking whether they are under rule XXII or not. I am asking as to the question that is going to be put to the Senate within the next 15 minutes, how many votes will it take to carry that question?

There did not seem to be too much way to debate that question. So he said:

Well, it takes two-thirds.

That still left the gag rule Senators with the opportunity, if the Vice President persisted in that requirement of two-thirds, provided there had been fewer than two-thirds—of course there are many more than two-thirds—if there had been fewer than two-thirds and he had persisted in his ruling, there was nothing to prevent the gag rule Senators from appealing that ruling, or just falling back on their majority vote steamroller, which they had used so successfully in the past.

The cloture vote passed, I believe 73 to 21. That leads one to wonder why they would fear a two-thirds requirement if they can get such a massive majority.

On the trade bill, which passed in December, they had 71 to 19 without the matter ever having been subjected to debate.

So any time the Senate wants to move they can do so under the two-thirds requirement.

When the Vice President was presented with the motion to proceed to Senate Resolution 4 on February 20, and then the debate choke-off motion of the Senator from Minnesota (Mr. MONDALE), which said there would be no debate, no intervening motions and no amendments—and then a point of order was made against it and a motion to table was made to that—the Vice President said, in effect, "If you table this point of order, I am going to rule that, by this tabling motion, you have decided that everything in that motion that has been presented, the debate on the choke-off motion, I am going to implement."

That is the first time I ever heard a Presiding Officer say he was going to implement a motion, that he is going to be governed by the provisions of a motion, before it is ever adopted.

That is exactly what the Vice President ruled. Even though the motion had not been acted on, there had been no vote on it, the Vice President said:

It says in this motion that there can be no debate on it, and it says in the motion there can be no amendments. It says in the motion there can be no intervening motions. Just because it says that I am going to put it into effect.

"Why?"

Because you laid on the table this point of order, therefore, everything this motion says, whether it has been voted on or not, I am going to apply.

Whoever heard of a ruling like that except from someone determined to ram this motion and this resolution through?

I was somewhat amused, Mr. President, also on February 20, when the distinguished Senator from New York (Mr. JAVITS) got up and asked a series of five parliamentary questions—and the Senator from Alabama could not put in one later on—and the Vice President responded with parliamentary responses.

The whole thing was given away though, Mr. President, when the Vice President, in answering the fifth question, let his tongue slip and he said, "Five" then went ahead and gave his answer, indicating he was answering from a prepared set of answers to a prearranged set of questions.

That leads one to wonder what sort of treatment the minority has had in this matter when they map out a scenario—and that seems to be a famous word in high office of politics—of five prearranged questions and five prearranged answers.

If that is not correct, I stand to be corrected. I challenge it to be called to question.

So he charted the course whereby he was going to put into effect the provisions of a motion that had never been adopted by the Senate.

I wish the people of this country could have this issue presented squarely to them, what has happened, what has gone on here in the Senate to stifle free speech in the Senate.

It is a shame and a disgrace, that which has taken place here in the Senate on this matter.

Mr. President, I have a series of amendments. The Senator from Alabama understands that to be eligible to be voted on tomorrow they must be read before the cloture vote. They can be read by the Senator proposing to offer them. I am not going to offer them yet, but I am going to read these amendments that I shall offer. Out of an abundance of caution when I hand them in I am going to ask that they be stated again and to lie on the table and be printed for the use of Senators tomorrow.

As the Senator from Alabama understands, blanket permission has been given to introduce amendments, and all amendments that are introduced prior to the cloture vote will be considered as having been read. But for the information of the Senators, I do wish to comment on some of the amendments that I have prepared. When I conclude my remarks, I am going to offer an amendment not to lie on the table, but to be called up at this time.

The first amendment that I have that I am going to read as a matter of information, and to comment on briefly—but I will not send it up until I have read all of them—amends Senate Resolution 4, as amended by the Byrd substitute, in the following manner:

Add at the end the following new section: Section ——. Not more than a total of three cloture motions can be filed with respect to any Senate bill or its companion House Bill in any one Congress.

Mr. President, we have seen cloture motions filed here from time to time. We never know whether we are going to face 1 cloture vote or 25 cloture votes before the issue is decided.

I was told, when I came to the Senate, that three times was the maximum number of times that a cloture vote was had with respect to any pending legislation. I noted that on at least one occasion, it went the fourth time. So I am going to offer an amendment—and I have read the amendment—putting a limit of three times on filing a cloture motion with respect to any measure as to which cloture is filed.

The second amendment:

Amend S. Res. 4, as amended by the Byrd substitute, in the following manner:

"At the end add the following new section:

"Section —. Not more than a total of three cloture motions can be filed with respect to any Senate bill or its companion House bill."

In other words, the two taken together could not have more than three cloture motions filed with respect to the matter. Otherwise, if a total of three were not stated, they could have three on the Senate bill and then three more on the House bill.

Mr. President, we seldom have an opportunity to amend the Senate rules, but I believe this section of the rule needs some amendment, and now is a good opportunity to work on it a little.

I also have here a motion. I do not know whether I will be allowed to make this motion later, with respect to this matter, without filing a written motion. Out of an abundance of caution, I do plan to offer and call up the motion at the proper time:

I move the resolution be laid on the table.

Another motion:

I move the resolution be postponed to the next legislative day.

Next, a motion:

I move the resolution be committed to the Rules Committee.

By the way, this resolution never visited the Rules Committee. The Rules Committee was bypassed. The resolution

was just introduced and went straight to the calendar and has never been considered by the Rules Committee.

Next, a motion:

I move the resolution be indefinitely postponed.

Here is an amendment that I think has a great deal of merit, and I hope the Members of the Senate will agree. Much has been said about the right of Senators to amend the rules and cut off debate as to the proposed amendment of the rules by a majority vote at the beginning of a session. We have never been able to establish what the beginning of a session is, so one of my amendments reads:

Amend S. Res. 4, as amended by the Byrd substitute, in the following manner:

"At the end add the following new section:

"Section 5. This resolution shall become effective at the end of the beginning of the 95th Congress."

So whenever the beginning of the 95th Congress has come to an end, under this amendment the change in the rules would become effective. If we are not able to establish when the beginning of the next Congress is, we might approach it the other way around, and my next amendments reads:

Amend S. Res. 4, as amended by the Byrd substitute, in the following manner:

"Add at the end the following new section:

"Section 5. This resolution shall become effective at the beginning of the end of the 95th Congress."

So if we are not able to establish when the beginning has ended, possibly we will be able to establish when the beginning of the end has taken place. That would be when the resolution would go into effect.

The next amendment:

Amend S. Res. 4, as amended by the Byrd substitute in the following manner:

"On page 4, strike line 9 and substitute the following:

"by two-thirds of the Senators chosen and sworn then"

That goes to the constitutional two-thirds on a rules change.

Another amendment:

Amend S. Res. 4, as amended by the Byrd substitute in the following manner:

"On page 3, strike all of line 1 and substitute the following:

"by two-thirds of the Senators chosen and sworn then"

That is incomplete because it just rewrites the line. That would go back to the two-thirds rule on cloture.

Here is a really constructive amendment, in all seriousness. The cloture provision is that on the second calendar day after the cloture motion has been filed, 1 hour after the Senate meets that day, they establish a quorum and have the vote. But they leave up in the air the matter of what takes place in that 1 hour. It has been the custom to divide that 1 hour equally between the proponents and the opponents of the pending measure as to which cloture has been filed. But on yesterday, that agreement was not made. We did not know where we stood on it, whether we were going to go to morning business or not, and we did not know whether there would be any opportunity to discuss the issue. It was not until after we had gone into the period that the leadership did request a division of the time. This amendment merely says:

Amend S. Res. 4, as amended by the Byrd substitute, in the following manner:

At the end of page 4, add the following:

"The 1-hour period prior to the establishment of a quorum prior to the cloture vote shall be equally divided between the proponents and opponents of the cloture petition for the purpose of debate on the cloture issue."

Mr President, at this point I am reminded that yesterday I asked the Vice President how many votes it would take to carry the question on cloture, and on my second inquiry he responded that it would take two-thirds. Possibly right before the cloture vote on Firday, it might be well to ask him whether it will take-thirds, as provided by the present rules; whether it will take three-fifths of those chosen and sworn, as provided by the Byrd substitute; whether it will take three-fifths of those present and voting, as provided by the Mondale approach, or whether it will merely take the majority vote, also provided by the original Mondale approach—the steamroller, gag-rule motion.

So that there are four possible rulings he might make there. It might be well to make inquiry of him as to that point.

The next amendment I plan to offer, and which I am now reading in order to comply with the rule, is this:

Amend S. Res. 4, as amended by Byrd substitute, in the following manner:

At the end, add the following new section:

"The Rules of the Senate may be amended only by a two-thirds vote of Senators present and voting."

Here is another amendment that recent proceedings in the Senate cry out for:

Amend S. Res. 4, as amended by Byrd substitute, in the following manner:

On line 17, page 2, strike the word "calendar" and substitute the word "legislative"

That sounds pretty simple and innocuous. What happened, and what called it to the attention of the Senator from Alabama, is the procedure that the leadership adopted in running a legislative day here for some 10 days, to keep other matters from coming in and leaving the opponents of this gag-rule procedure in the position of being right under the gun each time we come back into session. The cloture vote comes up, under the present rules, on the second calendar day, whether there has been an adjournment in the Senate or not. So the purpose of this change that the Senator from Alabama is going to propose is to make the cloture vote come on the second legislative day so that we would have to adjourn the Senate on two occasions in order to get to the cloture vote. Otherwise, the opponents of a steamroller effort will be at a serious disadvantage. So I am proposing changing that from "calendar day" to "legislative day."

Another item that occurred to the Senator from Alabama, referring to the Parliamentarian on the—not the Parliamentarian's endorsing or proposing it; I do not mean that. The Senator from Alabama raised with him that I think it should have some consideration. It has nothing to do with this issue. Rule XXII says that when a question is pending, no motion shall be received but to adjourn; to adjourn to a day certain, or that when the Senate adjourn, it shall be to a day certain; to take a recess; to proceed to the consideration of executive business; to lay on the table; to postpone indefinitely; to postpone to a day certain; to commit; and to amend. It leaves out an item that is frequently used and there is no justification—there might be in another place in the rules, but in this particular rule, there is no procedure or provision to proceed to the consideration of any other bill, resolution, or other measure on the calendar.

The Senator from Alabama is merely trying to reform, I might say, rule XXII. We have heard of the gag rule Senators as being reform Senators. The Senator from Alabama is offering a number of reforms here to rule XXII. I wonder if the media is going to call the Senator from Alabama a reformer, or if he will continue to be referred to as antireform. The Senator from Alabama is trying to reform rule XXII here, and he wonders if he is going to be so referred to by the media. I am making a greater effort to reform rule XXII than are the gag rule Senators, who are referred to as reform supporters.

Another provision of the Senator from Alabama, in his reform efforts, I might say, Mr. President, on rule XXII would amend S. Res. 4 as amended by various substitutes in the following manner:

On page 4, lines 11 through 14, strike the words "except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close unless the same has been presented and read prior to that time.

That should be taken out. Sometimes people who have valid amendments to matters subjected to cloture are not able to offer their amendments because they have not had them read to death here, prior to the cloture vote. So this would eliminate that requirement and would be in line with the reform efforts of the Senator from Alabama.

I imagine that the antireform group in the Senate will oppose this reform effort that the Senator from Alabama is seeking to make. I may have already read this. This is about the dividing of the hour prior to cloture.

In another reform effort of the Senator from Alabama, S. Res. 4 is amended by various substitutes in the following manner:

On page 4, line 1, between the words "thereafter" and "no," substitute the words "unless time is yielded to him by another Senator."

That is a reform effort by the Senator from Alabama to allow Senators to yield all the portions of their time to another Senator after cloture has been invoked.

Now, Mr. President, we come to a series of three amendments that the Senator from Alabama is offering in his reform efforts. I shall end up on one I plan to introduce.

Mr. President, I think we have an opportunity here to test the bona fides of

the proponents of the gag rule who, the Senator from Alabama feels, merely cynically and routinely permitted this vote to take place on the second Mansfield point of order, when there was nothing pending as to which it could be directed and which was certainly nothing more than an exercise in futility. As the Senator from Alabama said, the sponsors of the gag-rule resolution have not been heard from on the floor of the Senate since they abandoned sponsorship of this measure and turned it over to new management. The feeling among many Senators, and certainly of the distinguished Senator from Nebraska (Mr. CURTIS), was that something was being accomplished by having this little exercise on the Mansfield point of order, having that voted on by the Senate. If I am not mistaken, the Senator from Minnesota (Mr. MONDALE) was not impressed with it and, of course, voted no, reserving his options, of course. But if the gag-rule Senators feel that that exercise amounted to anything, I feel they would not object to any one of these last three amendments that I plan to present, one of which I am going to call up a little later on.

One amendment would be—and here again, Mr. President, I do not claim this is going to accomplish a whole lot if it is agreed to, and I do not imagine the gag-rule Senators would agree to this reform effort. I feel like the reformers are going to get knocked down again here in this effort to clarify and reform Senate rules, but here we have this amendment:

Amend S. Res. 4, as amended, by the Byrd substitute, in the following manner:

At the end add the following new section:

"Sec. —. Other than by unanimous consent, the method of limiting debate provided for herein shall be the exclusive method of limiting debate on a measure, bill, resolution, or motion, and this rule shall apply whether the measure, bill, resolution or motion concern an amendment of the rules and whether it is offered during the beginning of a Congress or at any other time."

Now, the Senator from Alabama, as an interested observer but not a participant in the negotiations resulting in the so-called compromise, as he understood the agreement that those Senators reached, it was that this precedent was going to be overturned.

Well, can it be overturned? How are we going to overturn a Vice President who is determined to ram such a measure through? How can we overturn him? We cannot. How can we overturn the action of the Senate on February 20, and how can we overturn the conclusions that the Vice President drew at that time from the action of the Senate in tabling the first Mansfield point of order? It is going to be difficult to overturn those things.

But this amendment would at least serve as some little moral suasion to the gag rule Senators, in hindering them or causing some little feeling of caution or circumspection to address itself to their minds, when they start, 2 years from now, to move further in the direction of majority cloture, if we pass an amendment spelling out the fact that any effort to amend the rules by any bill, motion, resolution, or other measure, at the start of a Congress or at any other time—that efforts to limit debate directed against that motion shall be governed by rule XXII. Of course, that is already the rule, under the provisions of rule XXII, but heedless of that fact, the gag rule Senators went ahead with the majority steamroller.

Following that steamroller action, if the Senate would say by its resolution that any measure, bill, resolution, or motion concerning an amendment of the rules shall be limited as provided in rule XXII, and that shall be the exclusive method of limiting debate on such a measure, no matter when it may be offered in a Congress—if the Senate would pass that, after its action on the second Mansfield point of order, which it sustained, there would be some little wrap on these Senators, some little pressure, some little burden, some little moral standard against which they might not move.

I say that any of these Senators who went off after this compromise—and I am not critical of them; I know they acted in what they thought were the best interests of their States and of the Nation. I just happen to disagree with them.

But any of those Senators who were given the pledge that this precedent would be overturned in return for their agreement to vote for cloture yesterday and tomorrow, I just wish they would analyze the position that they are now in. Nothing has been reversed; not a thing. If that commitment was made, they are not bound to vote for cloture tomorrow; and I will say this to Members of the Senate: If the gag rule Senators are unwilling to put themselves under this little moral notice and this tiny bit of restraint, they can rest assured that the bona fides of their offer, their compromise, and their commitments under it is in serious question. That is one statement of the issue.

The next amendment would say the same thing in different words:

Amend S. Res. 4, as amended by the Byrd substitute, in the following manner:

At the end, add the following new section:

"Sec. —. Debate on motions, resolutions, bills, or other measures having any reference to an amendment to the Senate rules shall be governed by and limited only by the Senate rules, whether such bill, resolution, motion, or other measure is offered at the beginning of a Congress or at any other time."

Is that not what they agreed to, that they are going to reverse this precedent? This would be a mild restraint on their living up to what seems to be hovering over the Senate—some sort of vapor-like commitment that they are not going to do this again. "We have done it once, we admit it was not right, but we have done it, and we are not going to do it again." That seems to be the spirit in which this compromise was agreed to.

It sort of reminds me of Hitler, when he was in the process of taking over the Sudetenland, when he made the statement, "Let me have this, and I will have no further territorial demands to make."

That is just about what the gag rule Senators are doing. They say, "Let us have this; let us have this constitutional three-fifths, and that is all the demands we are going to make. Don't worry, fellows, everything is all right; just agree to this."

Mr. President, I do not want to see this become another Munich here in the U.S. Senate, and that is what looks suspiciously like to the Senator from Alabama.

Mr. President, what is going to be the situation, after cloture is invoked tomorrow, as I feel confident that it will be, unless the Senators who were opposed to the original vote will reassess their positions and see the thin ice that they are standing on? What is going to be our position?

Well, the gag rule Senators have accomplished half of what they started out to accomplish, half and more. They wanted three-fifths of the Senators present to cut off debate. They got three-fifths of the entire Senate to cut off debate as a compromise, but they got a favorable ruling from the Vice President which, in effect, puts the rule of might rather than right here in the U.S. Senate. That is some precedent. That is, if you have got 51 votes, you can do anything you want to here in the Senate. That is the effect of the Vice President's ruling, and that is the demand, Mr. President, of the gag rule Senators.

The Vice President is not solely to blame in this matter. He had to have something to lay before it, and that came from the gag rule Senators.

What position do we find ourselves in? Well, the gag rule Senators say:

Fellows, we have got you. Vice President Rockefeller's ruling was that he has cut off debate, he has cut off amendments, he has cut off motions, even before the motion providing for those provisions was acted on by the Senate. He has implemented the resolution, implemented all of its terms before the Senate ever votes on it. So we have got you. We have got you, fellows.

That is the message that the minority here in the Senate received, and it came through loud and clear.

So what did they say? They said:

Well, if you will meet us halfway, in effect, and agree to this three-fifths constitutional requirement, we will not ram through majority control. We have already rammed it through, but we will forget about that, and we will reverse that, fellows. We will take that back. We will take that precedent back by a strong vote here in the Senate on something that was not even before the Senate. We will take that back, and we will not count that. We will just forget about that.

Of course, they are in the right for all time.

I am reminded of this passage from the Rubaiyat as to this effort to pass on this point of order after it has gone out of the possession of the Senate, after it has ceased to exist, after there is nothing there as to which the point can be raised:

The Moving Finger writes; and having
writ,
Moves on: nor all your Piety nor Wit
Shall lure it back to cancel half a Line,
Nor all your Tears wash out a Word of
it.

That is the position we find ourselves in, Members of the Senate. We cannot

wipe out the record, we cannot wipe out the steamroller tactics. We must not succumb to the siren song of the gag-rule Senators, "Everything is all right. We are not going to go any farther than this, and we are going to reverse what we did."

Well, that is pretty cynical, a pretty cynical attitude, and I hate to see Senators fall for it.

As I read again these lines from the Rubaiyat, it says in different words just the same lesson, the same message, of the nursery rhyme Humpty Dumpty:

The Moving Finger writes; and, having
writ,
Moves on: nor all your Piety nor Wit
Shall lure it back to cancel half a Line—

The Senator from Minnesota (Mr. MONDALE) knows you cannot cancel half a line. Some of the other Senators might not realize that. He does. That is the reason for this cynical attitude about the ineffectual acting on the Mansfield point of order when there is nothing there to act on.

Nor all your Tears wash out a Word of it.

As I recall from my childhood:

Humpty Dumpty sat on a wall: Humpty Dumpty had a great fall; and all the King's horses and all the King's men can't put Humpty Dumpty together again.

So that is the same thing as Omar Khayyam was writing. This has happened. It is a fait accompli. It has been done. It cannot be erased, and we are deluding ourselves to think that it can be.

The gag rule Senators know that it cannot be erased. They are privy to the facts and to the conclusion, for their attitude is this:

"We have accepted half a victory because we want a full victory. We could have dictated any terms we wanted to, but our actions got so odoriferous, there was such a bad smell arising from Senate Resolution 4, that we thought we had better get you fellows to give this action on our part a little stamp of legitimacy by agreeing with us on a half-way position."

As I pointed out, the original sponsors dropped Senate Resolution 4 like a hot potato and turned it over to the leadership to try to let some of the odor of their actions and strong-arm tactics wear off. They turned it over to new management, and tried as best they could to bring up the compromise plan and wipe Senate Resolution 4 off.

Their position is:

"We were generous victors. We ran over you. We amended the rules by a method not provided in the rules. We got the Vice President to reestablish his ultraliberal credentials by helping to ram this through. We got him to respond to five prearranged parliamentary inquiries by the distinguished Senator from New York (Mr. JAVITS) and to make five prearranged answer.

"He is in with us, he has cast his lot with us, what chance does anyone else have?"

It sounded pretty threatening. The Senator from Alabama was not willing to buy it.

I would rather they would ram through their original proposal and then to have been stuck with it, by their majority vote steamroller, than to go through this sham of a cloture vote, all the while holding a club over our heads and saying that if we do not vote cloture they will either have the Vice President rule that cloture has been invoked or go back to the majority steamroller. What chance has anyone got?

We saw what happened. The vote was 73 to 21, whereas at the outset of this effort the gag rule Senators knew they had no chance of getting cloture and went to the majority steamroller approach instead.

So, what is the future of the 60-Senator rule?

Well, if cloture is invoked every time a cloture motion is filed from now on, it will have a long life. The constitutional three-fifths will live on and on, as long as cloture is invoked, 60 votes obtained on each and every cloture motion that is filed.

Let the first cloture motion get 59 votes and we will hear a howl. We will hear these gag-rule Senators say, "Well, look, important legislation is being held up, we did not get but 59 votes on that last cloture motion; we cannot travel that way. This is holding up important legislation. We have got to amend these rules. We have got to get it down to 51, or maybe a simple majority." Which could in some cases be less than 51 if all the Senators were not there.

Let it start pinching, let any inconsequential bill as to which cloture has been filed fail to get 60 votes for cloture the first time cloture is tried, and we are going to see a demand that the rules be changed.

"Oh, we have got a right, what happened back there in the 94th Congress?"

That has not got anything to do with it.

"We have got a right at the start of a session, at the beginning of a session, to write our rules and to have this same battle to go over again."

The Senator from Michigan (Mr. GRIFFIN) and the Senator from Nebraska (Mr. CURTIS), who went off after the compromise, say, "Well, look, we reversed that back then in the 94th Congress. That cannot be done."

We know what they would say. Watch and see, and that old steamroller majority vote, it would be in here the very first day of the Congress.

Mr. President, I am not trying to prolong this discussion. I know we are going to adjourn here possibly by 6 or 7 o'clock, maybe before that, and most of the discussion probably will come tomorrow after cloture has been invoked.

But what do they say to the free debate Senators, the free speech Senators? What do the gag-rule Senators say?

They say, "Well, fellows, as long as everyone is a good boy, we are not going to change this rule again, everyone just behave himself now, do not get obstreperous, let us 60 Senators run things here. Let this monolithic 60 Senators just face this mass of Senators, 60 of them. Just let us run things as we want to and we will not bother anyone. Everyone has been good and let us have this 60-vote cloture. Why should we interfere as long as everyone is a good boy?

"Go ahead, look after little local projects. No need trying to have any input here in the Senate. We will tend to the Senate. Everyone just go home. Make Fourth of July speeches. Make Lincoln Day speeches, Jackson Day speeches. Mail out your franked envelopes. Do not bother to come over here on the Senate floor, though, because we do not care about your input. We 60 Senators are running things here.

"Send out those baby books to your mothers. Greet the high school classes, the Girl Scouts, Boy Scouts. Have your pictures made on the Capitol steps. Do not bother to come by the Senate Chamber through, because if one has anything to say over there on the floor that means anything, we will invoke cloture."

So, as long as we are good boys, do not discuss a measure long enough to give any trouble, better not call for yea and nay votes on these billion dollar appropriations, though, if we do, they might get mad. If one asked for a rollcall, we like a little anonymity on some of these bills, do not do anything to interfere with our control of the Senate. By all means never deny us our 60 votes on a cloture application. One has got to amend the rules if we do.

As long as we are good boys, everything is going to be all right, the rule is going to live on and on. But do not be naughty, boys, because one will have to get a spanking and we are prepared to administer that spanking because we have got a favorable ruling from the Vice President, he is ready, willing, and anxious to further underscore his liberal credentials, he is ready to ram through whatever we want, so mind one's step.

Well, life in the Senate is not worth anything under circumstances like that if we are living under the gun all the time. If we are going to get in step every time they crack the whip, sure enough we might as well not be in the Senate.

So a compromise was worked out, not with the Senator from Alabama—and I will always be proud that I did not fall for this compromise—that assured enough votes to get cloture, on the assurance they were going to reverse this precedent, something that they knew could not be done, and cynically offered to do.

Mr. President, I believe the assistant majority leader got a unanimous-consent request agreement that amendments might be filed at the desk any time prior to the cloture vote. So instead of handing them up and thereby possibly losing the floor before putting in my amendment, I will merely hand them up at the desk. If I get the opportunity to ask that they be read, I will do so. If not, it is a matter of small moment because they will be printed.

I am going to ask at the time I hand them up that they be printed and that they lie on the table until called up.

At this time I am going to discuss—briefly, I might say—this amendment that is to be offered. It is made necessary,

Mr. President, by the fact that the gag rule Senators have been claiming that the Senate rules, which make no distinction as to a particular measure, the nature of it or the time of its filing—the Senate rules as to cutting off debate and requiring two-thirds to do that—do not apply, so they contend, to efforts to change the Senate rules at the beginning of a session.

I have put in an amendment to make this resolution, in whatever shape it is finally agreed to, effective at the end of the beginning of the 95th Congress, and another amendment to make it effective, in case that does not pass, at the beginning of the end of the 95th Congress. We have not been able to establish just when that beginning that the gag rule Senators talk about actually comes to an end. One would think by now it probably had come to an end, but they apparently do not think so.

At any rate, the Senate rules make no distinction as to when an amendment to the rules is filed. The Senate rules make no distinction as to how one measure, bill, resolution, or motion will be handled differently from any other measure, bill, resolution, or motion.

This amendment would state specifically as follows:

> Motions, resolutions, bills or other measures having any reference to an amendment of the Senate rules, offered or presented at the beginning of a Congress, or at any other time, shall be governed by the debate limitations provided for in this resolution in like manner as any other bill, resolution, motion or measure, and the method of limiting debate provided in this resolution shall be the exclusive method, other than by unanimous consent, of limiting debate on any such motion, resolution, bill or other measure having any reference to an amendment of the Senate rules, irrespective of when offered.

Mr. President, I do not contend that these gag rule Senators could not come in at the start of the next Congress and say:

"Look, we are not satisfied with this cloture provision that we agreed to as a compromise. It is holding up our legislation. This bill that we had, having to do with making appropriations for a study of the mating habits of the tsetse fly, was killed by filibuster. There were 41 votes against cutting off debate, leaving us only 59. We cannot stand to have important legislation like that bottled up here in the Senate."

I am contending they could not put in a rules change, a resolution providing for majority cloture, followed up with their usual motion cutting off debate, preventing amendments, preventing motions, arrange to have the majority leader make a point of order, quickly get recognition—nobody gets recognition in this chain reaction, you know, except the gag rule proponents—and then have the Vice President say, "No matter whether the gag rule motion has been acted on or not, I am going to put its provisions into effect because you tabled a point of order" which happened here. I am not saying they could not ram that through again.

I believe they can, and I believe they would not be above doing it. What is the difference between the next time and this last time?

The Senator from Minnesota (Mr. MONDALE), when he was discussing this issue prior to this little minirevolution in the Senate—he has not discussed it since then, as the Senator from Alabama recalls—used to say, "How can those fellows in the Senate back in 1959, when they had this compromise in 1959, bind us? They cannot bind us by putting in a rule like that."

That was his argument in time.

In the 95th Congress, will his argument be, "They cannot bind us, those fellows in the 94th Congress. This is the 95th Congress. We are not bound by what those fellows in the 94th Congress did. Yes; they said they were not going to try it again. Yes; those fellows did. They can't bind the 95th."

So they go forward with their steamroller again, if the remaining 40 Members of the Senate offer to give them any trouble, or maybe it is the remaining 30 or the remaining 20 or the remaining 10—whatever number it is. But 60 Senators can become a monolithic mass running the Senate. That is what they are aiming for. It is to crush dissent in the Senate. Let 60 Senators call all the shots, bring up all the bills, consider all the bills, consider who is going to talk and for how long. And if Senators are willing to accept that standard and accept that type of treatment, they will get along fine in the Senate.

Mr. Sam Rayburn used to say, "If you want to get along, go along." So I fear that a number of these 73 Senators—I do not question their sincerity of purpose—I do not doubt that some of them are adopting that principle, that to get along, they must go along.

I am not all that interested in getting along. I am here to represent the people of the State of Alabama; and so long as I feel that I am acting in the interests of the people of Alabama and the Nation, I am going to continue to carry on, on the course I have charted for myself.

This morning, I received a lengthy resolution passed by the legislature of my home State. It is so effusively favorable that I am not going to offer to put it in the RECORD, but I can certainly say that they are giving me 100-percent support in my efforts in this matter. So it is not necessary to get along in the Senate in order to represent properly the people that one has the honor to represent in the Senate.

Mr. President, I do not buy this backdoor approach. We are still on the backdoor approach. It is a sham to say that we have gone through cloture.

The distinguished Senator from Montana (Mr. MANSFIELD) made a most eloquent speech on the floor of the Senate—I do not believe the word "denounce" would be too strong—in which he was highly critical of the efforts to bring about a rules change by methods not countenanced by the rules. He made some high-principle observations in his talk, one of which was that he could not accept the proposition that a desirable end justified unworthy means. He could not buy that, and neither can the Senator from Alabama.

Mr. President, we have not had a true cloture on this issue, and I submit that to the Members of the Senate. Why do I say that? Because we are still operating under the majority vote steamroller. We are still operating with a gun at our heads. That gun is accompanied by the threat: "Adopt cloture or we'll return to ramming majority vote cloture through the Senate." That is what we are faced with. That is why it was not a true cloture. It was not a true cloture.

Even though the cloture vote was a sham, I had difficulty pinning down the distinguished President of the Senate on the proposition that it would take a two-thirds vote, on yesterday, to invoke cloture. I had to phrase the question a second time in order to get a responsive answer, and he finally said that it takes two-thirds.

They were afraid that they would not get the two-thirds and that the Vice President might have to rule as Senator HUMPHREY—then Vice President HUMPHREY—ruled in 1969, that a majority, but less than a two-thirds majority, could invoke cloture. The Vice President wanted to remain in that position. But after the Senator from Alabama got a question answered, in which the Vice President said it would take two-thirds, I doubt that he would have ruled otherwise.

What would happen then? The gag rule Senators would have said, "Look, you fellows promised to deliver this thing to us. You promised to hand this thing to us on a silver platter. You haven't done it." This is what I envisioned would have happened. "You haven't delivered this successful cloture vote to us. OK. Let's try one more time. If you don't get it this time, we're going back to the steamroller."

So we have not had a true cloture vote. It has been cloture under the gun, with a "deliver or else." That is what has been hovering over the Senate.

Yes, might makes right, they say. And they have proved it, so far as the Senate is concerned. Might has given them what they wanted, what they think they can operate with, and it was delivered to them at the point of the implied or actual threat to accomplish the same end with the steamroller, majority vote, debate chokeoff motion.

They can try it any time. They can try it any time they want to, as long as it is on the calendar. They can put it in one day, file a motion, make a motion to proceed the next. It might have to lie over 1 day. They can make a motion to proceed, or even file a cloture against it and file the majority vote debate chokeoff and have it right up again. Cloture was delivered to them on a silver platter by Senators who feared that they would get worse if they did not cave in. I submit, Mr. President, that the Senate would be a lot better off if we had not caved in. It would be a lot better off with three-fifths of Senators voting, where the blood for this atrocity in the Senate would have been on their hands, rather than for legitimacy to be given to this illegal move by compromising with those who flout the Senate rules.

How can one compromise with some-

body who is operating outside of the rules while one is operating within the rules? There is no way we can get together.

Mr. President, if we want to keep this 60-vote cloture for any length of time, we have to do the bidding of the gag rule Senators. They will call the tune; we will march to it if we have no more backbone than that. Public opinion, in my judgment—and that is one of the great values of extended debate; it allows public opinion to form; it subjects our actions here to public scrutiny. Public opinion would not have supported this effort to steamroller this change in the Senate rules through the Senate, totally disregarding the rules and operating on the principle that might makes right.

Why else did the sponsors of Senate Resolution 4 abandon it, turn it over to the leadership? They knew public opinion would not support this improper action. Naturally, they were glad to compromise with Senators who were so inclined, and naturally, they were willing to go through the sham or charade of a cloture vote, where they had everything to win and nothing to lose. If cloture is adopted, fine. If cloture is not adopted, overrule the Vice President or start over.

What chance did free-debate Senators have? They did not have a bit—not a bit. Heads they win, tails we lose. That was the fallacy in falling for the compromise. We have nothing; we have it only as long as they are willing for us to have this 60-vote system. It can be changed in a matter of days 2 years from now. It can be changed 2 days from now by the steamroller-gag rule route.

Here we are, operating merely at the sufferance of gag rule Senators, as long as we do not step on their toes, as long as we do not fail to deliver 60 votes for cloture, everything is fine. Once cloture fails, we are going to find a strong effort underway to amend the rules again.

Do we think Vice President ROCKEFELLER is going to do other than he did this time, say that our vote on one thing puts into effect something else? That is what he ruled. Do we think he would change position? Why, of course not.

Do we think gag rule Senators are going to change their position? Why, of course not. So what good did the compromise do? It would have been far better to let them go to the extreme that they intended to go to and have public opinion form against it. But if we legitimize their action by agreeing with them and go through the sham of an almost staged cloture vote, what standing do we have? We just have life in the Senate at their sufferance, that is all. That is a pretty sad prospect, to be at the mercy of a group that would ram through a measure of this sort without following the rules in doing so.

Mr. President, I have said all this to point out that I do not say that this wording that I am asking the Senate to adopt will stop a ruthless majority from continuing to be a ruthless majority. This little scrap of paper is not going to reform these Senators, speaking of reform. But this is a reform measure. As I pointed out earlier, I have about 20 amendments here to rule XXII seeking to reform it.

But I daresay the media, both newspaper and electronic, will not refer to the Senator from Alabama as making a reform effort. These gag rule Senators are the reformers, to hear them tell it. Yet the Senator from Alabama has 20 reforms here that he is seeking to make, but he is antireform, to hear the media comment on it.

Now, this proposal would add another section that merely, as the Senator from Alabama understands it, would put in writing the agreement, or the nature of the agreement, the thrust or gist of the agreement, that he understands was made or was implied, or that some Senators understood; let us put it that way: Amend Senate Resolution 4, as amended by the Byrd substitute—which is the so-called compromise—in the following manner:

At the end, add the following new section:

"Sec. —. Motions, resolutions, bills, or any other measures having any reference to an amendment of the Senate rules offered or presented at the beginning of a Congress or at any other time shall be governed by the debate limitations provided for in this resolution, in like manner as any other bill, resolution, motion, or other measure; and the method of limiting debate provided in this resolution shall be the exclusive method, other than by unanimous consent, of limiting debate on any such motions, resolutions, bills, or other measures having any reference to an amendment of the Senate rules, irrespective of when offered."

In other words, Mr. President, many Senators who voted for cloture, whose inclination was not to vote for cloture but who did so under the implied threat of further steamroller tactics, had the impression and have the impression that a part of that agreement was that the precedent established by the Vice President in submitting this question to the Senate, by means of using their vote on the tabling motion on a point of order as implementing the provisions of a debate chokeoff motion, felt that that was to be reversed as a part of this so-called compromise agreement.

Well, that understanding has not been delivered on, Mr. President, by the gag rule Senators. They have made no delivery. There has been a failure of consideration. There has been no quid pro quo.

If free debate Senators who were lulled to sleep by these promises or these implied agreements will only reconsider their position, they will see that there has been no reversal of this precedent; that they are at liberty to proceed at any time they want to to further amend the rules; and we have the assurance that they will so proceed if the upcoming new rule should pinch them in any way.

So, Mr. President, the purpose of this amendment is not to feel that it is going to stop the gag rule Senators from proceeding outside the rules. The Senator from Alabama cannot do that. That would be like trying to defend against a tank with a broomstick. But surely, if the Senate should enact this amendment saying that debate on any type of motion, resolution, bill, or other measure having to do with a change in the Senate rules, whether offered at the beginning of a Congress or at any time, shall be limited only by the Senate rules as contained in this resolution, surely if the Senate adopts this amendment, it would have some little moral persuasive effect on the gag rule Senators. Surely it would be just some little damper or depressant on their determination to ram a measure through the Senate contrary to the express provisions of the Senate rules.

On an amendment that is adopted after this steamroller tactic by the gag rule Senators and the Vice President, surely a majority of the Senate, after the Senate might adopt this resolution, putting all rule change measures expressly and directly under the cloture rule insofar as debate limitation is concerned, would not go along with the leaders who would seek to lead or drive a majority to go counter to a measure enacted by the Senate acting in the light of all the present circumstances. It would be some little barrier, some little hill, some little resistance, some little ethical standard beyond which the gag rule Senators would not go. That is the hope of the amendment, especially since there has been no delivery on the commitment made to those Senators who went for the compromise to reverse the precedent set by the Vice President.

I urge those Senators who did go off after this spurious so-called compromise to reassess their position, and support this amendment and, failing in seeing it adopted, feel free that on tomorrow they will be completely justified in voting against cloture inasmuch as the gag-rule Senators have not delivered on their promise to reverse the precedents set by the Vice President.

I say again, Mr. President, and I emphasize this, that I do not contend that this language in this amendment would prevent ruthless Senators, determined gag-rule Senators, from following exactly the same procedure they followed here on February 20 when they rammed through a measure, after throwing the rule book out of the window, and after having received the full, active, and dedicated support of the Vice President in operating outside of the Senate rules.

Mr. President, if this amendment is defeated—and I might say I do not have any hope that the amendment will be adopted or that, with gag-rule Senators in the saddle, they see this might put some little restraint on them and they might have some little pangs of conscience 2 years from now when they start amending the Senate rules again—it might cause them to give just a little bit of thought, to hesitate just a moment, get out the rule book and check this rule and see what was agreed to, and they might be willing to follow the rules for a change. It might have some inhibiting effect upon them.

The rules say expressly that any measure, bill, resolution seeking to amend the Senate rules shall be governed as to debate limitation as provided in the resolution irrespective of when the resolution, bill, motion or other proceeding was filed, whether at the start of the Con-

gress or in the middle of the Congress or at any other time.

I might point out also, Mr. President, this is not asking a great deal because, in all likelihood, it is not like calling for any major change in the existing rules, because the existing rules make no distinction between any measure having to do with the change of the rules or any other bill or resolution insofar as debate limitation is concerned.

This merely restates in a little bit more definite language what the rules already provide, and they were willing to go against the rules before, and if they are arrogant enough to flout the rules again, so be it. They have got the power. I do not contend they do not have. They have shown that. They have shown that they can make might, if not into right, certainly into license because they have been given the license to proceed.

But still, Mr. President, it might have just some little restraint if it is spelled out that the rules of the Senate shall apply to measures seeking to amend the Senate rules.

What is so bad about that? The rules of the Senate apply. Is that so terrible to have such a requirement if we are going to follow the Senate rules? Apparently it is.

We have not discussed this here for quite some time, and I am satisfied that within a few minutes after the Senator from Alabama sits down there will be a motion to table the amendment. But I am hopeful we will have a vote up and down on the amendment.

But something is needed, Mr. President, other than what we have now because there has been no reversal of the precedent. This little cynical exercise that we had yesterday, supposedly acting on the point of order made by Mr. MANSFIELD, the second point of order, was not addressed to anything. There was nothing before the Senate. The measure to which it was addressed was already dead. If they had really intended to go through the motions of reversing the Vice President's action, this matter, this point of order, should have been allowed to come to a vote prior to the Senate's adjournment on March 3 when the distinguished assistant majority leader adjourned the Senate for 5 minutes, the effect being to kill the motion to which the point of order was made, leaving no motion to which the point of order was directed. So, obviously, when they let them go through the motions of acting on that point of order, it was not directed against anything.

What good is a point of order if it does not point something out? A point of order points in the direction of something, but there was not anything there to point out. So it was a pretty callous proceeding when gag-rule Senators said, "Yes, let us vote on it." But there was not anything to vote on.

But this amendment would not accomplish what was sought to be accomplished there because you cannot do that, as I pointed out. The moving finger writes; and, having writ, moves on. That is what happened on that. It could not be revived. It could not pass on something that was not even there to consider.

So, Mr. President, if the amendment does serve the purpose of just putting up some little moral caution, some little barrier, some little ethical standard, some little word to gag rule Senators saying, "Gentlemen, if you do not follow these rules you will not quite be playing cricket. It is just not done here in the Senate to have a rule expressly made to cover this situation and then violate it."

So, Mr. President, this amendment, along with others that the Senator from Alabama has, would completely reform Senate Resolution 4, and it would completely reform Senate rule XXII.

Well, he has asked the question before this afternoon, will these 20 efforts to reform rule XXII qualify him as a reformer? Some 20 substantive reforms. Or will the name reformer continue to be applied to gag rule Senators who reform the rules by throwing them out the window?

That is what they do and they earn the title "reformers."

The Senator from Alabama has 20 reform amendments and he is referred to as an antireformer. Well, that is passing strange to the Senator from Alabama. He is referred to as antireform and we read about these reform forces gathering, the gag rule Senators gather and they make compromises and they plan strategy, and the antireform people are asking that the rules be followed. That is pretty bad. That is a pretty bad requirement and it is enough to cause them, I assume, to be referred to as antireformers.

But if one moves outside the rules, if one tries to come in the back door in amending the rules, if one throws the rule book out the window, if the Vice President throws the rule book out the window, if the Vice President shows partiality in his rulings and in his tactics, well, they are all reformers.

It seems strange to the Senator from Alabama.

I think it is pretty difficult to get our case across to the public, so the media has to support reform efforts.

Well, every change is not a reform. The only reform, I believe, if I am not mistaken, in what the original resolution did in seeking to amend rule XXII, it changed one fraction from two-thirds to three-fifths.

It changed one fraction, I believe that is all. That is a great reform effort. One fraction appearing in the rule.

Well, the Senator from Alabama has some substantive reform amendments to add to rule XXII.

Is reform where one pays no attention to the rules? That is what these reformers did, these gag rule Senators. They threw the rule book out the window.

I do not know whether the Vice President ever had one or not, but if he did, he did not follow it.

Mr. President, the point the Senator from Alabama is trying to make is that the cloture vote that we had on yesterday was merely a sham, that the vote was taken and resulted in the result that was had by reason of the fact that hovering over the Senate Chamber was the implied threat that if cloture was not adopted we would go back to something even worse. If cloture was not delivered to the gag rule Senators on a silver platter, they were going back to majority-vote cloture, not just 60 percent.

So, obediently, a number of Senators who opposed cloture voted for cloture, responding to this threat.

Now, Mr. President, we are going to have a vote tomorrow on cloture. The Senator from Alabama is not unrealistic enough to feel that cloture will not prevail because that same implied threat hovers over this Chamber this afternoon and it will hover over the Chamber tomorrow: Comply with our bidding or it will get worse. That is the message coming in loud and clear from gag-rule Senators.

Well, the Senator from Alabama is willing to call—I started to say, call a bluff. I know it is no bluff. I know if they do not deliver cloture tomorrow on the compromise plan, we go back to the butchery of the Senate rules with the old steamroller at work, a combination of a ruthless majority and a complacent—a complaisant Presiding Officer.

If it had been left up to the Senator from Alabama, he would have said that they are not going to get cloture, do whatever they want to, and to them we will attach the blame for it.

So the Senator from Alabama is not going to give the stamp of respectability to what has been done here in the Senate because it does not deserve that stamp.

Senators have noted, I am sure, that the Senators who were pushing this gag-rule effort by majority vote, as soon as they saw that it was not selling, the public opinion was not supporting this effort, they backed off from it and turned it over to the leadership of both parties, and I do not blame them. I do not blame them. They tried to get another vehicle to operate on. This Byrd substitute that has been adopted to Senate Resolution 4 with leave to amend as though it were the original text was originally offered as a separate resolution, I believe Senate Resolution 93, if I am not mistaken.

They tried unsuccesfully to get that up long enough to file a cloture motion. The Senator from Alabama asked the Senator from West Virginia (Mr. ROBERT C. BYRD) if it was the plan to offer this new resolution, Senate Resolution 93, in lieu of Senate Resolution 4. He said yes, that was the intention.

They got the thing snarled up and they finally decided they had to proceed with Senate Resolution 4. That must have been a bad state of affairs, having to continue on with Senate Resolution 4 because of the bad odor attached to it. It had such a bad odor that they were trying to get out from under it and have an original start on Senate Resolution 93. But they did not get to do that and they are stuck with the bad odor of Senate Resolution 4, the bad odor of the tactics employed by the majority, and the tactics employed by the Vice President. But they feel that adding the Senate Resolution 93 as a substitute for Senate Res-

olution 4 might eliminate some of the odor. I do not believe it has. The odor is still there and it will linger on, as will the memory of the strong-arm tactics of the majority in this Senate.

The Senator from Alabama does not promise to be a good boy in the future with respect to rule XXII. He makes no pledge to that effect, knowing full well that if he is not a good boy, does not go along with the majority and gives any trouble, and causes any discussion as to which cloture is not immediately invoked, there will be a hue and cry to go back to the old steamroller and rush through some more majority vote clotures.

If that be the case, let it be. The Senator from Alabama is not going to change his course because of these implied threats that hover over the Senate Chamber. I know that we are expected to be good boys, not to participate in proceedings here, let the majority have its say, let us be ceremonial Senators riding in parades and attending patriotic celebrations, American Legion conventions, VFW conventions, Boy Scouts, the League of Cities, county commissioners. Let us go through all of the trappings of office, or have all the trappings of office, but do not upset the apple cart here in the Senate.

"Please do not do that or we will have to change things again. We want to be nice about it, but do not bother us. Do not bother us with trying to have some input into legislation here, putting some little barrier in the way of a steamroller every now and then. You must not do that. If you do, we are going to change the rules on you again."

That is the implied threat that hovers over this Chamber, and the Senator from Alabama does not like it.

AMENDMENT NO. 53

Mr. President, I send to the desk my amendment and ask that it be stated. I call for the yeas and nays.

Mr. MONDALE. Mr. President?

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

Amend S. Res. 4 as amended by Byrd Substitute in the following manner:

At the end add the following new Section:

"Section —. Motions, Resolutions, Bills or other measures having any reference to an amendment of the Senate Rules offered or presented at the beginning of a Congress or at any other time shall be governed by the debate limitations provided for in this Resolution in like manner as any other bill, resolution, motion or other measure, and the method of limiting debate provided in this resolution shall be the exclusive method, other than by unanimous consent, of limiting debate on any such motions, resolutions, bills or other measures having any reference to an amendment of the Senate rules irrespective of when offered."

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. MONDALE. Mr. President——

The PRESIDING OFICER. The Senator from Minnesota.

Mr. ALLEN. I suggest the absence——

Mr. ROBERT C. BYRD. The Senator from Minnesota has been recognized.

Mr. ALLEN. Who has the floor?

The PRESIDING OFFICER. There was not a sufficient second. The Senator from Minnesota requested the floor and has the floor.

Mr. MONDALE. Mr. President, I think it would be appropriate to discuss the context in which we find ourselves with the pending proposal to amend rule XXII. For nearly 8 weeks the Senate sought to make Senate Resolution 4 the pending business.

On January 14, Senate Resolution 4 was introduced to amend rule XXII to provide that cloture could be invoked by three-fifths of those Senators present and voting.

We attempted, for several weeks, to make that resolution the pending business so that it could be debated, amended, and fully considered. We wanted the Senate to be able to decide whether it wished to change the rule that, except for two modifications, has governed the Senate since 1917.

Later, not at the suggestion of this Senator or the Senator from Kansas (Mr. PEARSON), the Senator from Louisiana (Mr. LONG) and others suggested that the resolution should be modified to provide that three-fifths of the constitutional membership of the Senate be required to invoke cloture.

That suggestion, which is now embodied in Senate Resolution 4, is the pending question before the Senate. It was introduced as an amendment to Senate Resolution 4 by the joint leadership—Senator ROBERT C. BYRD, and Senator GRIFFIN.

Yesterday the Senate invoked cloture on the question of whether this resolution should be brought before the Senate as the pending business.

The vote on cloture was 73 to 21. In the original rollcall, it was 75 to 21, before live pairs were granted.

Following the invocation of cloture, the original Senate Resolution 4 became the pending question. Then, it was modified in accordance with the joint leadership's proposal to require three-fifths of the constitutional membership as a condition to the invocation of cloture.

This revision represents a modest, but significant reform.

In this morning's New York Times, Mr. David Rosenbaum, in writing about Senate Resolution 4, points out that only once in history—let me repeat that—only once in history, on a consumer protection measure last year, have 60 or more Senators voted for cloture, only to have cloture on the bill fail on that and succeeding votes.

So, when we hear arguments that those of us who wanted the original Senate Resolution 4 had things totally our way, I think the record stands for a different proposition.

The modified proposal is an effort to change the rules in a way which assures that the Senate recognizes and respects minority points of view, regional points of view, and the right of each of us representing our constituents and performing our obligations of office. It insures the full, responsible right to debate, to ventilate, and even to delay a measure as a part of our efforts to represent a point of view in which we believe.

The only way in which a debate can be stopped under this revised resolution, on which cloture will be voted tomorrow, is if 60 Senators approve. If one looks at cloture votes in the past, it becomes quickly apparent what a modest, but significant, step that is.

It is one that is fully consistent with the right to debate and with the rights of minorities. It is one that is, in my opinion, a substantial, but significant, compromise from that initially proposed by the sponsors of Senate Resolution 4.

This compromise was not suggested by those who originally submitted Senate Resolution 4. It was a compromise suggested by the distinguished Senator from Louisiana (Mr. LONG) and the distinguished majority leader (Mr. MANSFIELD). The record will show that this concession was made by the original sponsors of Senate Resolution 4 in order to create a consensus which would permit a long-overdue modification of the rules in a way consistent with the traditions of debate, which I think are essential to this institution, but which also will prevent a few Senators from paralyzing progress in the Senate, no matter what the overwhelming majority of the Senate and the overwhelming majority of the American people wanted or needed.

Tomorrow the Senate will have an opportunity to vote on cloture, on the question of voting on the merits of the revised resolution. It should be recognized by all that, under the rules, once cloture is invoked, if it is, every Senator still has remaining rights to have pending amendments considered under the rules, and the opportunity to argue his point of view.

I understand that the Senator from Alabama already has thought of 20 changes that he thinks would strengthen rule XXII. As a matter of fact, the Senator from Alabama has been so creative, his mind so fertile, his stamina so unremitting, that the Legislature of Alabama, we are told, passed a resolution so glowing in praise that the modesty of the Senator from Alabama prevented him from requesting that the resolution be printed in the RECORD. I hope that when these proceedings are over, the Senator from Alabama will permit me to introduce that resolution, so that our colleagues will know what the Legislature of Alabama thinks of him and the high regard they have for him.

I also hope that the International Parliamentary Union might review this RECORD and, perhaps, shape a new medal, a new award of some kind, which would confer upon him some international award for the fertility of his mind, which I think is without any effective comparison in this body or in any other parliamentary body in the world.

Mr. ALLEN. I do not make those junkets, so I do not guess I would be eligible for the medal.

[Laughter.]

Mr. MONDALE. Like Alexander Solzhenitzyn, the Senator from Alabama would be unable to accept his award personally, but I think we would all share in the pride of that moment. Surely

no one deserves it more than the Senator from Alabama.

I doubt that any other member of any parliamentary body in the world today is creative enough to move that their journals recite, verbatim, the prayer of St. Francis of Assisi or the Lord's Prayer. I think the Senator from Alabama——

Mr. ALLEN. Why did the Senator vote against them?

Mr. MONDALE. I think that he deserves great praise. Coming from the family of a minister, where one of the first things we learned to do was recite those prayers, I was moved by the leadership of the Senator from Alabama. However, I was somewhat hurt that the 23d Psalm, which certainly deserves great recognition, was not included in his amendments. But, I am sure that was an oversight and that, if the occasion arises, the Senator from Alabama will strengthen his position by adding the 23d Psalm, perhaps to rule XXII, as a reform measure.

Mr. President, I think the parliamentary situation is obvious to all. The Senate has decided that it wants to dispose of this matter. I think most of my colleagues believe that 2 months of debate should be enough time to understand the merits of this proposal, particularly in the light of the fact that it has been before us Congress after Congress.

I have listened carefully to the Senator from Alabama. I have been impressed by his erudition. But I have listened carefully to see if there is any way that we could shape a strategy to reform the rules that he would find acceptable. I have not heard one yet. Some of us pursued the strategy that, under the Constitution of the United States, we had the right to change the rules, and the Senator objected. He said, "Oh, if you would only use the rules of the Senate, rule XXII, that would be a different thing." Now the Senate is using rule XXII, and he says, "No, that will not work, either; that is a sham. That is not the way to proceed."

One wonders what other avenue the Senate would have available to it, if the Constitution of the United States and the rules of the Senate are not available to it, in order to change the rules. We have had a lengthy debate, one of the longest in the history of the Senate, on this resolution. We have had more votes on this matter than on any matter that I can recall since I came to the Senate, over 10 years ago. And I have been assured by the Senator from Alabama that there will be many more before we are done. If he says that is the case, I have no doubt that will be true.

This matter has been, in my opinion, considered in the finest traditions of the Senate, in a way that is consistent with the rights of the minority; in a way that is consistent with our belief in debate; in a way that is consistent with the rules. We have reached a compromise which, I think, history will show to be a very modest, but important one, one which assures that the Senate will continue to be the great deliberative body in the world.

The Senator from Alabama placed in the RECORD, with approval, a New York Times editorial that criticized some of us for accepting this compromise. It is nice to see the Senator from Alabama and the New York Times together in condemnation of the "craven" compromise that some of us approve in support of the leadership on both sides of the aisle. I think that the compromise is a good one. It is a compromise from that which some of us wanted, but it is a significant improvement.

I hope that, tomorrow, we can invoke cloture on the resolution; that we can consider the many amendments that are before us, including the 20 or so offered by the Senator from Alabama, and the other amendments which, I assume, are pending on this measure, and, consistent with the rights of all following the invocation of cloture, that the Senate will proceed to work its will.

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

Mr. MONDALE. I cannot yield right now, because I want to be sure I have a chance fully to develop my thoughts.

Mr. ALLEN. I just wish to ask a question.

Mr. MONDALE. I shall be glad to yield at an appropriate time, but the Senator's argument was so stunning, I was so overwhelmed by it, that I need a little time to discuss and persuade myself again that I am right, lest I end up by inadvertently yielding to his eloquence.

Mr. ALLEN. I assure him I do not want the floor back and I am glad to see that the Senator is filibustering for me. I appreciate that.

Mr. MONDALE. Any way that I can help the Senator from Alabama, I am pleased to do so.

Mr. ALLEN. I am sure of that.

Mr. MONDALE. There are some other matters that, I think, need to be discussed here. Senate Resolution 4, clearly assures that the Senate will continue guaranteed lengthy, respectful debate and deliberation on all matters coming before it. If one looks at the roster of the Senate on practically any issue, and asks what is required to achieve cloture, it is clear that one would be required to have broad agreement and consensus before cloture can be invoked.

Unlike the present rule where, if there are absentees on the negative side of a cloture motion, those absentees reduce the burden of the proponents of cloture, 60 would be required. We would need 60 on the side of the proponents to close off debate. It is a very high, but fair, hill to climb. The burden would be on the proponents of cloture.

In order to get 60 votes, the proponents would have to have the support of a broad cross-section of geographic and political points of view. It is a proposal which strongly protects those who want debate and restraint, and it would continue to assure that the Senate is a fair body, a body which represents all points of view, and one which can move in the face of strong opposition only when a respectable, decent consensus has been reached with 60 Senators.

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

Mr. MONDALE. I am glad to yield to the Senator from Vermont, with the understanding, and asking unanimous consent, that I not lose my right to the floor.

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

Mr. LEAHY. I thank the Senator.

Mr. President, I apologize for having to take the time of the distinguished Senator to ask this question. As the Senator from Minnesota knows, this is my first term in the Senate, and I consider that I am still in the learning process. We have certainly had an extensive schooling in rule XXII. So, in laying the predicate for my question, I might want to review some of the things that have gone on, as I see them.

As I understand it, there have been occasions in the past when the same question before the Senate has been called up, when rule XXII has been under consideration by the Senate in past years, and each time the change has not gone through. In this instance, as I understand it, the original resolution called for changing rule XXII from a two-thirds majority to a three-fifths majority of those present and voting, but a change has since been suggested by the proponents of the reform of this rule. One of the changes suggested is to change it to a vote of a constitutional three-fifths majority, or 60 Members of the U.S. Senate.

A great deal of press coverage has been given to this issue. The New York Times published an article, for example, just this morning, which mentioned that the distinguished senior Senator from Minnesota and his supporters—and I read now from the New York Times:

> Originally wanted to permit three-fifths of the Senators present and voting to invoke closure, a much easier total to get than a flat 60 Senators, since there are generally absentees for closure votes.

Then, according to that article:

> The reformers also obtained a ruling from Vice President Rockefeller, acting as Presiding Officer, that a majority of the Senate could change its rules at the beginning of the new Congress.

Also, according to that article:

> The Senate, moreover, voted to accept that theory, making it a precedent in a body that operates on precedence.

Also, according to the article:

> As part of the compromise, the Senate voted today (yesterday, 53 to 43, to reverse that precedent.

And the article stated that, moreover, the distinguished Senator from Alabama (Mr. ALLEN) successfully made the point that if there are not enough votes to obtain cloture that one Senator who knows the rules can prevent the Senate from acting.

Incidentally, the New York Times for some reason keeps referring to it as "closure," but I presume they mean cloture; they sometimes have some difficulty with typesetting on that distinguished newspaper.

And the article went on further to say, in between typographical errors, that the reformers prevailed because they were able to swing to their side more than a two-thirds majority—10 votes more, as it turned out.

Now, the distinguished New York news-

paper, the New York Times, goes on to say:

The effect of the new rule cannot be accurately assessed.

There is no doubt that it votes than 67 to end a filibuster.

That created some question in my mind, because the distinguished newspaper had left out half a sentence. As I indicated in the predicate to my question, and being new in the Senate I am still trying to learn proper parliamentary procedure, I had some difficulty in following the history of the cloture rule because of the typographical errors in the distinguished newspaper, a newspaper that we in Vermont refer to affectionately as "one of those Southern newspapers."

I continue to read from the article:

Only once in history—on a consumer protection measure last year—have 60 or more Senators voted for closure, only to have closure on the bill fail on that and succeeding votes.

Still referring to it as "closure."

Mr. MONDALE. Mr. President, will the Senator permit me to comment at this point?

Mr. LEAHY. Certainly, I am glad to yield.

Mr. MONDALE. If the Senator will look at the votes, he will find—we will start in 1967, with the fair housing bill. I happened to be the chief sponsor of that measure, so I remember that very well.

Mr. LEAHY. I recall that distinguished piece of legislation.

Mr. MONDALE. Yes. Now, in the first cloture vote, on January 24, 1967, we had a vote of 53 to 46 for cloture.

On February 20, 1968, we got 55 votes for cloture, 37 against. Cloture failed. On February 26, we had 56 votes for cloture, 36 against. Cloture failed again.

On March 1, we had 59 votes for cloture, 35 against. Cloture again failing. And, on March 4, we had 65 votes for cloture, 32 against, barely getting the number we needed under the current rule. We got cloture after a debate that went from February 20 to March 4; and I remember that because I went through it as the chief sponsor of that measure.

We did not amend the proposal itself; it was the same proposal that we introduced. If we had had the proposed rules change then, based upon the 1967 record vote, the result would have been just the same. So, on that particular issue, this rules change would have made no difference.

We also considered the Fortas nomination. Cloture was unsuccessfully attempted there on October 1, 1968, 45 to 43. So this resolution, if it had been in effect, would not have changed the outcome of the Fortas nomination.

Then there was an attempt to amend rule XXII in 1969; two cloture votes taken, one on January 16, 1969, 51 to 47; the second on January 28, 50 to 42, both unsuccessful. If we had the proposed resolution, a different result would not have occurred.

Then we had two votes on cloture to vote upon the electoral college reforms, one on September 17, 1970, 54 to 36, the next on September 29, 53 to 34, neither attempt succeeding. Neither would have succeeded had the resolution now before us been in effect at the time.

Then there was the supersonic transport. Cloture was attempted on December 19, 43 votes to 48; a second cloture attempt on December 22, 42 to 44. Cloture obviously failed, and it would have failed if the resolution had been in effect.

Then, in 1971, we had four cloture votes on a change in rule XXII. The first vote was on February 18, and was 48 to 37; the second on February 23, 50 to 36; the third on March 2, 48 to 36; and the fourth on March 9, 55 to 39. Once again four cloture votes, none of them successful, and none would have been successful under the proposed change.

So we have now looked at several cloture votes, and not a single one would have had a different outcome had Senate Resolution 4, as modified been in effect.

Then on June 23, we had a cloture vote on the military draft in which 65 votes were cast for cloture, achieved. Under the present rule, 62 were all that were needed on that vote.

On the Lockheed loan, we had three votes, 42 to 47, 59 to 39, 53 to 37; three votes from July 26 to July 30, none successful, and none would have been successful even if the rule were changed.

Finally, on the military draft issue on September 21 cloture was invoked 61 to 30, and it would have been invoked under the reformed rule.

The Rehnquist nomination was 52 to 42, and would have failed under the pending resolution, even if it had been in effect.

Equal job opportunity, 48 cloture votes on the first cloture vote, 53 on the second. The same thing is true.

The point I am making is that history clearly establishes that this is a modest although significant, change. It clearly protects the right to debate. So, I think the point the Senator is making is well-taken and, certainly, the article by one of our most respected reporters, was very accurate.

Mr. LEAHY. Mr. President, will the Senator yield for a continuation of my question?

Mr. MONDALE. Yes, I yield, with the unanimous agreement that I not lose my right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, will the Senator get unanimous consent for me? I have a statement.

Mr. MONDALE. Yes. I ask unanimous consent that I be able to yield to the Senator from New York for a question without losing my right to the floor.

Mr. JAVITS. I would like to make a statement without the Senator losing his right to the floor.

Mr. MONDALE. I do not know whether I want to broaden my request for reasons which I will explain.

Mr. JAVITS. Go ahead.

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

Mr. LEAHY. The Senator from Minnesota has given me a more than complete understanding of the recent history of cloture efforts. The article in the New York Times helped considerably also. As the Senator knows, I come from a small State but one which has a great deal of interest in what happens down in Washington. I am going back to that State tomorrow, the Senator from Alabama and the airlines willing, and I have a feeling that I may be called upon to explain to my constituents why, when there were so many problems facing the Nation, and when there is obviously such a heavy majority of the Senate who want to change this rule, we are still here debating it.

I know that the Senator from Minnesota has been doing his utmost to expedite this matter, and I applaud his heroic efforts.

Mr. MONDALE. Mr. President, will the Senator pause there?

Mr. LEAHY. Yes.

Mr. MONDALE. I think this underscores why we must change the rule. We have been on this proposed rule change—it has been before the Senate—since January 14. We have just made it the pending business.

We made a study in the last Congress. I think that in 9 of 11 months there was a filibuster pending. If this rules change can expedite the work of the Senate, we are actually saving time by pursuing it.

Fair housing, for example, took from February 20 to March 4. If one reviews the record, one can see that days upon days, weeks upon weeks, are often consumed on a single measure.

In no sense do I want to be understood as suggesting that prompt action should be taken on everything. I think debate is very important. But let us look at some of the figures.

The record on filibusters shows that the campaign financing bill took 5 weeks of intermittent filibuster time in 1967. Open housing took a full month in 1968. The Fortas nomination took virtually a week; 14 days were spent, in 1969, on the question of amending rule XXII. A full week was spent on the Haynesworth nomination.

In 1971 they spent 6 weeks on the question of amending rule XXII. That works out to about 5 days for each word in the rule. I think we are capable of understanding the issue a little more promptly than that.

We spent 2 weeks on the military draft extension. We spent a month on voter registration.

That was interesting. That was the proposal to permit people to register by postcard. The theory was that, since the Internal Revenue Service can find you whether you wanted to be found or not, since the draft board knew how to find you whether you sent in a card or not, and since the local police and the FBI can find you if you are violating laws, it ought to be possible for an American citizen to find the Government with a postcard so that he can vote.

A very profound issue, it took 1 month of the Senate's time to consider it, as I recall. But it was clear the issue there was not understanding the issue or having a chance to be heard and let the public understand so that they could be

heard, it was people that wanted to make it difficult for Americans to vote that stalled that measure for a full month, 30 days.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a question?

Mr. MONDALE. I am glad to yield provided I do not lose my right to the floor.

Mr. ROBERT C. BYRD. Will the Senator yield for a question?

Mr. MONDALE. Yes, for a question only.

Mr. ROBERT C. BYRD. Now, Mr. President, may I ask the Senator how much longer he intends to speak?

Mr. MONDALE. Well, I believe we have pretty well discussed the central points of this debate and I will be guided by the wishes of the leadership.

Mr. ROBERT C. BYRD. I would like to speak very briefly myself.

Mr. MONDALE. Well, when the leader is ready, I will be glad to yield the floor.

Mr. ROBERT C. BYRD. I am ready.

Mr. MONDALE. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

ORDER OF BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, the Senate will meet at 8:30 tomorrow morning.

I ask unanimous consent that I may propound a unanimous-consent request without losing my right to the floor, and the unanimous-consent request will be to the effect that the 1 hour under the cloture rule on tomorrow be divided equally and controlled by Mr. ALLEN and myself.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Reserving the right to object, what time did the distinguished Senator say we were coming in tomorrow?

Mr. ROBERT C. BYRD. 8:30 a.m.

Mr. ALLEN. Well, the Senator now in charge of this bill and the division of time—is it under new management now, the bill, rather than the distinguished Senator from Minnesota? Is that what the Senator is saying?

Mr. ROBERT C. BYRD. Mr. President, I will leave that to the Senator from Alabama to——

Mr. ALLEN. Well, now, the Senator from Alabama hopes that the distinguished assistant majority leader will let us have a vote on this amendment, the filibuster carried on against the amendment that is pending, that we will have a vote on that.

Mr. ROBERT C. BYRD. Mr. President, the Senator can be assured he will have a vote on that tomorrow.

Mr. ALLEN. No, sir; a vote now, the filibuster today.

Mr. ROBERT C. BYRD. Well, I must say it is my understanding that there are several Senators who would want to speak on this amendment if there were to be a vote on it today.

Mr. ALLEN. Yes, sir; but I believe the Senator understands that turning down of the amendment might possibly lose some cloture votes. For that reason we would like to have a vote tonight. I would hate to be denied that. I would hate a filibuster conducted against the Senator from Alabama, he is trying to bring this matter to a conclusion.

Mr. ROBERT C. BYRD. Mr. President, I have assured the Senator that we will certainly have a vote tomorrow on his amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT FOR DIVISION OF TIME TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the 1 hour under the cloture rule tomorrow be equally divided between Mr. ALLEN and myself.

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

Mr. ROBERT C. BYRD. Mr. President, for the record, I would like to ask a question of the Senator from Minnesota without losing my right to the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Will the Senator from Minnesota assure other Senators that if cloture is invoked on tomorrow, he and those Senators supporting the compromise will support that compromise and not attempt to amend it?

Mr. MONDALE. I am glad the Senator from West Virginia asked that.

I indicated earlier in my remarks that the leadership's modification of Senate Resolution 4 represents a substantial change from what the original sponsors of Senate Resolution 4 proposed. But speaking for myself, I support it. I do not think it needs amendments. I will oppose amendments. Those who vote for cloture can be assured, at least insofar as this Senator is concerned, that Senate Resolution 4 will be adopted as is, without any substantive changes.

Now, of course, I cannot speak for others who supported the original Senate Resolution 4. But, I have talked to a great number of those Senators, including my joint chief cosponsor the Senator from Kansas (Mr. PEARSON). To my knowledge every one of them agrees with my position.

I make this statement with the recognition that Senators who vote for cloture have a right to know what they are limiting debate on. I would consider it a breach of promise of the gravest sort if I were to change my position after having made the statement that I did. I know of no Member, at least the ones I have talked to, who would plan to change that resolution.

Now, insofar as the original proponents of Senate Resolution 4 are concerned——

Mr. ALLEN. Will the Senator yield?

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

Mr. ALLEN. Yes. That being the case, since the Senator from Minnesota said he is going to be against all amendments, that would seem to doom in advance the amendment offered by the Senator from Alabama that he wants to get voted on tonight, which would put, as far as the English language can do it, the proceedings at the beginning of a session of Congress seeking to amend Senate rules, put debate limitations under rule XXII.

The Senator from Minnesota signed a death warrant for that amendment and by doing so says that he is not going to be willing to put those efforts at the beginning of a Congress under Senate rule XXII and I understood that was part of this alleged compromise.

Would the Senator know the facts on this?

Mr. ROBERT C. BYRD. I do not.

Mr. ALLEN. Well, does he agree that would doom this amendment?

Mr. ROBERT C. BYRD. I did not understand the Senator from Minnesota to so answer.

But what I want to know from the Senator from Minnesota is—and I ask that I may propound this question again without losing my right to the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I want the Senator from Minnesota's assurance. I know that he cannot assure me that no Senator, that no Senator in this body and no Senator among those on this side of the aisle, will attempt to amend this compromise, but what I seek assurance about is that he and the Senator from California (Mr. CRANSTON) and those other Senators who have supported him from the beginning in this effort—for the chances of which I would not have given 10 cents 6 weeks ago, 5 weeks ago, or 3 weeks ago—will not offer any amendments to this compromise and that they will stand behind their commitment to support the compromise?

Mr. MONDALE. Yes, I fully support the pledge described by the Senator from West Virginia, and, to the best of my knowledge, there are none of the original supporters of Senate Resolution 4 I have talked to who have a different point of view.

Basically, what the leadership has proposed and, I think, what the Senate had in mind yesterday when Senate Resolution 4 was made the pending business, was that hereafter cloture can only be invoked by 60 percent of the constitutional membership of the Senate voting except in the case of rules changes where two-thirds of those present and voting would be required under the language of rule XXII.

Mr. ROBERT C. BYRD. What the Senator is saying, as I understand it, Mr. President—and if I am incorrect I wish he would correct me—is that he and those who have supported him in this effort are committed to support the compromise the leadership has advocated, and that once cloture is invoked tomorrow, if cloture is invoked, that commitment will stand. That is the way I interpret it. I interpret it as a good faith promise, and that it will stand. That, insofar as I am concerned, is satisfactory.

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

Mr. ROBERT C. BYRD. Yes; I yield for a question.

Mr. ALLEN. It seems, then, since the Senator from Minnesota has this, we ought to stay in session tonight and vote on this amendment. If the Senator wants a vote on the amendment, the Senator from Alabama could not prevent it. Would not the Senator be willing to keep the Senate in session long enough to give us ample opportunity to have a vote on this amendment, or else show the Senator from Minnesota in his true colors as being opposed to this amendment, which, in effect, would put into being the supposed agreement that was had with respect to the compromise? Why does he fear this amendment since it just puts into effect the understanding of the compromise?

Mr. ROBERT C. BYRD. Mr. President, I do not interpret the response of the Senator from Minnesota as being a commitment to vote against the amendment that——

Mr. ALLEN. It would be a vote against the amendment.

Mr. ROBERT C. BYRD. I do not interpret the response of the Senator from Minnesota as saying that he has made up his mind on the amendment that has been presented by the distinguished Senator from Alabama, and which has been read. As far as I know, the Senator from Minnesota may vote for that amendment. He may vote against it. I may vote for it. I may vote against it. I simply ask the Senator from Minnesota if he and those who are supporting him in this effort will stand with the leadership against any amendments to this proposal that would weaken it. We are committed to a three-fifths constitutional majority, in the future in invoking cloture on any matter other than on proposed rules changes. In that instance, the number necessary will be two-thirds of those Senators present and voting. How the Senator from Minnesota wishes to vote on the amendment by the distinguished Senator from Alabama, or how I will vote on it, I do not think we need be called upon at this time to say.

There will be a vote on that amendment, if cloture is invoked tomorrow. I am sure the distinguished Senator from Alabama realizes this.

Mr. ALLEN. Will the Senator yield for a further question?

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. Does not the Senator miss the point in saying that there will be a vote on it? The point is the timing of the vote. If the vote is had before the cloture vote and the amendment is killed, it would show that the agreement about putting the rules changes under the rules is not being carried out. Obviously, if the vote comes after cloture, that would be like trying to close the barn door after the horse has gotten out. He misses the point in assuring the Senator from Alabama he will have a vote. Of course, he knows he will have a vote after the cloture has been invoked.

Mr. ROBERT C. BYRD. No, the Senator from West Virginia did not miss that point at all. But there are so few Senators in the Chamber at this time to listen to this debate that has gone on this afternoon that I think, before Senators vote on an amendment of this importance, they ought to have an opportunity overnight and in the morning to read the record of the debate. I have listened with more interest, I think, to the debate today than I have experienced in a long time in this body. I have been persuaded both ways on this amendment. I find it very difficult for me at this time to make up my own mind as to which way I want to go on this amendment—which indicates that I have an open mind. First, when I listened to the Senator from Alabama I was inclined to think I would go his way. Then when I listened to the response by the distinguished Senator from Minnesota (Mr. MONDALE), whose attention I should have at this moment——

Mr. ALLEN. The Senators might resolve the dilemma by voting present.

Mr. ROBERT C. BYRD. Mr. President, I do not yield.

I found myself not knowing just which way to go.

I think it would be highly beneficial for all Senators if they had the opportunity overnight to read the RECORD. I hope it will be printed by 8:30 in the morning. I hope they will have the opportunity to read the RECORD and be able to make up their minds in the morning on this very important amendment.

There is no commitment either way, as far as I am concerned, on the amendment of the Senator from Alabama.

Mr. President, I would ask unanimous consent that I may be permitted to proceed for not to exceed 3 minutes without losing my right to the floor, although I will present two very routine unanimous-consent requests in the meantime.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

EXTENSION OF TIME FOR FILING COMMITTEE REPORT ON S. 66

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare may have until midnight tonight to file a report on S. 66, the Nurses Training Act.

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

Will the Senator suspend for just a moment for a statement from the Chair?

Mr. ROBERT C. BYRD. Yes.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the provisions of title 20, United States Code, sections 42 and 43, appoints the Senator from Utah (Mr. Moss) as a member of the Board of Regents of the Smithsonian Institution, in lieu of the Senator from Arkansas, Mr. Fulbright, resigned.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the resolution (S. Res. 4) to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. ROBERT C. BYRD. Mr. President, the Senate rules are so structured as to protect a minority. That is as it should be. They are also so structured as to allow a majority, after a sufficient length of time under the cloture rule, to work its will. But the majority, of late, has found it difficult to work its will.

The Senate, in the last 2 weeks, in my judgment, has hurt itself. Perhaps I should not say it that way. The Senate has been hurt in the eyes of the American people within the last few days.

The leadership has presented the compromise in the effort to bring this debilitating exercise to an early end.

I respect the views of every Senator in this body, and I do not question the sincerity of the viewpoints that are held or the conscientiousness of purpose on the part of Senators who are wishing to change the rules and, by the same token, I respect those who are resisting a change. As I have said more than once, I would not have given 10 cents for the prospect of any change in rule XXII as recently as 2 weeks ago.

Mr. MANSFIELD. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. ROBERT C. BYRD. I yield, for a question only.

Mr. MANSFIELD. The Senator agrees with me that we are both opposed to majority cloture.

Mr. ROBERT C. BYRD. Absolutely.

Mr. MANSFIELD. And that is the significant factor; because if we keep on going as we have been, the chances are that we will bear more and more in that direction, and that, would the Senator not agree, would be a disaster for the Senate?

Mr. ROBERT C. BYRD. I do agree. I think it would be a disaster for the Senate; and, as the distinguished majority leader has said time and time again, it would destroy this institution as a unique institution in our system of checks and balances, which is also unique.

As I have said more than once, at any time a majority of Senators in this body are determined to invoke cloture, if they have the support of the leadership—certainly, if they have the support of the joint leadership—and if they have a friendly Presiding Officer in the Chair, they can do it. Using the example I cited yesterday in debate, going back to 1969, when a Presiding Officer ruled that at the beginning of a new Congress, a majority of Senators, voting to invoke cloture, could invoke cloture, I wish to say again that in such a situation in the future, if 51 Senators were to vote to uphold the ruling of the Chair, we would have majority cloture.

On that occasion in 1969, fortunately, the Presiding Officer did not apply that provision of rule XXII that says that appeals are not debatable once cloture is invoked. But another Presiding Officer, at another time, in taking the view that a majority can invoke cloture, might invoke the rule in its entirety and not allow an appeal to be debatable, in which case an appeal could be made by any Senator against the ruling of the Chair,

a motion to table could immediately be made, and 51 Senators could reject the appeal and thus sustain the ruling of the Chair, and we would have majority cloture, which would be a much easier method than the way in which the distinguished Senator from Minnesota and other Senators went about approaching this matter at the beginning of this session.

What I am saying, Mr. President, is that the Senate is getting awfully close to majority cloture. I have seen the mood of the Senate change in recent days, and I have seen the Senate harden in its determination both to avoid majority cloture and to avoid a repetition of this debilitating exercise at the beginning of the next Congress, if it can be avoided.

So, the leadership, working with other Senators similarly inclined, has decided to press for this equitable and fair compromise, which would be reached under the procedures allowed by the present rules. That is the argument I have been making all along—that if we are going to change the rules, it should be done in accordance with the provisions in the present rules.

I have never thought too much of the fiction that a continuing body does not have continuing rules. But there are many fictions—many fictions that are recognized in law—and so I think it would be good insurance for the Senate to adopt this compromise, so that we can get on with other important matters that are troubling the people of this country. We have problems dealing with the economy, with recession, with inflation, with unemployment, with energy, and a good many measures will be coming to the floor in the near future which will need to be acted upon.

I do not think that the American people want to see the Senate continue in this fight over a very modest rules change that would be fair to the minority but which, in the final analysis, would allow a majority, after a while, to work its will; nor do I believe that the people will want to see the Senate engage longer in trying to get itself out of this parliamentary briar patch once these important measures come to the floor. The people are going to expect the Senate to act expeditiously on measures that deal with the difficult problems confronting the country.

One way to get us out of the parliamentary morass that we are in, will be for the Senate to invoke cloture on tomorrow, after which Senators may call up their amendments that are qualified and get votes on those amendments.

I want to express my respect to the distinguished Senator from Alabama for the dedication he has demonstrated to his viewpoint as he has expressed it.

I do not question for a moment his conscientious purpose in opposing a change in the rules. There was a time when I, too, opposed a change. When I first came to the Senate, I was opposed to any change in the rule which at that time required a constitutional two-thirds to invoke cloture. I was here during the great debates in which former Senator Paul Douglas participated, and in which the late Senator Richard B. Russell, who, in my judgment, was the greatest Senator insofar as knowing the rules and precedents are concerned—I think he was the best expert on the rules—certainly, in the 17 years that I have been here. I sat through those debates and they were conducted on a very high plane. Nobody felt any disrespect for Senator Russell or those Senators who worked with him in their effort to oppose a change in rule XXII. But we changed the rule and, if my recollection is not incorrect, I voted for the rules change that brought about the present rule XXII.

But I am constrained, in view of the experience that we have gone through in the past few weeks, to believe that the time has come when, in the good interest of the Senate as an institution and in the good interest of the Nation, there should be a modest further change in rule XXII, such as is incorporated in the substitute that has been offered.

Mr. FONG. Mr. President, today I stand in opposition to the proposed revisions of rule XXII of the Standing Rules of the Senate which would permit either three-fifths of the Senators present and voting or the amendment permitting 60 Senators to cut off debate instead of the present two-thirds requirement.

I did not come to this decision easily, so I should like to share with my colleagues my reasons for a 180-degree shift on my part on this subject.

When I first came to the Senate in 1959 when Hawaii became a State, I, too, was anxious to get things done. We had just finished a long period of strife to be accepted as a State. I was all for immediate action on a variety of fronts. I had no doubts—the majority should be able to act and act promptly.

In the 87th Congress, on January 3, 1961, I cosponsored Senate Resolution 5 to permit a majority vote to cut off debate. I did not even want to require a three-fifth vote as proposed in Senate Resolution 4. Throughout the 87th Congress, I voted to support the right of three-fifths to curtail debate, which was the measure under consideration.

In the 88th Congress, on January 15, 1963, I cosponsored Senate Resolution 9 to amend the cloture rule to require a three-fifths vote of the Senate.

In the 89th Congress, I still felt a majority vote was all that was needed. In 1963, I cosponsored Senate Resolution 8, which required only a majority vote of the Senate to cut off debate. I was fighting the battle for civil rights. I was a man fighting the battle of the moment.

By the 90th Congress, while I still favored a majority vote to cut off debate, I was becoming more tolerant of the need to listen to my colleagues' arguments pro and con on a subject. In January of 1967, I cosponsored Senate Resolution 7, permitting 16 Senators to file a cloture motion after a proposal had been debated for 20 days.

In the 91st and 92d Congresses and as late as January of 1971, I continued to cosponsor resolutions to cut off debate on a vote of three-fifths of those present and voting. In fact, on March 9, 1971, Senator PEARSON and I moved to close debate on such resolution. We were defeated by a vote of 55 to 37.

It was at this late date that I began to reconsider the wisdom of those Senators who had opposed my eagerness to be able to enact what I felt, in my wisdom, would benefit the people of this country.

I am a Senator representing a small State—Hawaii in the 1970 census showed a population of 769,913; it is 47th in size and 40th in population of the 50 States.

As the years went by, as I have shown, this finally gave me pause.

Our Founding Fathers, and especially the representatives of the smaller States, feared a tyranny of the majority. To accommodate the small States and at the same time give the large States with a majority of the population what they felt was their proper voice in the legislature being organized at the Constitutional Convention in 1787, a compromise was struck.

Majority rule based on population was made the basis of representation of the States in the House of Representatives. Protection of the minority was afforded the small States by giving each State, regardless of size, equal representation in the Senate.

This check-and-balance compromise of a bicameral legislature has worked for two centuries.

Our Founding Fathers provided for a two-thirds vote in only five instances.

First. Under article I, section 7, to override a presidential veto.

Second. Under article II, section 2, for the Senate to approve treaties.

Third. Under article V, to propose a constitutional amendment to the States for ratification by their three-fourths vote.

Fourth. Under article I, section 5, to expel a member.

Fifth. Under article I, section 3, to convict a President in an impeachment proceeding before the Senate.

Unlimited debate in the Senate was the right of every Senator. Free discussion is the cornerstone on which our democracy is based. Unlimited debate was the rule until 1917 when the two-third concept of rule XXII was agreed to. It was then two-thirds of the total number of Senators.

It was the great liberal, Senator Robert La Follette, Sr. of Wisconsin, who most forcefully fought for free and unlimited debate in the Senate. He lost. The vote to limit debate was 76 to 3, with only Senators Gronna, La Follette, and Sherman dissenting.

Rule XXII was amended in 1949 and 1959.

In 1959, before I came to the Senate, the present version of rule XXII was enacted cutting the requirement for curtailing debate to two-thirds of the Senators present and voting.

In my mind, this is not a fight between so-called "liberals" and "conservatives." This is a fight for the right of minorities.

As a member of the Senate from a

small State, it is my duty to protect the rights of all minorities.

The great juggernaut of the majority is not always right. Even the highest minded idealists are not always right.

In 1919, the United States, for the highest motives, added the 18th amendment to our Constitution. Yet, two-thirds of the Members of the Congress and three-fourths of the State legislatures clearly were not right, for, in 1933, we had to redo the process to enact the 21st amendment to "repeal the 18th article of amendment" to the Constitution.

In May of 1968, I was one of four Senators who voted against the Omnibus Crime Control and Safe Streets Act of 1968 because of its wiretap provisions. Now the popular trend is to limit wiretapping. The great majority was not right in 1968 in encouraging such practice. Perhaps we could have been spared the turmoil on our national scene in recent years without such wiretap legislation on the statute books.

Unfortunately, the majority is not always infallible. To protect the minority—and we are all at times part of some minority, to insure deliberation and make it impossible for hasty action by the majority to ride rough-shod over the minority, our Founding Fathers in their foresight created this Senate and exercised the right of unlimited debate in it.

Since then, time and again, lonely, brave dissenters have used the Senate rules to educate their colleagues and the people to their point of view. Accommodation between the demands of the majority and the reservations the minority felt were needed for their protection has, in most instances, been the ultimate result. This has been most beneficial to our country.

As I indicated, in 1917 we extended the two-third veto concept to our rules. Upon the motion of 16 Senators, two-thirds of the Senators present and voting can today cut off debate. And, we have availed ourselves of this procedure whenever we, in the Senate, have been able to convince two-thirds of our colleagues that action was now in order on a proposal.

If we in the Senate have so little confidence in a measure that we cannot get a two-third vote to cut off debate, I suggest to you it is the wiser part of discretion to continue the discussion, to restudy the proposed legislation—perhaps, to modify it, or to alter its concept, or even to drop it altogether.

If, for the purposes of expediency, we now let 60 percent of the Senators or even 60 Senators cut off debate, we are bowing to the exigency of the moment. We, as Senators, are losing our perspective. If all we want is expeditious action, let us abolish the Senate. Nay, let us abolish the legislature. Surely, a sole executive can act faster. Yet, no one in this Senate, no one in these United States would seriously advocate an absolute executive.

No, we are tinkering with a good system for the purposes of accomplishing what we want in the immediate future—we are starting on a path that will undermine the very foundations of our Government.

Let us not go down this primrose path because we agree with the type of legislation it will enable us to expedite today.

Let us show some of the foresight of the Founding Fathers and look to the future. Someday, the shoe may be on the other foot and the proponents of liberal legislation may be in the minority. What then? How will that minority be able to educate their colleagues and the public to the need to protect the rights of that minority?

Yes, the 16 years I have spent in the Senate have taught me much. In fact, I seem to fit into the old story of the young man who, when he graduated from high school, had no doubt his father knew nothing, and the conflict at home was vocal and vociferous. This young man went off to college. Four years later, he had learned a great deal about a great number of subjects. There was now at least two sides to every argument. There were alternatives. In commenting about his father, he told his friend, "You know, it is surprising how much my father learned in these 4 years."

It is surprising how much, in my opinion, our Founding Fathers learned in my 16 years in the Senate.

I urge my colleagues to take what may be the more difficult step and not vote for any measure to further limit the right of Senators.

Let us keep rule XXII as is. Let us not start on the road of 60 Senators to curtail debate today; three-fifths of the Senators present and voting tomorrow; 50 Senators the day after and a simple majority of those present and voting a short way down the road, or we will have given up the one source of protection we in the Senate were meant to afford the small States and minority population.

Let us keep the spirit of the Senate as envisioned by our Founding Fathers alive and not make it easier for a majority to easily silence a brave minority fighting to have their voices heard.

CLOTURE MOTION

Mr. ROBERT C. BYRD. Mr. President, I offer a cloture motion at this time.

The PRESIDING OFFICER. The cloture motion having been filed, the Chair, without objection, directs the clerk to state it.

The legislative clerk read as follows:

CLOTURE

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon S. Res. 4, as amended, amending Rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Robert C. Byrd, Charles McC. Mathias, Jr., Wendell H. Ford, William D. Hathaway, John O. Pastore, Ted Stevens, Dick Clark, Frank E. Moss, James Abourezk, Gale W. McGee, Robert P. Griffin, Mike Mansfield, Alan Cranston, John C. Culver, Patrick J. Leahy, Walter F. Mondale.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the resolution (S. Res. 4) to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. ROBERT C. BYRD. Mr. President——

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may ask for the yeas and nays on the amendment that has been offered by the distinguished Senator from Alabama, on which he sought the yeas and nays earlier, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Reserving the right to object, are we going to have a vote on it tonight?

Mr. ROBERT C. BYRD. Tomorrow.

Mr. ALLEN. I do not require them.

Mr. ROBERT C. BYRD. The Senator does not want the yeas and nays?

Mr. ALLEN. Not at this time if the Senator does not want the vote until tomorrow.

The Senator from Alabama is encouraged by the filing of this second cloture motion. Is there any feeling that the cloture motion will not carry tomorrow?

Mr. ROBERT C. BYRD. I have no doubt that every effort will be made to get Senators here early so that they may cast their votes in accordance with their consciences. Just as a bit of insurance, I always like to have another cloture motion in my pocket. As a matter of fact, I have two or three more lying around my desk.

Mr. ALLEN. I thank the Senator. I wondered if there was any doubt. The Senator from Alabama did not think there was, but he is encouraged somewhat by the filing of the cloture motion.

Mr. ROBERT C. BYRD. I am glad the Senator from Alabama is encouraged.

ADJOURNMENT TO 8:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I move now that the Senate stand in adjournment until the hour of 8:30 a.m. tomorrow.

The motion was agreed to and at 6:14 p.m., the Senate adjourned until tomorrow, Friday, March 7, 1975, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 6, 1975:

DEPARTMENT OF STATE

Donald B. Easum, of Virginia, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

CANAL ZONE GOVERNMENT

Maj. Gen. Harold R. Parfitt, [redacted], U.S. Army, to be Governor of the Canal Zone

for a term of 4 years, vice Maj. Gen. David S. Parker.

ENERGY RESEARCH AND DEVELOPMENT

Robert W. Fri, of Maryland, to be Deputy Administrator of Energy Research and Development (new position).

James L. Liverman, of Maryland, to be Assistant Administrator of Energy Research and Development (new position).

John M. Teem, of Connecticut, to be Assistant Administrator of Energy Research and Development (new position).

NATIONAL SCIENCE FOUNDATION

Richard C. Atkinson, of California, to be Deputy Director of the National Science Foundation, vice Raymond L. Bisplinghoff, resigned.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Walter James Woolwine, xxx-xx-x... xxx..., Army of the United States (major general, U.S. Army).

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of brigadier general:

John R. De Barr	John H. Miller
Herbert J. Blaha	Harold A. Hatch
Philip D. Shutler	Edward J. Bronars
Richard E. Carey	Warren R. Johnson
George W. Smith	Paul X. Kelley

The following-named officer of the Marine Corps Reserve for permanent appointment to the grade of brigadier general:

Hugh W. Hardy

CONFIRMATION

Executive nomination confirmed by the Senate March 6, 1975:

DEPARTMENT OF LABOR

John T. Dunlop, of Massachusetts, to be Secretary of Labor.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE OF REPRESENTATIVES—*Thursday, March 6, 1975*

The House met at 12 o'clock noon.

Dr. Joseph I. Chapman, executive minister of the Ohio Baptist Convention, Granville, Ohio, offered the following prayer:

Our gracious, loving Heavenly Father, we pray Thy special blessing upon this body as they endeavor to fulfill the responsibilities of their high office.

May their understanding and perception of the complex issues of our Nation be guided by Thy Holy Spirit.

May the decisions they reach, the actions they take, the work they do, be pleasing in Thy sight.

Even as man cannot live by bread alone, neither can we reach our highest potential in leadership and decision-making except as we receive guidance from Thee. May each and every Member of this august body so live this day that they may fulfill their responsibilities acceptably and be at peace with themselves and with Thee.

This is our prayer in the Saviour's name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 219. Joint resolution making further continuing appropriations for the fiscal year 1975, and for other purposes.

The message also announced that the Senate insists upon its amendments to the joint resolution (H.J. Res. 219) entitled "joint resolution making further continuing appropriations for the fiscal year 1975, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. INOUYE, Mr. MAGNUSON, Mr. MCGEE, Mr. PROXMIRE, Mr. MONTOYA, Mr. CHILES, Mr. JOHNSTON, Mr. YOUNG, Mr. BROOKE, Mr. HATFIELD, Mr. STEVENS, and Mr. MATHIAS to be the conferees on the part of the Senate.

The message also announced that, pursuant to Public Law 93-443, the majority leader, Mr. MANSFIELD, recommends the name of Thomas E. Harris for confirmation to be a member of the Federal Election Commission; and the minority leader, Mr. SCOTT of Pennsylvania, recommends the name of Joan D. Aikens for confirmation to be a member of the same Commission.

And that the Vice President, pursuant to Public Law 85-474, appointed Mr. WILLIAMS, Mr. MCINTYRE, Mr. BAYH, and Mr. STAFFORD to attend, on the part of the Senate, the Interparliamentary Union Meeting to be held in Sri Lanka, March 31 to April 5, 1975.

PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE A REPORT ON H.R. 25

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs have until midnight tonight to file its report on H.R. 25.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

SPACE SHUTTLE WILL IMPROVE QUALITY OF LIFE ON EARTH

(Mr. FREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FREY. Mr. Speaker, I must comment today on the grossly inaccurate statement which has been released by the distinguished senior Senator from Wisconsin. The gentleman's statement continues to describe the Space Shuttle as a program which is destined to be overrun in cost and fall short in its operational goal based on a General Accounting Office report just released. This appears to be an annual event.

As a member of the Committee on Science and Technology and a member of the Subcommittee on Space Science and Applications, it has been my privilege to participate in intensive and detailed hearings in Washington, at the key NASA space centers and key industrial contractors, performing the research and development work on the Space Shuttle over the years. Let me state unequivocally the Space Shuttle is on schedule and within the cost commitments made by NASA.

The Space Shuttle is a new low-cost space transportation system. It is difficult for me to understand why the gentleman from Wisconsin is opposed to providing a low-cost space vehicle which will enlarge our already great use of space for the benefit of this country and the world. The Space Shuttle like any research and development program encounters and conquers day-to-day problems as the work progresses. The Space Shuttle is no exception. The management of the Space Shuttle in both Government and industry have faced these normal development problems with enthusiasm and skill. They have surmounted these problems to this point just as I am confident they will surmount them in the future. Notwithstanding the gentleman's comments on the General Accounting Office report, no amount of back-of-the-envelope calculations of potential cost increases which do not materialize can change the success of the Space Shuttle program to date.

Dr. James C. Fletcher, Administrator of NASA, sums it up well in his letter in reply to the General Accounting Office report cited by Senator PROXMIRE. Dr. Fletcher says and I quote:

I have no reason to anticipate cost overruns above the $5.2 billion commitment, 1971 dollars.

Space Shuttle will make space a place of commerce for our Nation just as our original satellite developments made space a place of communications for our Nation and the world. In my opinion it will improve the quality of life on Earth more in its first 20 years of operation than any other scientific advancement to date.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, FRIDAY, MARCH 7, 1975, TO FILE PRIVILEGED REPORT ON A BILL MAKING EMERGENCY EMPLOYMENT APPROPRIATIONS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight,